



## 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.***

On May 19, 2020 President Trump signed an [Executive Order \(EO\) on Regulatory Relief to Support Economic Recovery from COVID-19](#). The Order directs federal agencies to use the full extent of authorities to ensure that the federal regulatory framework does not prevent the economic response to COVID-19 and instead promotes job creation and economic growth. The EO provides federal agencies the necessary direction and impetus to take action on COVID-19 response measures that should become permanent, or other regulatory standards that impose significant hurdles. Any action taken will still need to comply with applicable law and resource constraints as near the end of the President’s first term. This type of deregulatory action has long been a pillar of the President’s domestic agenda.

The EO directs federal agencies to take the following actions in support of the economic response to COVID-19:

- Identify regulatory standards that may inhibit economic recovery and shall consider modifications to provide relief from those requirements in order to promote job creation and economic growth. Agencies are to use all emergency authorities to support the economic response to COVID-19.
- Review all administrative actions taken in response to COVID-19 and report to the White House those that would promote economic recovery if made permanent.
- Provide for pre-enforcement rulings with respect to whether proposed activities in response to COVID-19 are consistent with law.
- Consider the development of enforcement discretion for reasonable good faith compliance, including compliance with any guidance from HHS on actions to stem the transmission and spread of COVID-19.
- Revise enforcement and adjudication procedures to support the certain detailed principles of fairness (as consistent with law and the appropriate context).

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 June 19, 2020**

**National Highway Traffic Safety Administration (NHTSA)**

- On June 16 and 17, 2020, NHTSA announced it would accept electronic submissions for [agent designation](#) and [American Automobile Labeling Act filings](#) as a method for ensuring continued operations while promoting social distancing. These modified submission procedures will expire on December 31, 2020, unless NHTSA takes further action to modify that date. The agency anticipates that regular procedures for submissions will resume when NHTSA and regulated entities discontinue operating primarily in telework status.

**Occupational Safety and Health Administration (OSHA)**

- On June 17, 2020, OSHA released [guidance](#) for employers as non-essential businesses begin to reopen around the country. This updates OSHA’s previous guidance on preparing workplaces for COVID-19 and encourages strategies on basic hygiene, social distancing, identification and isolation of sick employees, workplace controls and flexibilities, and employee training.

**Small Business Administration (SBA)**

- On June 16, 2020, SBA released an updated [loan forgiveness application](#) and [instructions](#) for submitting the application in order to comply with the *Paycheck Protection Program Flexibility Act of 2020*, which amended the CARES Act.
- On June 17, 2020, SBA released an [update](#) to its previous interim final rules, originally published in April, in order to respond to the passing of the *Paycheck Protection Program Flexibility Act of 2020*. This interim final rule revises key provisions, such as the loan maturity, deferral of loan payments, and forgiveness provisions, to conform to the new statute.
  - The provisions in this interim final rule related to loan forgiveness and deferral periods for PPP loans are effective March 27, 2020. The provision relating to the maturity date of PPP loans is effective June 5, 2020. The remaining provisions in this interim final rule are effective as of the rule’s official publishing in the Federal Register.
  - Comments are being accepted for 30 days following the rule’s official publishing in the Federal Register.

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**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.
- On May 6, 2020, CFPB released [Frequently Asked Questions](#) for small businesses who borrowed from their financial institution under the Paycheck Protection Program. These FAQs include clarifications about notification requirements and applications status.

**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)**



- 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.
- On May 5, 2020, CISA [released](#) information and communications technology (ICT) supply chain risk management resources to help partners and stakeholders deal with managing risks to their ICT supply chains. Resources available include an [ICT SCRM Essentials guide](#) on how to begin

implementing risk management practices and a [Fact Sheet](#), which provides an overview of ICT supply chain security and risk management.

- On May 19, 2020, CISA released updates to its published guidance on defining essential critical infrastructure, incorporating further input from industry and government partners. This guidance remains nonbinding and advisory in nature. Read the new guidance [here](#).
  - In addition to updating the list of industries and services that are determined to be “critical,” the guidance also advises local governments and businesses on additional considerations for essential personnel and critical infrastructure.
  - These updated versions primarily include technical corrections and adjustments.
  - Updates to the guidance include:
    - Additions in the healthcare sector to include mental health professionals;
    - Care and maintenance now applies to all forms of transportation; and
    - Updated language to better reflect terminology typically used in the food and agriculture industries.

### **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 COVID-19, 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.
- On April 17, 2020, USDA announced the [Coronavirus Food Assistance Program \(CFAP\)](#), which will provide \$19 billion in relief funds to support farmers and ranchers, support the food supply chain, and ensure all Americans have adequate access to the food they need. \$16 billion in direct funding will be provided to farmers and ranchers based on losses from market disruptions related to COVID-19. \$3 billion will be used for procurement of food products, in partnership with regional and local distributors, to be provided to food banks, community and faith based organizations, and other non-profits.
  - On May 6, 2020, USDA Secretary Perdue sent letters to [governors](#) and the [leadership of major meat and poultry processing companies](#) to set clear expectations for the implementation of the President's Executive Order on meat and poultry processing and invocation of the Defense Production Act. Key points from the letter to industry stakeholders include:
    - "Effective immediately, meat and poultry processing plants should utilize the guidance issued on Sunday, April 26, 2020, by the CDC and OSHA specific to the meat and poultry processing industry to implement practices and protocols for safeguarding the health of the workers and the community while staying operational or resuming operations."
    - "Meat and poultry processing plants contemplating reductions of operations or recently closed since Friday May 1, and without a clear timetable for near term resumption of operations, should submit written documentation of their operations and health and safety protocol developed based on the CDC/OSHA guidance to USDA at [foodsupplychain@usda.gov](mailto:foodsupplychain@usda.gov)."
  - On May 19, 2020, USDA announced further details regarding the [Coronavirus Food Assistance Program \(CFAP\)](#), which will provide \$19 billion in relief funds to support farmers and ranchers based on losses from market disruptions related to COVID-19 and for procurement of food products to be provided to food banks, community and faith based organizations, and other non-profits. The details released include information on eligibility and terms. Producers may begin applying for assistance beginning on May 26, 2020.
  - On May 19, 2020, USDA and FDA announced a [Memorandum of Understanding](#) (MOU) regarding carrying out Executive Order 13917, Delegating Authority Under the Defense Production Act with Respect to the Food Supply Chain Resources During the National Emergency Caused by the Outbreak of COVID-19. The MOU will solidify efforts from both agencies to prevent interruptions at FDA-regulated food facilities.

- On May 21, 2020, USDA [announced](#) the availability of up to \$1 billion in loan guarantees to help rural businesses keep up with working capital needs during the coronavirus pandemic. Additionally, USDA is providing 90 percent guarantees on loans under the Business and Industry provisions contained in the CARES Act, among other changes to loan terms. USDA is in the process of developing application guides for both lenders and borrowers on this program.

### 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](#).
- On May 7, 2020, the Commerce Department's Economic Development Administration (EDA) [announced](#) the availability of \$1.5 billion in CARES Act funding to aid communities impacted by COVID-19, administered through the Economic Adjustment Assistance (EAA) program. EDA also provided various [resources](#) about the funding, including [Frequently Asked Questions](#) and [descriptions of work](#) that would be eligible for these funds. EDA lays out four types of projects that currently EDA-designated Economic Development Districts (EDD) can apply for:
  - Short-term and long-term economic development planning and coordination to develop or update a disaster recovery and resiliency economic development plan;
  - Funding for one or more regional disaster economic recovery coordinators for a two-year period to serve the communities and local governments across the geographic region;
  - Technical Assistance and capacity building for member organizations, local businesses, and other local stakeholders impacted by coronavirus; and/or
  - Organizational capacity support for coronavirus response, including technology costs and personnel costs for staff members directly working on or supporting the work of the organization's coronavirus-related economic development response, including additional hiring as needed.

### 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 May 7, 2020, it was [reported](#) by E&E News that some “site-specific, mission-critical employees” would return to DOE headquarters as early as Monday, May 11, 2020, based on an internal department memo. The rest of the department will remain on maximum telework status. This gradual transition back to normal operations may come as a result of President Trump’s directive to federal agencies to develop plans that mirror the Trump administration’s plan to reopen society in phases.
- On June 3, 2020, DOE’s Office of Cybersecurity, Energy Security, and Emergency Response [released](#) an update on the department’s response effort as well as updated Frequently Asked Questions for the energy industry.
- On June 4, 2020, DOE’s Office of Technology Transitions [announced](#) new resources available for private industry through the Lab Partnering Service (LPS) and the COVID-19 Technical Assistance Program (CTAP). These initiatives allow companies to partner with DOE’s national labs and access their resources to address the COVID-19 pandemic.

### **Department of Homeland Security (DHS)**



- On May 14, 2020, DHS published a [temporary final rule](#) to temporarily remove certain limitations on employers seeking to hire certain H-2B workers already in the United States to provide temporary labor or services essential to the U.S. food supply chain, and certain H-2B workers, who are essential to the U.S. food supply chain, seeking to extend their stay. This final rule is effective from May 14, 2020, through May 15, 2023. DHS is not seeking comment on this rule.

### **Department of the Interior**



- On May 7, 2020, the Interior Department’s Bureau of Land Management (BLM) released [guidance](#) on the processes for onshore oil and natural gas producers to apply for temporary royalty rate reductions due to COVID-19 impacts. The application should demonstrate that that the rate reductions is necessary to promote development or that the lease cannot be operated successfully under its current terms because of the COVID-19 pandemic.
  - BLM will review and verify the application within five days.
  - BLM may reduce the royalty rate to no lower than 0.5 percent.
  - The relief will terminate 60 days from the date that BLM approves an application, absent other action, and the lease will thereafter revert to the original royalty rate. If the applicant seeks to extend the royalty rate reduction beyond the 60 days, the applicant must file another application.



## 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.
- On April 14, 2020, DOJ [announced](#) it was suspending debt collection of stipulated penalties owed in accordance with a demand that was sent under this consent decree through May 31, 2020. This voluntary suspension is subject to extension, depending upon future circumstances or other administrative action.
- On May 22, 2020, DOJ filed a [statement of interest](#) in an Illinois federal court in support of a lawsuit filed by Illinois state representative Darren Bailey challenging certain actions of Governor J.B. Pritzker in response to the COVID-19 pandemic. The statement of interest is part of the Department's efforts to review state and local policies to ensure that civil liberties are being protected during the COVID-19 pandemic and government response. Read the official statement [here](#).

## 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.
- On April 20, 2020, the Labor Department [announced](#) the end of the temporary non-enforcement period of the paid leave protections established under the Families First Coronavirus Response Act (FFCRA). The Department used the non-enforcement period to issue guidance and provide education about the law's requirements to help employers covered by the law come into compliance. Educational outreach efforts will continue as enforcement begins in order to ensure compliance with the law and to maximize its benefits for both workers and employers.
- On April 21, 2020, the Department of Labor released an [alert](#) providing safety tips that employers can follow to help protect construction works from exposure to the coronavirus.
- On April 28, 2020, the Labor Department's Employee Benefits Security Administration, jointly with the Treasury Department, issued a [notice](#) to extend certain time frames otherwise applicable to group health plans, disability and other welfare plans, pension plans, and their participants and beneficiaries under ERISA and the Internal Revenue Code. These actions are intended to minimize the possibility of individuals losing benefits because of a failure to comply with certain pre-established timeframes, as well as difficulties that affected group health plans may have in complying with certain notice obligations. This notice takes effect immediately upon publication in the Federal Register.
  - Additionally, the Department also released [Frequently Asked Questions](#) on health benefit and retirement benefit issues to help employee benefit plan participants and beneficiaries, plan sponsors, and employers impacted by the coronavirus outbreak understand their rights and responsibilities under ERISA.
- On May 4, 2020, the Labor Department issued a [directive](#) regarding state Short-Term Compensation payments and the federal reimbursement programs provided for in the CARES Act. This directive provides clarity on how states can take advantage of this program as they look to re-open their businesses.
- On May 5, 2020, the Labor Department [announced](#) that they were providing flexibility in the use of Dislocated Worker Grant (DWG) funding that is provided to states to employ workers temporarily to respond to the coronavirus public health emergency. DWG funds can now be used for contact tracing, part of the process of supporting patients and warning contacts of exposure to stop chains of transmission.

- On May 9, 2020, the Labor Department released [Frequently Asked Questions](#) regarding the Federal Pandemic Unemployment Compensation (FPUC) program, established by the CARES Act. The questions include direct responses to inquiries from states.
- On May 10, 2020, the Labor Department issued [guidance](#) announcing the availability of \$100 million in short-time compensation (STC) grant funds for states, provided under the CARES Act. The guidance issued provides instructions about the process to apply for these grants, and encourages eligible states to submit STC grant applications. The deadline to apply for these grants is December 31, 2023.
- On May 11, 2020, the Labor Department issued [guidance](#) to state workforce agencies regarding program integrity for unemployment insurance programs—both the regular program and those provided for in the CARES Act.
- On May 19, 2020, the Labor Department [released](#) updated resources for employers, employees, and states to prevent fraud or misuse in the unemployment insurance system, including the new unemployment insurance programs under the CARES Act.
- On May 20, 2020, the Labor Department’s Wage and Hour Division issued a [final rule](#) revising its regulations on computing overtime compensation of salaried non-exempt employees to allow employers to pay bonuses or other incentive-based pay to these employees whose hours vary from week to week. The final rule notes that such clarifications are necessary to provide needed flexibility to employers as they implement social distancing procedures, including variable work schedules, in the return from COVID-19.

### **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.
- On April 29, 2020, DOT issued a [notice](#) to all airlines participating in the Essential Air Service Program indicating how those carriers may adjust their schedules and seek compensation due to the significant reduction in passenger demand and the financial impact on air carriers.



## 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 mid-sized 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.
  
- On April 19, 2020, the Treasury Department and Customs and Border Protection issued a [temporary interim final rule](#) to delay the payment of tariffs for importers of record, allowing them to pay duties on shipments entered in March or April 2020 for up to 90 days beyond the original date the deposit would have been due.
  - The postponement is limited and the following tariffs are not included in the emergency action:
    - Any duties or fees already paid;
    - Antidumping duties;
    - Countervailing duties;
    - Section 232 duties (national security—used for aluminum and steel); or
    - Section 301 duties (e.g. recent China duties)
  - In order to qualify for postponement, importers of record must demonstrate “significant financial hardship,” which the rule stipulates to mean that the importer’s operations must have been fully or partially suspended during March or April 2020 due to orders from a government authority and the result of the suspension was at least a 60% decline in gross receipts during the period of March 13-31 or April 2020.

- On April 21, 2020, the Treasury Department [released](#) guidance regarding cross-border tax impacts related to travel disruptions caused by the COVID-19 pandemic. The guidance includes how travel restrictions impact tax residency determinations ([Revenue Procedure 2020-20](#)), gross income exclusions ([Revenue Procedure 2020-27](#)), and [Frequently Asked Questions](#).
- On April 22, 2020, the Treasury Department released [guidance](#) for recipients of funding from the Coronavirus Relief Fund, established under the CARES Act. The guidance details examples of eligible and ineligible expenditures for which funds can be applied. Treasury also released [Frequently Asked Questions](#) regarding the Fund.
- On April 27, 2020, the Treasury Department issued an [interim final rule](#) providing additional criterion for calculating the maximum amount of Paycheck Protection Program loans for seasonal employers. The rule takes effect immediately and comments are being accepted for 30 days following the rule's official publishing in the Federal Register.
- On May 4, 2020, the Treasury Department released updated [Frequently Asked Questions](#) regarding the Coronavirus Relief Fund. The updated questions include how to cover first responder payroll expenses.
- On May 6, 2020, the IRS released [Frequently Asked Questions](#) regarding qualified wages under the Employee Retention Credit. Among the questions, the agency reversed its previous position after receiving feedback from lawmakers and businesses can now receive the tax break even if they are only paying health benefits but not wages for workers.
- On May 7, 2020, the Treasury Department released [Frequently Asked Questions](#) related to the Employee Retention Credit and the interaction with other credit and relief provisions, including the Paycheck Protection Program (PPP). Companies who receive a PPP loan are not eligible for the Employee Retention Credit. However, companies who receive and repay a PPP loan by May 14, 2020 will be treated as though the employer had not received a covered loan under the PPP for purposes of the Employee Retention Credit.
- On May 12, 2020, the Treasury Department [announced](#) new transparency measures related to the Payroll Support Program for the Aviation Industry, provided by the CARES Act. A list of Payroll Support Program participants, with amounts of assistance provided and, where applicable, financial instruments provided to the Federal Government as appropriate compensation for the provision of financial assistance, is available online [here](#).
- On June 4, 2020, the IRS released a [Notice](#) and [Frequently Asked Questions](#) for Qualified Opportunity Funds (QOFs) and their investors—and the Qualified Opportunity Zones they invest in—in response to the ongoing Coronavirus Disease 2019 (COVID-19) pandemic. The Notice provides relief under section 7508(A) of the Internal Revenue Code (Code) available and answers questions regarding certain requirements under section 1400Z-2 and other provisions of the Code the implementing regulations.



## 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 30, 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](#).
  - On April 17, 2020, EPA [announced](#) additional online resources for state, local, and tribal agencies and intergovernmental associations. Topics included in these resources include grants, enforcement and compliance programs, water infrastructure, and a host of other issues important to effective environmental program delivery. The [webpage](#) will be updated regularly with new information.
  - On April 22, 2020 EPA published an [interim final rule](#) that provides for temporary amendments to the Part 75 emission monitoring and reporting regulations for the Acid Rain Program, the Cross-State Air Pollution Rule (CSAPR), and/or the NOX SIP Call—due to the COVID-19 pandemic. The temporary amendments are designed to reduce the COVID-19 exposure risk to power plant and other essential personnel.
    - Under the rule, power plant operators that cannot complete a required quality assurance activity due to travel, plant access, or other safety restrictions implemented to address the current COVID-19 national emergency can continue reporting valid, measured data.
    - The rule is effective on April 22, 2020. The amendments promulgated by the rule will expire in 180 days. EPA will accept comments on the rule until May 22, 2020.
  - On April 23, 2020, EPA [announced](#) that it is urging eight technology companies to address the fraudulent dealers on their sites that are advertising and selling illegal disinfectant products that claim to be effective against COVID-19. Those sites include Facebook, Ebay, Alibaba, Shopify, Qoo10, JoyBuy.com, Wish.com and banggood.com.
  - On April 29, 2020, EPA and CDC released [updated guidance](#) to help facility operators and families properly clean and disinfect spaces. The guidance provides step-by-step instructions for public spaces, workplaces, businesses, schools and homes.
  - On May 12, 2020, EPA [announced](#) a new web-based application to allow consumers, businesses, and others to quickly identify disinfectant products that meet EPA’s criteria for use against SARS-

CoV-2, the virus that causes COVID-19. Users can search by use site (e.g., home, business, health care, etc.), surface type (e.g., hard, non-porous surfaces like countertops; porous surfaces like fabrics), contact time (i.e., the time the product needs to be visibly wet), EPA registration number, active ingredient, or product name.

- On May 12, 2020, EPA announced an [expedited review process](#) for Pesticide Registration Improvement Act (PRIA) applications for eligible products for inclusion on EPA's List N. The products eligible for this new process include currently registered products that require a data review and applications for new disinfectant products. The information page linked above also contains important information for submitters on how to submit a product for expedited review. This does not replace the review process of all other submitted antimicrobial products.
- On May 12, 2020, EPA, in conjunction with the Centers for Disease Control and Prevention, released new [resources](#) providing guidance on cleaning and disinfecting public spaces, workplaces, businesses, schools, and homes. EPA also released guidance on ways to maintain or restore water quality in building with low or no use.
- On May 12, 2020, EPA released a new webpage providing [resources](#) regarding recycling during the COVID-19 pandemic, the proper disposal of PPE, and sustainable food management. Their resources include general tips and reminders for consumers and businesses, a video message from Administrator Wheeler, and a collection of links to various other sources of information, both internal and external to EPA.

### **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](#).
- On May 4, 2020, EXIM [announced](#) it was increasing U.S. exporter access to capital and supply chain financing during COVID-19 by raising its lender guarantee coverage option to 95 percent, up from 90 percent, with certain conditions. This increase is effective through April 30, 2021.
- On May 28, 2020, EXIM [announced](#) the extension of certain COVID-19 relief measures for US exporters and financial institutions affected by the pandemic through August 31, 2020. These measures include waivers, deadline extensions, streamlined processing, and additional flexibilities. See a fact sheet on these measures [here](#).

### **Federal Communications Commission (FCC)**



- On April 17, 2020, FCC announced the [COVID-19 Telehealth Program](#), which will provide \$200 million, appropriated in the CARES Act, to help health care providers provide connected care services to patients at their homes or mobile locations. The program will support telecommunications services, information services, and necessary devices

to provide critical connected care services. Read Frequently Asked Questions about the program and eligibility requirements [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.
- On April 19, 2020, FEMA and HHS [announced](#) that they are collecting and sharing best practices and lessons learned from the U.S. response to the coronavirus pandemic to help medical practitioners, emergency managers and other critical stakeholders. Read FEMA’s best practices page [here](#) and HHS’s [here](#).
- On April 22, 2020, FEMA released a [fact sheet](#) summarizing how non-healthcare industries should best manage personal protective equipment (PPE) used for normal business operations during a time of shortage and when its use is being prioritized for healthcare workers and first responders. This guidance includes how to determine if PPE is necessary by law or to protect critical workers, how to appropriately preserve existing PPE stocks, and how best to acquire PPE supplies.
- On April 25, 2020, FEMA [announced](#) the awarding of grants to fund crisis counseling services in five states, through the Crisis Counseling Assistance and Training program. The program is funded and overseen by FEMA in coordination with the Substance Abuse and Mental Health Services Administration.

### **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 inquires. Read the statement [here](#).
  - Members of the regulated community can email [PandemicLiaison@ferc.gov](mailto: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 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.
- On May 7, 2020, FERC [announced](#) the issuance of an [accounting guidance letter](#) to help reduce the regulatory burden and support the regulated energy industry’s COVID-19 pandemic response efforts. The guidance addresses the method by which Commission-jurisdictional public utilities and licensees, natural gas companies, oil pipeline companies and centralized service companies recognize expected credit losses on accounts receivable.
- On May 8, 2020, FERC issued a [policy statement](#) in which it pledged to act expeditiously on any oil pipeline requests for temporary waivers of or extensions of time to comply with certain FERC regulations where necessary and appropriate, including cost of service filing requirements, reporting requirements, record-keeping requirements, accounting regulations and depreciation studies. Additionally, the Commission stated that oil pipelines may request tariff waivers to become effective on less than 30-days’ notice, in accordance with Commission regulations.
- On May 8, 2020, FERC [announced](#) that four support staff at FERC headquarters tested positive for COVID-19. Although the Commission noted that risk is low to employees to the few employees who have been in the building, the headquarters building remains closed to the public and is now closed to all FERC staff and contractors until further notice. Due to this closure, FERC also [announced](#) the Commission is temporarily delaying the processing of all permitted hard copy submissions mailed/delivered to headquarters for 14 days, which may be extended at the end of that period. The process for submitting electronic filings is not affected.
- On May 14, 2020, FERC [released](#) the [Epidemic/Pandemic Response Plan Resource](#) to assist utilities in creating and reviewing epidemic/pandemic-response plans. This resource was developed jointly with the North American Transmission Forum (NATF), the North American Electric Reliability Corporation (NERC), and the U.S. Department of Energy (DOE).

## **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.
- On May 13, 2020, FMCSA extended its [national emergency declaration](#) to provide hours-of-service regulatory relief for those transporting emergency relief in response to COVID-19. This extends allowances for drivers to work for longer stretches than permitted under ordinary circumstances. It applies to motor carriers transporting medical supplies and equipment, food for emergency restocking of grocery stores, and others. The declaration extends the exemption through June 14, 2020.
- On June 8, 2020, FMCSA extended its [national emergency declaration](#) to provide hours-of-service regulatory relief for those transporting emergency relief in response to COVID-19. This extends allowances for drivers to work for longer stretches than permitted under ordinary circumstances. It applies to motor carriers transporting medical supplies and equipment, food for emergency restocking of grocery stores, and others. The declaration extends the exemption through July 14, 2020.

## **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.
- On April 27, 2020, the Federal Reserve Board [announced](#) the expansion of the Municipal Liquidity Facility (MLF), established to help provide \$2.3 trillion in loans to American households, businesses, and communities. The MLF, as revised, will purchase up to \$500 billion of short-term notes issued by U.S. states and qualifying U.S. counties and cities. The new population thresholds allow substantially more entities to borrow directly from the MLF than the initial plan announced on April 9.
- On April 30, 2020, the Federal Reserve [announced](#) that it is expanding the scope and eligibility for the Main Street Lending Program. The changes to the program include:
  - Creating a third loan option, with increased risk sharing by lenders for borrowers with greater leverage;
  - Lowering the minimum loan size for certain loans to \$500,000; and
  - Expanding the pool of businesses eligible to borrow.
- On April 30, 2020, the Federal Reserve also released [Frequently Asked Questions](#) related to the Main Street Lending Program.
- On April 30, 2020, the Federal Reserve [announced](#) that it was expanding access to the Paycheck Protection Program Liquidity Facility to additional lenders and expanding the collateral that can be pledged to facilitate additional lending to small businesses.

- On May 5, 2020, the Federal Reserve and Federal Deposit Insurance Corporation (FDIC) announced an [interim final rule](#) that modifies the agencies' Liquidity Coverage Ratio (LCR) rule to support banking organizations' participation in the Federal Reserve's Money Market Mutual Fund Liquidity Facility and the Paycheck Protection Program Liquidity Facility. The rule is effective immediately and comments will be accepted for 30 days after publication in the Federal Register.
- On May 11, 2020, the Federal Reserve released [Frequently Asked Questions](#) related to the Municipal Liquidity Facility, including eligibility, disclosure, and terms. These FAQs will be periodically updated.
- On May 20, 2020, the Federal Reserve and other financial regulatory agencies released [interagency lending principles](#) to financial institutions for offering small-dollar loans in a responsible manner to customers for both consumer and small business purposes.
- On June 3, 2020, the Federal Reserve [announced](#) an expansion in the number and type of entities eligible to directly use its Municipal Liquidity Facility (MLF). Under the new terms, all U.S. states will be able to have at least two cities or counties eligible to directly issue notes to the MLF regardless of population.
- On June 8, 2020, the Federal Reserve [announced](#) it was making changes to the Main Street Lending Program to allow more small and medium-sized businesses to participate. The changes include: lowering the minimum loan amount, raising the maximum loan limit, adjusting the principal repayment schedule to begin after two years, and extending the term to five years. The program is expected to be open for lender registration soon.

### **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 20, 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.
- On April 21, 2020, FDA provided an [update](#) that summarizes the actions that FDA is taking to provide flexibility to segments of the food industry—restaurants, food manufacturers, producers, and retail establishments—to protect the supply chain and meet consumer demand.

- On April 24, 2020, FDA released [guidance](#) for the food and agricultural sector on how to best respond if workers test positive or were exposed to COVID-19 in food production, storage, and distribution operations.
- On April 30, 2020, the FDA announced [guidance](#) related to the Drug Supply Chain Security Act (DSCSA) to clarify the scope of exemptions and exclusions under the DSCSA as a result of the public health emergency declaration. It also announces a policy of enforcement discretion for the distribution of certain products under the Food, Drug, and Cosmetic Act for the duration of the health emergency.
- On May 19, 2020, FDA and USDA announced a [Memorandum of Understanding](#) (MOU) regarding carrying out Executive Order 13917, Delegating Authority Under the Defense Production Act with Respect to the Food Supply Chain Resources During the National Emergency Caused by the Outbreak of COVID-19. The MOU will solidify efforts from both agencies to prevent interruptions at FDA-regulated food facilities.
- On May 22, 2020, FDA released [guidance](#) for the food industry to provide additional temporary flexibility in food labeling requirements to manufacturers and vending machine operators. The guidance is titled “Temporary Policy Regarding Certain Food Labeling Requirements During the COVID-19 Public Health Emergency: Minor Formulation Changes and Vending Machines” and is part of the larger effort to prevent supply chain disruptions.
  - First, flexibility is provided for manufacturers to make certain minor formulation changes without making corresponding label changes, so long as the formulation changes are consistent with certain factors outlined in the guidance.
  - Second, flexibility is given to vending machine operators who are unable to meet labeling requirements related to calorie information for foods being sold in that machine.
- On June 1, 2020, FDA released updated [guidance](#) documents to ensure an adequate supply of hand sanitizer that is also safe for consumers. This guidance provides additional clarifications on the manufacturing and compounding of certain alcohol-based hand sanitizer products to help ensure that harmful levels of impurities are not present in ethanol used in hand sanitizer.

### **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.
  
- On April 17, 2020, the National Institutes of Health and the Foundation for NIH announced plans underway to launch a public-private partnership, known as the [Accelerating COVID-19 Therapeutic Interventions and Vaccines \(ACTIV\) partnership](#), with more than a dozen biopharmaceutical companies, HHS’s Office of the Assistant Secretary for Preparedness and Response, the Centers for Disease Control and Prevention, the Food and Drug Administration, and the European Medicines Agency, to develop an international strategy for a coordinated research response to the COVID-19 pandemic.
  
- On April 28, 2020 HHS [announced](#) that it has begun the distribution of \$20 billion in additional funding for Medicare facilities and providers impacted by COVID-19, augmenting the \$30 billion distributed earlier in the month. In order to receive payment, providers eligible for the general distribution must submit required revenue information for verification, and must attest to the terms and conditions of this additional distribution.

- On May 7, 2020, HHS’s Centers for Medicare and Medicaid Services announced a [final rule](#) that, in part, extends the Qualified Health Plan (QHP) certification and rate review timelines by one week, in response to COVID-19. This additional time will allow issuers and states to better collect and assess data around the effects of COVID-19 and thereby establish more accurate premium rates.

### **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.
- On June 16 and 17, 2020, NHTSA announced it would accept electronic submissions for [agent designation](#) and [American Automobile Labeling Act filings](#) as a method for ensuring continued operations while promoting social distancing. These modified submission procedures will expire on December 31, 2020, unless NHTSA takes further action to modify that date. The agency anticipates that regular procedures for submissions will resume when NHTSA and regulated entities discontinue operating 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.
- On May 7, 2020, NOAA Fisheries [announced](#) the allocation of \$300 million in assistance that was provided by the CARES Act to states, Tribes, and territories with coastal and marine fishery participants who have been negatively affected by COVID-19.





- Using the funds allocated to each state, interstate marine fisheries commissions will work with states to develop plans for disbursing funds to address direct or indirect fishery-related losses as well as subsistence, cultural, or ceremonial impacts related to COVID-19.
- Fishery participants eligible for funding include Tribes, commercial fishing businesses, charter/for-hire fishing businesses, qualified aquaculture operations, processors, and other fishery-related businesses.

### **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 June 10, 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.
  - NRC is also instituting general enforcement discretion relating to violations of NRC regulations, as well as more specific security training and qualification violations.

### **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.
- On April 26, 2020, OSHA and the Centers for Disease Control (CDC) released [interim guidance](#), found on the CDC website, to provide guidance for meat and poultry processing workers and employers, including those involved in beef, pork, and poultry operations. The interim guidance covers understanding the risks faced by workers and how employers should develop comprehensive COVID-19 assessment and control plans.
- On May 1, 2020, OSHA released [guidance](#) for restaurants and other food and beverage businesses providing curbside and takeout service regarding how to protect workers from COVID-19 exposure.
- On May 12, 2020, OSHA and CDC released [joint interim guidance](#) for manufacturing workers and employers to supplement the previous guidance they have released. Their guidance includes a discussion of the risks faced by workers, how to create a COVID-19 assessment and control plan, and controls for limiting risks to employees.
- On May 19, 2020, OSHA [announced](#) two revised enforcement policies with respect to coronavirus requirements as states are beginning to reopen their economies.

- First, OSHA will be increasing in-person inspections at all types of workplaces and has updated its [enforcement guidance](#) to reflect that businesses have begun to reopen. OSHA's enforcement activities will be based on the level of community transmission in that area, which will determine the methods used to complete inspections and investigations.
  - Second, OSHA is revising its previous enforcement policy for recording cases of coronavirus. Under the [new policy](#), OSHA will enforce the recordkeeping requirements of work-related coronavirus cases for all employers. Although it is difficult to determine whether a coronavirus case is work-related, the guidance emphasizes that employers must make reasonable efforts, based on the evidence available to the employer, to ascertain whether a particular case of coronavirus is work-related.
- On May 26, 2020, OSHA released [guidance](#) and resources for protecting construction workers and employers with recommended actions to reduce the risk of exposure to the coronavirus. Examples of the types of work that fall under this guidance include carpentry, ironworking, plumbing, electrical, heating/air conditioning/ventilation, utility construction work, and earth-moving activities.
  - On May 28, 2020, OSHA released an [alert](#) for employers listing steps that can be taken to implement social distancing in the workplace and protect workers from the coronavirus as parts of the country begin opening up for business.
  - On June 2, 2020. OSHA and the CDC jointly released interim [guidance](#) to protect agriculture workers from exposure to the coronavirus and help employers implement practices to do so.
  - On June 2, 2020, OSHA released an [alert](#) listing safety tips employers can follow to protect stockroom and loading dock workers in the retail industry from exposure to the coronavirus.
  - On June 10, 2020, OSHA released [Frequently Asked Questions](#) for employers and their employees about face coverings, surgical masks, and respirators in the workplace.
  - On June 17, 2020, OSHA released [guidance](#) for employers as non-essential businesses begin to reopen around the country. This updates OSHA's previous guidance on preparing workplaces for COVID-19 and encourages strategies on basic hygiene, social distancing, identification and isolation of sick employees, workplace controls and flexibilities, and employee training.

### **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.
- On April 20, 2020, PHMSA provided notice of [enforcement discretion](#) regarding the continued manufacturing of some performance oriented packaging (POP) designs that have exceeded their periodic retesting date. This policy remains in effect for the shorter of 90 days or the termination of the public health emergency determination.
- On April 20, 2020, PHMSA provided notice of [enforcement discretion](#) regarding the transport of certain sanitizing and disinfecting materials carried on a motor vehicle for the purpose of

protecting the health and safety of the employees of the carrier. This policy remains in effect for the shorter of 90 days or the termination of the public health emergency determination.

- On April 22, 2020, PHMSA announced it is exercising [enforcement discretion](#) regarding gas pipeline operators and their ability to comply with certain requirements found in the gas transmission rule issued on October 1, 2019, to give operators greater flexibility in meeting the initial compliance deadline of July 1, 2020. Following December 31, 2020, PHMSA will return to its normal enforcement process.
  - This notice does not apply to Part 191 reporting requirements or subsequent compliance deadlines set forth in the October 2019 Final Rule.
- On April 28, 2020, PHMSA released a [quick reference guide](#) for medical facilities, clinical laboratories and hazardous waste carriers to safely package and transport of COVID-19 specimens, cultures, isolates and medical waste.
- On May 1, 2020, PHMSA released [Frequently Asked Questions](#) regarding the agency's Hazardous Materials Regulations (HMR) and Coronavirus Disease 2019 (COVID-19) related guidance published on the PHMSA website.
- On May 8, 2020, PHMSA issued a [notice of enforcement discretion](#) for the operation of a cargo tank motor vehicle (CTMV) or portable tank in the state of Alaska. The enforcement discretion applies only to CTMVs and portable tanks that are transported along the state's highways and are no more than 90 days beyond required periodic testing or inspection dates. This enforcement discretion will be exercised by the Federal Motor Carrier Safety Administration (FMCSA) and PHMSA.
- On May 29, 2020, PHMSA [announced](#) that they are extending the due date by which all unpaid user fees for pipeline and underground natural gas storage can be paid without penalties or interest charges through July 31, 2020, from the original date of May 31, 2020, in recognition of the economic consequences of COVID-19.

### **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](#).
- On April 24, 2020, the SEC [announced](#) the formation of a cross-divisional COVID-19 market monitoring group to assist the Commission in (1) SEC actions and analysis related to the impacts



of the coronavirus on markets, issuers, and investors and responding to requests for information and analysis from other public sector partners and regulators. The group will be made up of senior-level internal personnel from across the agency.

### **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 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.
- On April 24, 2020, SBA released a [supplement](#) to its previous interim final rules regarding implementation of the Paycheck Protection Program (PPP). The rule provides additional guidance regarding promissory notes, authorizations, affiliation, and eligibility.
  - 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, scheduled for April 28, 2020.
- On April 24, 2020, SBA released a [notice](#) to SBA employees and lenders approved to participate in the PPP regarding the sale of participating interests in PPP loans. This notice is effective as of April 24, 2020 and expires on April 1, 2021.
- On April 28, 2020, SBA issued a [supplement](#) to its interim final rules regarding implementation of the Paycheck Protection Program. This interim final rule provides additional guidance on disbursements for both lenders and borrowers.
  - 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.
- On April 30, 2020, SBA released a [supplement](#) to its previous interim final rules regarding implementation of the Paycheck Protection Program (PPP). This rule limits the amount of PPP loans that any corporate group can receive and provides guidance on criteria for non-bank lender participation in the PPP.
  - 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.
- On May 4, 2020, SBA [announced](#) that agricultural businesses with less than 500 employees are now eligible for SBA’s Economic Injury Disaster Loan (EIDL) and EIDL Advance programs. SBA is reopening its EIDL application portal in response to additional funding authorized by Congress through the *Paycheck Protection Program and Healthcare Enhancement Act*. The legislation provided additional funding for farmers and ranchers and certain other agricultural businesses affected by the Coronavirus (COVID-19) pandemic.
- On May 14, 2020, SBA released a [supplement](#) to its previous interim final rules regarding implementation of the Paycheck Protection Program (PPP). This rule sets forth additional eligibility requirements for certain electric cooperatives.
  - 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.
- On May 15, 2020, SBA released the [Paycheck Protection Program Loan Forgiveness Application](#), including detailed instructions for submission. SBA will also soon issue regulations and guidance to further assist borrowers as they complete their applications, and to provide lenders with guidance on their responsibilities.
- On May 18, 2020, SBA released a [supplement](#) to its previous interim final rules regarding implementation of the Paycheck Protection Program (PPP). This rule sets forth additional eligibility requirements related to entities with foreign affiliates.
  - 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.
- On May 20, 2020, SBA issued an [interim final rule](#) providing a second extension of limited safe harbor with respect to certification required by the CARES Act. This rule revises the interim rule previously finalized on May 8, 2020. Under this rule, the safe harbor deadline for repaying Paycheck Protection Program (PPP) loans is moved from May 14, 2020 to May 18, 2020.
  - The interim rule applies to borrowers who applied for loans under PPP.
  - Comments are being accepted for 30 days following the rule’s official publishing in the Federal Register.
- On May 21, 2020, SBA issued a [notice](#) to all SBA employees and PPP lenders to detail the reporting process through which PPP Lenders will report on PPP loans and collect the processing fee on fully disbursed loans which they are eligible to receive. This notice expires on May 1, 2021.
- On May 22, 2020, SBA released a [supplement](#) to its previous interim final rules regarding implementation of the Paycheck Protection Program (PPP). This rule sets forth additional



guidance for PPP borrowers and lenders regarding the loan forgiveness application and review process.

- The interim final rule applies to loan forgiveness applications submitted under the Paycheck Protection Program.
  - Comments are being accepted for 30 days following the rule's official publishing in the Federal Register.
- On May 22, 2020, SBA released a [supplement](#) to its previous interim final rules regarding implementation of the Paycheck Protection Program (PPP). This rule sets forth additional guidance regarding SBA's process for reviewing PPP loan applications and loan forgiveness applications.
    - The interim final rule applies to loan forgiveness applications submitted under the Paycheck Protection Program.
    - Comments are being accepted for 30 days following the rule's official publishing in the Federal Register.
  - On May 27, 2020, SBA released updated [Frequently Asked Questions](#) regarding implementation of the Paycheck Protection Program. The updated versions address questions reflect the new extended deadline for repayment. The document will continue to be updated periodically.
  - On May 28, 2020, SBA [announced](#) that \$10 billion in Round Two funding has been set aside for Community Development Financial Institutions (CDFIs) to participate in the Paycheck Protection Program (PPP).
  - On June 5, 2020, SBA released a [supplement](#) to its previous interim final rules regarding implementation of the Paycheck Protection Program (PPP). This rule sets forth additional guidance regarding the eligibility requirements for certain telephone cooperatives.
    - 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.
  - On June 11, 2020, SBA released an update to its [interim final rule](#), originally published on April 2, 2020, in order to respond to the passing of the *Paycheck Protection Program Flexibility Act of 2020*, which amended the CARES Act. This interim final rule revises key provisions, such as the loan maturity, deferral of loan payments, and forgiveness provisions, to conform to the new statute.
    - The provisions in this interim final rule related to loan forgiveness and deferral periods for PPP loans are effective March 27, 2020. The provision relating to the maturity date of PPP loans is effective June 5, 2020. The remaining provisions in this interim final rule are effective as of the rule's official publishing in the Federal Register.
    - Comments are being accepted for 30 days following the rule's official publishing in the Federal Register.

- On June 12, 2020, SBA released a [supplement](#) to its interim final rule regarding implementation of the Paycheck Protection Program (PPP). This interim final rule revises the rule previously published in the Federal Register on April 15, 2020 to update the eligibility requirement related to felony convictions of applicants or owners of the applicant.
  - The provisions in this interim final rule are effective upon the rule’s official publishing in the Federal Register.
  - Comments are being accepted for 30 days following the rule’s official publishing in the Federal Register.
- On June 12, 2020, SBA released updated forms for [lenders](#) and [borrowers](#) regarding the Paycheck Protection Program (PPP) in order to conform to the changes made in the *Paycheck Protection Program [PPP] Flexibility Act of 2020*.
- On June 15, 2020, SBA reopened the [Economic Injury Disaster Loan \(EIDL\) and EIDL Advance program portal](#) to eligible applicants who have experienced economic impacts due to COVID-19. This program provides small business and non-profits long-term, low interest assistance and funds can be used to cover payroll, inventory, pay debt, or fund other necessary expenses.
- On June 16, 2020, SBA released an updated [loan forgiveness application](#) and [instructions](#) for submitting the application in order to comply with the *Paycheck Protection Program Flexibility Act of 2020*, which amended the CARES Act.
- On June 17, 2020, SBA released an [update](#) to its previous interim final rules, originally published in April, in order to respond to the passing of the *Paycheck Protection Program Flexibility Act of 2020*. This interim final rule revises key provisions, such as the loan maturity, deferral of loan payments, and forgiveness provisions, to conform to the new statute.
  - The provisions in this interim final rule related to loan forgiveness and deferral periods for PPP loans are effective March 27, 2020. The provision relating to the maturity date of PPP loans is effective June 5, 2020. The remaining provisions in this interim final rule are effective as of the rule’s official publishing in the Federal Register.
  - 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.

