

## Coronavirus *Flash Update*: Wednesday, May 13, 2020

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### The Latest News

- **U.S. COVID-19 cases** exceed 1,373,172 and 82,161 U.S. deaths. (Source: CDC) (**Updated 5/13/20**)
- **U.S. stock market:** Tuesday ended with losses across the major U.S. benchmarks, with the Dow and S&P down slightly at 32 and 15 points, respectively, while the Nasdaq posted a steeper decline at 122 points. (**New**)
- Yesterday, the House Democrats introduced a **comprehensive \$3 trillion aid package, the HEROES Act** (H.R. 6800), and scheduled a floor vote for Friday. The stimulus package includes additional funds for state, local, and tribal governments, an expanded tax credit for employers for employee retention, a 2-year suspension of the cap on state and local taxes, a second round of economic impact payments for individuals, an extension of unemployment benefits through

January 2021, aid for public transportation systems, and a proposal for essential worker ‘hazard’ pay. The 1,815 page bill may move quickly through the House and certainly starts the official negotiations for bill 4.0, but the Senate is not expected to act with the same pace on an alternative proposal. Senate Majority Leader Mitch McConnell called the House bill “aspirational” signaling that closing the distance between the two bodies on the scope of 4.0 will take some time. (**New**)

## COVID-19 Federal Legislation

- **Bill 4.0:** On May 12, the House Democrats introduced the Health and Economic Recovery Omnibus Emergency Solutions (HEROES) Act, a large aid package scheduled to move quickly to a Friday House vote. If the House completes this short timeline to passage, the Senate deliberations are expected to move well into June before House-Senate negotiations on consensus bill is likely. For the full details on the HEROES Act, H.R. 6800 (**New**):
  - The text is available [here](#).
  - A [1-pager](#) and 71 page [section-by-section summary](#) are available here.
  - And an outline of the [state and local funding provisions](#) is here.
- **Bill 3.5: Paycheck Protection Program and Health Care Enhancement Act, (H.R. 266)** was enacted on April 24. Also available are a [section-by-section summary](#) and an [overview of the health care provisions](#).
  - A&B detailed summaries are below:
    - A&B [Summary](#) – **3.5 Small Business Provisions**
    - A&B [Summary](#) – **3.5 Health Care Enhancement Provisions**
- **Bill 3.0: Coronavirus Aid, Relief, and Economic Security (CARES) Act, (H.R. 748)** passed on March 27. A congressional section by section summary is available [here](#).
  - A&B detailed summaries are below:
    - A&B [Summary](#) – **CARES Act Health Provisions**
    - A&B [Overview](#) – **CARES Act Health Care Grants and Reimbursement Changes**
    - A&B [Overview](#) – **CARES Act Key Health Care Appropriations**
    - A&B [Analysis](#) – **CARES Act Funding Sources**
    - A&B [Summary](#) – **CARES Act Small Business Provisions**
    - A&B [Summary](#) – **CARES Act Educational Provisions and Appropriations**
    - A&B [Summary](#) – **CARES Act Individual and Business Tax Provisions**
    - A&B [Summary](#) – **CARES Act Unemployment Provisions**
    - A&B [Summary](#) – **CARES Act Labor Provisions**
    - A&B [Guide](#) – how the CARES Act refundable Employer Retention tax credit for employers works
    - A&B [Hospital Provisions tracker from all 4 bills](#) of COVID-19 (Updated 5/10/20)
    - A&B [Provider Relief Funds disbursements tracker](#) – (Updated 5/10/20)
    - A&B [Quick Guide](#) to the health care Provider Relief Fund General Distribution Attestation and Application Process – (**5/12/20 - New Guide**)
    - A&B [Summary](#) of **oversight and enforcement** provisions in the CARES Act
- Congress has passed three coronavirus emergency response bills and the first two are below:

- **Bill 1.0: Coronavirus Preparedness and Response Supplemental (CPPRS)** ([H.R. 6074](#)) passed on March 5
- **Bill 2.0: Families First Coronavirus Response Act (FFCRA)** ([H.R. 6201](#)) passed on March 18

## COVID-19 State Legislation

- **New legislative resource to track how states** and localities are responding to the COVID-19 pandemic with emergency relief programs for small and medium-sized businesses. Follow our tracker [here](#). (Updated 5/5/20)

## Transition to “Reopening”

- **State/Other Actions**
  - For the latest information on state reopening decisions, see [A&B 50-State Openings tracker](#) – updated in each A&B Coronavirus Flash Update. (**Updated 5/12/20**)
  - A&B’s Labor & Employment Group identifies **issues likely to arise as workers are invited to return** to their jobs and that employers may confront in developing return-to-work action plans in this [advisory](#). (4/22/20)
- **Administration Actions**
  - The FDA [announced](#) that it was working with the CDC to **develop a process to resume on-site facility surveillance inspections** consistent with the criteria announced in the White House Guidelines for Opening Up America Again. (5/11/20) (**New**)
  - The CDC has updated their webpage on [travel in the United States](#) reflecting the changing timeline of state reopening polices. (5/8/20)
    - A [Health Card](#) has been posted by the CDC to provide information to passengers arriving from international locations. (5/8/20)
  - The USDA [announced](#) the reopening of meatpacking facilities. (5/8/20)
  - The CDC updated or issued new guidance regarding **reopening and continued mitigation** efforts for individuals, businesses, schools, health departments, and community settings. These individual guidance can be found [here](#).
    - The CDC has updated its re-opening [guidance](#) for reopening after a prolonged shutdown to insure safety of water systems and devices. (5/7/20)
  - FEMA released a new [fact sheet](#) on federal support for **expanded national testing capabilities** to support the reopening and testing plans of businesses and other entities. (5/5/20)
  - The HHS Administration for Community Living has released [guidance](#) on the phased **reopening of senior nutrition programs**. (5/5/20)
  - The Department of Labor is seeking ideas from the public about the **challenges facing businesses in the process of reopening**. A [dialogue page](#) has been created to facilitate this input. (5/1/20)

## Federal Communications Commission

- The **Federal Communication Commission (FCC)** issued an [order](#) waiving its requirement that certain broadcast stations engage in broad recruitment outreach for full-time job vacancies if they re-hire employees released due to COVID-19. (5/5/20)

## Department of Health and Human Services

- The **Department of Health and Human Services (HHS)** Coronavirus [toolkit](#) page has been updated. (**Updated 5/12/20**)
- HHS and the Department of Defense (DOD) [announced](#) the award of a \$138 million contract to Apiject Systems America to expand production capability for prefilled syringes for a future COVID-19 vaccine. (5/12/20) (**New**)
- HHS [released](#) the first episode of its new podcast “Learning the Curve,” which features an interview with HHS Secretary Alex Azar on the “Race to a Vaccine.” (5/11/20) (**New**)
- The HHS Administration for Community Living updated its COVID-19 [FAQs](#) for Title VI grantees. (**Updated 5/11/20**)
- The HHS Substance Abuse and Mental Health Services Administration (SAMHSA) issued [guidance](#) for law enforcement and first responders administering naloxone. (5/8/20) (**New**)
- SAMHSA has updated the [Interim considerations for State Psychiatric Hospitals](#) information on its webpage. (5/8/20)
- Despite enforcement delays [final interoperability rules](#) will have significant impact on health care participants. To learn more about these complex rules read this A&B [advisory](#). (5/8/20)
- HHS [announced](#) it was partnering with pharmacy and retailers to provide community-based testing sites. (5/8/20)
- The HHS Office of Inspector General has updated its [FAQs](#) on enforcement activities related to COVID-19. (5/8/20)
- HHS [announced](#) through HRSA it had awarded \$583 million in grants to community health centers in all 50 states. (5/7/20)
- The US Surgeon General [released](#) a new video on telehealth that shares basic information with consumers about telehealth including the privacy protections and Medicare allowance of payments for visits. (5/7/20)
- HHS announced the creation of a new [website](#) on community-based testing. (5/7/20)
- The HHS Office for Civil Rights [announced](#) that it was issuing [guidance](#) reminding covered health care providers that the HIPAA Privacy Rule requires that they obtain patient consent before media is given access to PHI. (5/5/20)
- HHS has a **tracking feature that allows public viewing of all COVID-19 HHS grant** and cooperative agreement awards on its [website](#). The grants were distributed through programs in the ACF, ACL, ASPR, CDC, DHHS/OS, HRSA, IHS, NIH, and SAMHSA. (**Updated 5/11/20**)

## Assistant Secretary for Preparedness and Response

- The **Assistant Secretary of Preparedness and Response (ASPR)** has [announced](#) the allocation plan for the drug Remdesivir, which had previously received emergency use authorization. The states included on the allocation list to date are: Connecticut, Illinois, Indiana, Iowa, Maryland, Massachusetts, Michigan, New Jersey, New York, Rhode Island, Tennessee and Virginia. (5/9/20)
- ASPR has [posted](#) a new telehealth tipsheet that outlines what it is, who is using it, ongoing challenges for telehealth, and trends to watch post-COVID-19. (5/7/20)

## Centers for Disease Control and Prevention

- The **Centers for Disease Control and Prevention (CDC)** [COVIDView Weekly Summary](#) is available. (Updated 5/8/20)
  - The CDC weekly COVID [forecast](#). (Updated 5/6/20)
- The CDC updated its information for [pediatric health care providers](#) and [worker safety and support](#). (**Updated 5/12/20**)
- The CDC updated or issued new information on laboratory testing ([FAQs](#), [biosafety guidelines](#), [website](#)). (**Updated 5/11/20**)
- The CDC [issued](#) guidance on factors to consider when planning to purchase respirators from another country. (5/11/20) (**New**)
- The CDC has released [guidance](#) on what workers and employers can do to manage workplace fatigue. (5/8/20)
- The CDC has released an early [report](#) on the *Effects of the COVID-19 Pandemic on Routine Pediatric Vaccine Ordering and Administration – United States, 2020*. (5/8/20)
- The CDC has released an early [report](#) on *The Public Health Response to COVID-19 Cases in Correctional and Detention Facilities – Louisiana, March-April 2020*. (5/8/20)
- The CDC updated or issued new guidance regarding reopening and continued mitigation efforts for individuals, businesses, schools, health departments, and community settings. These individual guidances can be found [here](#). (Updated 5/7/20)
- CDC [guidance](#) on COVID-19 Infrastructure Sector Response planning and infrastructure worker preparedness. (5/7/20)
- The CDC provided updated COVID-19 [laboratory reporting data](#) for hospitals. (5/6/20)
- CDC guidance on [pets and other animals](#), and [quarantine and isolation](#). (5/6/20)
- The CDC has updated its [FAQs](#) on clinical questions about COVID-19. (5/6/20)
- The CDC updated their [interim guidelines](#) for specimen collection, handling, and testing from persons for coronavirus disease. (5/5/20)
- The CDC updated its [FAQ for businesses and employers](#), including information on suspected or confirmed cases of COVID-19, reducing the spread of COVID-19, cleaning and disinfecting, and critical infrastructure. (5/3/20)
- The CDC updated its interim [guidance](#) on **discontinuation of isolations for persons with COVID-19 outside the healthcare setting**. The CDC also updated its [decision memo](#) on symptom-based strategy to discontinue isolation for persons with COVID-19 (5/3/20)

- The CDC has updated its [webpage](#) on **contact tracing**, including resources from the CDC and other federal agencies and private sector organizations. (5/2/20)
  - The CDC also updated its guidance on [contract tracing](#) and [evaluating and testing persons for COVID-19](#) (Updated 5/4/20).

## Centers for Medicare & Medicaid Services

- The **Centers for Medicare and Medicaid Services (CMS)** latest [news alerts](#). (**Updated 5/11/20**)
  - And for the latest COVID-19 related CMS guidance visit the CMS Current Emergencies [webpage](#). (**Updated 5/12/20**)
- CMS Administrator Seema Verma wrote a [letter](#) thanking nursing home facility management and staff that includes links to previously shared infection control resources. (5/11/20) (**New**)
- CMS has posted a [video](#) to review the most common **questions regarding telehealth** visit benefits under the 1135 waiver authority during the public health emergency. (5/8/20)
  - For a better understanding of the COVID-19 **telehealth waivers and regulatory flexibilities**, review this **new A&B Guide**. (**New Guide – 5/12/20**)
  - A&B's Health Care and Litigation Groups explore how to **take advantage of remote health care** now and prepare for continued telehealth operations after the pandemic ends in this [advisory](#). (4/29/20)
- CMS has updated its list of [blanket waivers](#). (5/11/20) (**New**)
- CMS [issued](#) a memo and FAQs on the new requirements for notification of confirmed and suspected COVID-19 cases among **nursing home residents** and staff. (5/7/20)
- CMS [released](#) their Final **Payment Notice for 2021 Coverage Year**. CMS also announced a one week extension of the Qualified Health Plans certification and rate review timelines. (5/7/20)
- A&B Health Care Public Policy Practice provides a **detailed summary of the CMS interim final rule**. The interim final rule is intended to provide additional flexibilities for individuals and entities that provide health care services to Medicare, Medicaid, Basic Health Program, and Exchange beneficiaries to assist in the response to threats associated with COVID-19. Comments are due July 7, 2020. (5/6/20)
- CMS updated its [COVID-19 FAQs](#) for Medicare Fee-for-Service billing. (5/6/20)
- CMS updated its [FAQ](#) for state **Medicaid and Children's Health Insurance Program (CHIP)** agencies. CMS also issued a separate document only listing the [new FAQs](#). (Updated 5/5/20)

## HHS/CMS/HRSA CARES Act Provider Relief Funds

- CMS has released data on providers and suppliers who have received payments through the Accelerated and Advance Payment Program. (5/10/20)
  - State by state data and information organized by provider type is posted [here](#). (Updated 5/10/20)
  - Specific provider and supplier data, organized by state, is posted [here \(Zip file\)](#).
- HHS [announced](#) it was disbursing another \$22 billion in CARES Act **Provider Relief Funds** last Friday for hospitals in "hot spots" or COVID-19 high impact areas (\$12 billion) and for rural providers (\$10 billion). The CMS Provider Relief Fund [webpage](#) has been updated and additional portals opened: (5/2/20)

- HHS has updated its [rural payment methodology](#). (5/8/20)
- HHS [announced](#) an **extension of the deadline for attestation and acceptance of the terms and conditions** for Provider Relief Fund payments for 45 days. (5/7/20)
- HHS released the terms and conditions for [high impact](#) and [rural provider](#) distributions. The distributions to rural providers began on May 6 and to high impact providers on May 7. (5/7/20)
- HHS [released](#) provider level data for the **general** distribution of the Provider Relief Fund. This **provider specific data** is based on providers who attested as of May 4 and includes 142,419 providers and their cumulative payments. (5/6/20)
- Provider Relief Funds general distribution [FAQs](#) updated. (5/8/20)
- The [state-by-state congressional district distribution totals](#) for the initial \$30 billion which began on April 10 has been posted. (5/1/20)
- The CARES Provider Relief hotline is (866) 569-3522.
- HHS through the **Health Resources and Services Administration** [began distribution](#) of another \$20 billion from the CARES Act Provider Relief Fund for the care of the uninsured, which augments the \$30 billion which was released in the first tranche from the fund. (4/28/20)
  - HRSA launched the [COVID Uninsured Portal](#) allowing health care providers who have conducted COVID-19 testing or provided treatment for uninsured COVID-19 individuals on or after February 4, 2020 to request claims reimbursement.
  - HRSA released [FAQs](#) with clarifying questions related to eligibility for patients and providers, eligible claims and coding, program administration, and reimbursement/payment. (5/7/20)
  - HRSA [posted](#) the FAQs from their webinars on the uninsured program. (5/7/20)

## Food and Drug Administration (Drugs and Devices)

- **FDA provides a daily roundup on COVID-19** related actions. The latest update is [here](#), (**updated 5/11/20**), and here is a listing of [all announcements](#).
  - **FDA** maintains its COVID-19 [FAQs](#) for the general public. (Updated 5/6/20)
  - The agency also maintains a [public database](#) of drug shortages. (Updated 5/8/20)
- The FDA [announced](#) two new guidance documents to **streamline the process for submitting applications to initiate studies for new drugs and biological products** related to COVID-19. The [first](#) provides information on investigational new drug applications and the [second](#) on later stage clinical trials. (5/11/20) (**New**)
- The FDA [announced](#) updated [guidance](#) for clinical laboratories, commercial manufacturers, and FDA staff to accelerate the availability of COVID-19 tests. (5/11/20) (**New**)
- The FDA [announced](#) new [guidance](#) to provide recommendations regarding postmarketing adverse event reporting during the pandemic. (5/11/20) (**New**)
- The FDA updated its [FAQs](#) on manufacturing, purchasing, importing, and donating face masks. (**Updated 5/11/20**)
- The FDA [announced](#) that it has issued the **first [emergency use authorization \(EUA\)](#) for a COVID-19 antigen test**. (5/9/20) (**New**)
- The FDA has [approved](#) emergency use authorization for the first at-home diagnostic test with the option of home-collected saliva samples for COVID-19. (5/8/20)

- The FDA has [reissued](#) the emergency use authorization for non-NIOSH-approved respirators manufactured in China. (5/6/20)
  - The FDA is increasing its surveillance and sampling of all respirators imported from China and issued a [letter to providers](#) to clarify that not all filtering facepiece respirators provide adequate protection. (5/7/20)
- The FDA has issued, jointly with the FTC, warning letters to [Alive By Nature, Inc.](#) and to [GlutaGenic](#) for selling fraudulent COVID-19 treatment products. (5/7/20)
- The FDA has posted a [letter to providers](#) on the risk of misinterpreting hydrogen peroxide indicator colors for vapor sterilization. (5/7/20)
- The FDA has posted [FAQs](#) for consumers on Remdesivir and COVID-19. (5/7/20)
- The FDA [provided](#) an update on the agency's efforts to combat fraudulent actions by companies and individuals. (5/7/20)
- The FDA released new [guidance](#) on reporting and mitigating animal drug shortages during the COVID-19 public health emergency. (5/7/20)
- FDA issued [guidance](#) to clarify the scope of the public health emergency exemption and exclusion under the **Drug Supply Chain Security Act** to help ensure adequate distribution of finished prescription drug products throughout the supply chain to combat COVID-19. (4/30/20)
  - Review this A&B [advisory](#) for more information about the FDA's new guidance. (5/5/20)

## Food and Drug Administration and United States Department of Agriculture (Food-Related)

- USDA [announced](#) a partnership with national and regional food suppliers a program to purchase up to \$3 billion in produce and products and to assist nonprofit food organizations. (5/8/20)
- USDA issued [letters](#) to Governors directing meat processing plants to follow CDC and OSHA guidance on worker safety. (5/6/20)

## National Institutes of Health

- The National Institutes of Health (NIH) [announced](#) it was beginning a clinical trial testing of antiviral Remdesivir plus anti-inflammatory drug Baricitinib for COVID-19. (5/8/20)
- NIH [announced](#) a new research survey to examine the impact of COVID-19 on individuals with rare diseases. (5/7/20)

## Health Resources and Services Administration

- The **Health Resources and Services Administration (HRSA)** [announced](#) nearly \$583 million in [awards](#) to 1,385 HRSA-funded health centers. (5/7/20)
- HRSA provides COVID-19-related information, resources, and FAQs [here](#). (**Updated 5/11/20**)

## Department of Homeland Security/FEMA

- The **Department of Homeland Security (DHS)** [issues](#) a weekly roundup of its response to COVID-19. (**Updated 5/11/20**).



- DHS announced a [temporary final rule](#) that will be issued on May 14 that will temporarily remove certain limitations on employers, or U.S. agents, 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. (5/12/20) (**New**)
- The DHS Cybersecurity and Infrastructure Security Agency (CISA) has released a [fact sheet](#) to warn of disinformation related to COVID-19. (5/8/20)
  - The **Cybersecurity and Infrastructure Security Agency (CISA)** and its counterpart in the United Kingdom [warned](#) that they had **exposed malicious cyber campaigns targeting** organizations involved in the COVID-19 response. CISA issued an [advisory](#) for **health care and medical research** organizations recommending staff to change passwords and implement two-factor authentication. (5/5/20)
- The DHS Transportation Security Administration [announced](#) new security measures which include requiring its employees to wear masks while at screening checkpoints. **Passengers are already encouraged to wear facial protection** but may be asked to pull down the mask for identification purposes. (5/7/20)
- FEMA and HHS jointly released a [video](#) on how the agencies collect critical data, analyze the data, and communicate the findings to appropriately distribute supplies. (5/7/20)
- FEMA issued a fact sheet describing the **federal support being provided to expand national testing capabilities**. (5/5/20)
- President Trump signed an [executive order](#) temporarily “pausing,” for period of 60 days, certain **U.S. immigration processes**. The President noted he would revisit the issue after 60 days and depending on the economy may choose to extend the suspension. (4/22/20)
  - Review this A&B [advisory](#) for more information on the order, who it applies to, who is exempted, and what employment-based visas are affected. (4/28/20)

## Department of Justice/Federal Trade Commission/Litigation

### Consumer Protection/Anti-fraud

- On May 8, the FTC [announced](#) it is soliciting comments on whether it should make changes to its 2009 “**Health Breach Notification Rule**,” which mandates the disclosure of data breaches by firms that handle personal health data but who are not covered by the Health Insurance Portability and Accountability Act, or HIPAA, which has its own breach notification rules. The rule has not been invoked in the past decade, but as consumers are increasingly turning to telehealth, more companies may be covered by this rule. FTC seeks comments on the rule's definition and whether companies should be required to report data breaches sooner as well as whether and how the rule should address any developments in health care products or services related to COVID-19. These comments will be accepted for 90 days after the rule review notice is published in the Federal Register. (**New**)
- The Federal Trade Commission (FTC) [sent](#) 45 letters warning marketers nationwide to **stop making unsubstantiated claims that their products** and therapies can treat or prevent COVID-19. This fourth round of letters targeted “treatments” including Chinese herbal medications, music therapy, homeopathic treatments, and even shields claimed to boost the immune system

by protecting the wearer from electromagnetic field. There is currently no scientific evidence that these or any services can treat or cure COVID-19. The letters warn that if marketers refuse to stop making false claims, the FTC may seek an injunction and an order requiring money be refunded to consumers. (5/7/20)

## Litigation Issues

- The Department of Justice [announced](#) the **first enforcement action regarding alleged PPP fraud**. The DOJ alleged that two defendants falsely claimed to have dozens of employees at several locations to get more than \$500,000 in forgivable loans. (5/5/20)
- The impact of the coronavirus pandemic may be a scheduling challenge for the courts, but bankruptcy cases remain active. For an examination of the implications of a bankruptcy case where the majority shareholder seeks to enforce its blocking rights, read this A&B [advisory](#). (5/8/20)
- **Higher education** protected students' and employees' health by closing their campuses and moving – virtually overnight – to online learning. Now they face **high-risk class actions** from students and their parents. A&B's Colleges & Universities Team provides insight into current litigation in this [advisory](#). (4/30/20)

## Department of Labor/OSHA

- The **Occupational Safety and Health Administration (OSHA)** [announced](#) an [alert](#) listing safety tips employers can follow to protect dental industry workers from COVID-19. (5/11/20) (**New**)
- **Department of Labor (DOL)** [announced](#) that it was issuing additional [guidance](#) about the **short-time compensation program** under the CARES Act. (5/4/20)
- The Department of Labor's employment [report](#) last Friday showed that **the health care industry lost more than 1.4 million jobs**. While no sector has been immune from significant job losses, the health care sector impact is especially complex since hospitals and other providers were required to ramp up emergency, ICU, and testing capabilities in preparation for the surge in coronavirus cases which was predicted, but elective procedures were suspended resulting in layoffs in nearly all types of outpatient and clinic settings.
- **DOL** [announced](#) over \$10 million in dislocated workers grant awards. (5/7/20)

## Small Business Administration

- **Small Business Administration (SBA)** – In response to the **CARES Act** requirements, the SBA formally [launched](#) its **Paycheck Protection Program (PPP)** for small businesses. (4/3/20)
  - The SBA [updated](#) its statistics on Round 2 loans showing that it had made 2.65 million loans totaling \$191.4 billion. (5/12/20) (**New**). The SBA previously released Round 2 [data of the PPP](#). (5/8/20)
  - The SBA released its latest PPP [data](#) that the agency had processed 2.5 million applications from 5,425 lenders for loans totaling \$185.4 billion. The average loan size is a little greater than \$74,000. The posted data also shows that 53% of the loan amount

- has come from banks with more than \$50 billion in assets, 15% from mid-size banks, and 32% from lenders with less than \$10 billion in assets. (5/7/20)
- The SBA and Treasury **updated their FAQs on the Paycheck Protection Program**. The [FAQs](#) clarify that **employers will not be penalized if they are unable to rehire a worker** despite good faith efforts. (Updated 5/6/20)
  - The FAQs also **extend the safe harbor to repay PPP loans** until May 14 and confirms that **foreign affiliate employees** must be counted for size purposes.
- The SBA [released](#) a list of PPP participating lenders. (5/7/20)
- Review this A&B [advisory](#) for information on relief under the CARES Act for fund managers. (5/5/20)
- The SBA and Treasury [announced](#) that they would review all PPP loans over \$2 million, in addition to other loans as appropriate, to ensure that applicants meet eligibility criteria. (4/28/20)
  - A&B's White Collar, Government & Internal Investigations Team summarizes the latest stimulus addition and **emerging enforcement developments** related to the certification, receipt, and use of PPP funds, including for banks processing the related loans, in this [advisory](#). (4/30/20)

## Department of Treasury/IRS/Federal Reserve

- The Department of Treasury [website](#) for **CARES Act** programs, including specific sections on assistance for [American workers and families](#), [small businesses](#), [state and local governments](#), and [preserving jobs for American industry](#).
- The Department of Treasury [announced](#) that the Federal Reserve Bank of New York would begin purchasing shares of eligible US-listed exchange-traded funds and eligible corporate bonds through the **Primary and Secondary Market Corporate Credit Facilities** (PMCCF and SMCCF). (5/12/20) (**New**)
- The Department of Treasury [announced](#) that it had approved over \$25 billion in assistance to 352 applicants under the Payroll Support Program, including all the major passenger air carriers. Details on the recipients and assistance provided is available [here](#). (5/12/20) (**New**)
- The Federal Reserve [announced](#) that it published updates to the [term sheet for the Term Asset-Backed Securities Loan Facility \(TALF\)](#) and identified the information that would be disclosed monthly for TALF and the Paycheck Protection Program Liquidity Facility, including the name of each participant, the amounts borrowed, and the value of pledged collateral. The Federal Reserve also issued [FAQs](#) on TALF. (5/12/20) (**New**)
- The Federal Reserve [announced](#) updates to the [term sheet for the Municipal Liquidity Facility \(MLF\)](#) to provide pricing and other information. The Federal Reserve also issued [FAQs](#) on MLF.
- The Department of Treasury jointly with the IRS [released summary](#) details of the Economic Impact Payments, including [state-by-state figures](#). (5/8/20)
  - Treasury also released a [Get My Payments](#) process to provide a quicker route to prompt payment. (5/8/20)
- The Federal Deposit Insurance Corporation (FDIC) [announced](#) a [notice of proposed rulemaking](#) to **mitigate the deposit insurance assessment effects** of participating in the Paycheck Protection

Program, the Paycheck Program Lending Facility, or Money Market Mutual Fund Liquidity Facility. (5/12/20) **(New)**

- The IRS [announced](#) guidance to allow temporary changes to cafeteria plans to extend the claims period for health flexible spending arrangements and dependent care programs. (5/12/20) **(New)**
- The IRS updated its [FAQs](#) with #64 and #65 regarding the amount eligible employers may treat for health care expenses. (5/8/20)
  - And the IRS added a [new FAQ #79](#) regarding businesses that repay their PPP by May 14. (5/8/20)
- Treasury Secretary Steven Mnuchin has [communicated to Senator Grassley](#) his decision to revise the employee retention tax credit rules to make the **tax break available to companies who have furloughed workers but are still providing health insurance**. The IRS has updated its [FAQs](#) to reflect the change. (5/7/20)
- The Federal Reserve [announced](#) that it was [modifying](#) its **liquidity coverage ratio for banks** participating in the Money Market Mutual Fund and Paycheck Protection Program Liquidity Facilities. (5/5/20)
- The Federal Reserve [announced](#) an expansion of the scope and eligibility for the Main Street Lending Program, essentially creating a third option to help credit flow to small and medium-sized businesses. (4/30/20)
  - [FAQs](#) regarding the Main Street Lending Program were released. (4/30/20)
  - For more information on how to chart a course through all three Main Street Lending Program options, read this A&B [advisory](#). (5/6/20)
- The **Internal Revenue Service (IRS)** posted several [FAQs on higher education financial aid](#) relief under the CARES to clarify that emergency CARES Act aid is not taxable. (5/7/20)
- The IRS [announced](#) three new employer tax credits on employee retention, sick leave, and family leave. (5/7/20)

## Other Agencies

- The **Consumer Financial Protection Bureau, Federal Housing Finance Agency (FHFA), and Department of Housing and Urban Development (HUD)** released a [website](#) providing consumers information on housing assistance. It includes a tool that allows homeowners and renters to determine if they live in a residence with a federally-backed mortgage. (5/12/20) **(New)**
- The **Environmental Protection Agency (EPA)** launched an [app](#) to easily identify disinfectants on List N, for use against SARS-CoV-2, and [announced](#) an [expedited review process](#) for additional disinfectants for List N that require applications and data review. (5/12/20) **(New)**
- The EPA issued [clarifying guidance](#) for **ethanol producers that generate tradeable credits** (RINs) under EPA's Renewable Fuel Standard (RFS), and that are also producing hand sanitizer. As RINs cannot be generated for hand sanitizer alcohol, this guidance specifies how producers should allocate energy usage in Efficient Producer Pathway (EP3) calculations for the production of fuel ethanol and hand sanitizer alcohol. (5/11/20) **(New)**

- HUD [announced](#) the allocation of a third wave of CARES Act funding totaling \$1 billion through the Community Development Block Grant (CDBG) program. (5/11/20) (**New**)
- Review this A&B [advisory](#) for information regarding the expansion of **Ginnie Mae’s Pass-Through Assistance Program to multifamily mortgage-backed securities issuers**. (5/12/20) (**New**)
- For an update on recent key developments in privacy, data security, and all things cyber, read this A&B [Digital Download](#). (5/12/20) (**New**)
- The **Department of Commerce (Commerce)** [announced](#) the allocation of \$300 million in CARES Act aid to the fishermen and seafood industries. (5/8/20)
- **Commerce** [announced](#) it was **accepting applications for grants** from the Economic Development Administration to help communities prevent, prepare for, and respond to COVID-19. (5/7/20)
- FHFA [announced](#) that it was **extending loan processing flexibilities for Fannie Mae and Freddie Mac customers** through June 30 to allow alternative appraisals, alternative methods of verifying employment, flexibility for documentation requirements to allow renovation disbursements, and expanding the use of power of attorney and online notarizations. (5/5/20)
- The **U.S. Patent and Trademark Office** announced (4/28/20) that it would further extend certain [patent](#) and [trademark](#) deadlines to June 1, 2020, given the ongoing effects of the COVID-19 pandemic. These extended deadlines apply to those situations identified in the USPTO’s [March 31, 2020, guidance](#), such as responses to Office Actions.
  - For more detail, read Alston & Bird’s [advisory](#) explaining how and when to claim these extensions. (4/2/20)
- The **Securities and Exchange Commission (SEC)** [announced](#) that it was issuing a temporary [final rule](#) providing temporary relief to certain companies to meet urgent needs through regulation crowdfunding offerings. (5/4/20)
- The **Department of Transportation (DOT)** [announced](#) that it was issuing a second [enforcement notice](#) regarding airline ticket refunds and a [notice of adjustments to service obligations](#) to allow carriers to reduce their service obligations. (5/12/20) (**New**)
- DOT and the Federal Aviation Administration (FAA) [updated](#) their interim occupational health and safety guidance for air carriers and crews. (**Revised 5/11/20**)
- DOT [announced](#) exemptions under the CARES Act for [Spirit Airlines](#) and [JetBlue Airlines](#) to stop providing service at certain large hubs and focus on city airports. (5/5/20)

## Trade and International Business Issues

- **Hogan cited airplane subsidies & tariffs in letter to Lighthizer**. Ahead of a Monday call with U.S. Trade Representative Robert Lighthizer, European Trade Commissioner Phil Hogan outlined a trans-Atlantic trade agenda in a letter to his U.S. counterpart that included Boeing and Airbus subsidies, steel and aluminum tariffs and duties on other products, expedited regulatory approvals and the establishment of “joint reserves” of medical supplies, according to a report in the Financial Times. According to Hogan, who spoke during a [webinar](#) run by the Dublin-based Institute of International and European Affairs, he wrote to Lighthizer to “identify some leading principles” for the U.S. and EU in working together to tackle areas that have been affected by trade policy decisions amid the pandemic. (**New**)

- **Phase-one deal in flux as China reportedly debates whether to walk away.** After months of touting the outcomes of the U.S.-China phase-one trade agreement, Trump administration officials have gone mum on whether they think the deal should remain in place -- while China reportedly is considering whether it should walk away. "In the past, some trade negotiators believed that it would be worthwhile to make certain compromise to reach a partial truce in the 22-month trade war and ease escalating tensions," the Global Times, a tabloid run by the Chinese Communist Party, said in [an article](#) on Monday. "However, given U.S. President Donald Trump's hyping an anti-China conspiracy that aims to cover up his mishandling of the COVID-19 pandemic, advisors close to the trade talks have suggested Chinese officials rekindling the possibility of invalidating the trade pact and negotiating a new one to tilt the scales more to the Chinese side, sources close the matter told the Global Times." **(New)**
- **Grassley: Mexico's industrial approach to pandemic a "serious problem."** Mexico's decision to shut down some industrial sectors by deeming them non-essential amid the coronavirus outbreak is a "serious problem," Senate Finance Committee Chairman Chuck Grassley (R-IA) said on Tuesday, citing impacts on North American supply chains. Grassley, in a conference call with reporters, said he was "very definitely" worried about Mexico's definition of essential services and the impact on key supply chains. "I've been hearing from Iowans about the issue and ... the point in which they [Mexico] are going to say who can work and not work. Yes, we see that as a serious problem," Grassley said.
- Examining the strong performance of **environmental, social, governance (ESG) funds**, the developments in the UK and Europe and more are investigated in the [A&B advisory](#). (5/8/20)
- With everyone focused on COVID-19, this A&B [advisory](#) analyzes the **implications of Brexit on cross-border litigation in Europe**. (5/5/20)

## Insurance Issues

- For a **50-state review of business interruption insurance related issues** see this new COVID-19 [Insurance Litigation and Regulatory Issues tracker](#). The tracker is updated weekly. (Updated weekly - 5/10/20)
- On May 8, the Department of the Treasury's Principal Deputy Assistant Secretary Frederick W. Vaughan reportedly wrote to Rep. Ted Budd (R-NC) indicating that "Treasury is actively monitoring the various proposals being discussed in Congress, state legislatures, and the private sector related to insurance and business interruption coverage." He went on to note that while insurers "should pay valid claims," the various legislative proposals "could fundamentally conflict with the contractual nature of insurance obligations and could introduce stability risks to the industry." **(New)**
- On April 24, the Rutgers Center for Risk and Responsibility and the National Council of Insurance Legislators (NCOIL) sponsored a webinar attended by hundreds of legislators, government officials, industry professionals and others to discuss state legislative proposals that would **retroactively require insurers to provide coverage** for business income losses caused by COVID-19. NCOIL President [reportedly](#) "began by expressing NCOIL's opposition to retroactive legislation at the state level." A [recording](#) of the webinar is available online.
- The National Association of Insurance Commissioners has issued a [Business Interruption COVID-19 Data Call Letter](#) to **property and casualty insurers indicating that state insurance regulators**

in 50 states, the District of Columbia, and the U.S. territories “have agreed to participate in a data call to collect data related to business interruption insurance and COVID-19.” Insurers are “requested to complete both parts of the COVID-19 business interruption data call” and to submit a “Premiums Data Template” by May 22, and a “Claims Data Template” by June 15, with mid-monthly update filings thereafter.

- The pace of new business income coverage claims flooding state and federal courts nationwide has not slowed over the last few weeks. In addition to new case filings, a group of insurance industry trade groups led by the American Property Casualty Insurance Association has filed an [Amici Curiae Brief](#) in *Tambellini v. Erie Insurance Exchange*, urging the Pennsylvania Supreme Court to deny Plaintiff’s Emergency Application for Extraordinary Relief, which seeks to bypass the ordinary course trial court procedures and catapult Plaintiff’s claims straight to the Pennsylvania Supreme Court under the court’s infrequently-used King’s Bench Powers.

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**For background and the most up-to-date information, please visit the Centers for Disease Control and Prevention Coronavirus Disease 2019 website: [HERE](#). The additional federal agency links are provided by the White House Coronavirus Task Force:**

#### **U.S. Department of Health and Human Services:**

- Twitter ([here](#))
- Facebook ([here](#))

#### **Centers for Disease Control and Prevention:**

- Twitter ([here](#))
- Facebook ([here](#))

#### **What you should know:**

- [Workplace, School, and Home Guidance](#)
- [People at Risk for Serious Illness from COVID-19](#)
- [How COVID-19 Spreads](#)
- [Symptoms](#)
- [Steps to Prevent Illness](#)
- [Testing](#)
- [Frequently Asked Questions](#)
- [What to Do If You Are Sick with COVID-19](#) (updated 4/28/20)
- [Stigma Related to COVID-19](#)
- [Facts about COVID-19](#)
- [Information for People at Higher Risk and Special Populations](#)
- [Communication Resources](#)

## Situation Updates:

- [Situation Summary](#)
- [Cases in the U.S.](#)
- [Global Locations with COVID-19](#)
- [Risk Assessment](#)
- [CDC in Action: Preparing Communities](#)

## Information for Businesses:

- [Interim Guidance for Businesses and Employers](#)
- [Information for Communities, Schools, and Businesses](#)
- [Environmental Cleaning and Disinfection Recommendations – Community Facilities](#)
- FEMA: [Coronavirus Response](#)
- SBA: [COVID-19 Resources](#)
- DOL: [Guidance for Preparing Workplaces for Coronavirus](#)
- DOL: [OSHA Resources for Workers and Employers on COVID-19](#)
- WHO: [Get Your Workplace Ready for COVID-19](#)
- CISA: [Risk Management for COVID-19](#)
- EPA: [Disinfectants for Use Against COVID-19](#)
- Federal Reserve: [Coronavirus Disease 2019 \(COVID-19\) Resources.](#)
- FDIC: [Coronavirus \(COVID-19\) Information for Bankers and Consumers.](#)
- OCC: [COVID-19 \(Coronavirus\).](#)
- Conference of State Bank Supervisors: [Information on COVID-19 Coronavirus.](#)
- NYDFS: [Coronavirus: Information for Industry and Regulated Entities.](#)
- NMLS: [State Agency Communication/Guidance on Coronavirus/COVID-19](#)

## Information for Travel and Transportation:

- [Information for Travel](#)
- [Guidance for Ships](#)
- [Guidance for Airlines and Airline Crew](#)
- State: [Travel Advisories](#)
- State: [Traveler's Checklist](#)
- State: [Smart Traveler Enrollment Program](#)
- DOT: [FAQs from FTA Grantees Regarding COVID-19](#)

## Information for Health Care Providers, First Responders, and Research Facilities:

- [Information for Healthcare Professionals](#)
- [Resources for State, Local, Territorial and Tribal Health Departments](#)
- [Resources for Healthcare Facilities](#)
- [Infection Prevention and Control Recommendations for Patients with COVID-19 or Persons Under Investigation in Healthcare Settings](#)
- [Information for Laboratories](#)
- [Resources for First Responders](#)



- [Guidance for Public Health Professionals Managing People with COVID-19 in Home Care and Isolation Who Have Pets or Other Animals](#)
- [FAQs and Considerations for Patient Triage, Placement and Hospital Discharge](#)
- [What Law Enforcement Personnel Need to Know](#)
- [Guidance for Homeless Shelters](#)
- [Guidance for Hemodialysis Facilities](#)
- CMS: [Information on COVID-19 and Current Emergencies](#)
- CMS: [Guidance for Hospice Agencies](#)
- CMS: [Emergency Medical Treatment and Labor Act Requirements and Implications Related to COVID-19](#)
- CMS: [FAQs for State Survey Agency and Accrediting Organizations](#)
- EPA: [Disinfectants for Use Against COVID-19](#)

## Information for Law Enforcement:

- [What Law Enforcement Personnel Need to Know](#)
- [Bureau of Prisons COVID-19 Resources](#)

## Information for Families and Households:

- [Information on COVID-19 for Pregnant Women and Children](#)
- [Interim Guidance for Household Readiness](#)
- [Environmental Cleaning and Disinfection Recommendations for U.S. Households](#)
- [Guidance for Preventing the Spread of COVID-19 in Homes and Residential Communities](#)
- [FAQ: COVID-19 and Children](#)
- EPA: [Disinfectants for Use Against COVID-19](#)

## Information for Schools and Childcare Providers:

- [Interim Guidance for Administrators of U.S. Childcare Programs and K-12 Schools](#)
- [Resources for Institutes of Higher Education](#)
- [Environmental Cleaning and Disinfection Recommendations – Community Facilities](#)
- USDA: [USDA Makes It Easier, Safer to Feed Children in California Amid Coronavirus Outbreak](#)
- EPA: [Disinfectants for Use Against COVID-19](#)
- DOE: [Resources for Schools and School Personnel](#)

## Information for Community Events and Gatherings:

- [Interim Guidance for Mass Gatherings and Large Community Events](#)
- [Interim Guidance for Community- and Faith-Based Organizations](#)

## Agency Resources and Information:

- [U.S. Department of Health and Human Services](#)
- [Centers for Medicare and Medicaid](#)
- [U.S. Food & Drug Administration](#)
- [U.S. Department of Agriculture](#)

- [U.S. Department of Defense](#)
- [U.S. Department of Education](#)
- [U.S. Department of Energy](#)
- [U.S. Department of Homeland Security](#)
- [U.S. Department of Labor](#)
- [U.S. Department of State](#)
- [U.S. Department of Veterans Affairs](#)
- [U.S. Environmental Protection Agency](#)
- [U.S. Small Business Administration](#)

## Alston & Bird Coronavirus Links

- Alston & Bird Coronavirus [Task Force](#) Web page
- To [Subscribe](#) to Alston & Bird Advisories
- For Alston & Bird [COVID-19 Insights and Events](#)
- **Previous Alston & Bird Coronavirus Advisories** (not included in the above)
  - **April 24**
    - [Commercial Litigation Advisory: COVID-19 Impacts on Statutes of Limitations](#)
  - **April 23**
    - [International Trade & Regulatory Advisory: FEMA Issues Guidance on Exemptions for Critical PPE Export Restrictions](#)
  - **April 22**
    - [Labor & Employment Advisory: Developing a Plan to Bring Your Employees Back to Work](#)
  - **April 21**
    - [Financial Advisory: Forbearance Agreements in the age of COVID-19 and National Shelter-in-Place Orders](#)
    - [Antitrust / Mergers & Acquisitions / International Trade & Regulatory Advisory: COVID-19 Affect European Foreign Direct Investment Reviews: New EU Guidance Potentially Heralds Increased Protectionism](#)
  - **April 20**
    - [Financial Advisory: FHFA Limits Servicer Advancing Obligations for Loans in COVID-19 Forbearance](#)
  - **April 17**
    - ["INSIGHT: Businesses Better Brace for Post-Coronavirus Lawsuits" Bloomberg Law](#)
    - [Antitrust / Labor & Employment Advisory: Federal Antitrust Agencies Remind Businesses That Colluding on Labor Issues Remains Illegal During Pandemic](#)
    - [Labor & Employment / Health Care / Corporate & Finance Advisory: Ramping Up: What Does Restarting Look Like?](#)
  - **April 16**
    - [International Tax Advisory: Risky Business - Allocating Losses When Your Supply Chain Is Disrupted](#)
    - [Finance Advisory: Ginnie Mae Expands Pass-Through Assistance Program to Finance Servicing Advances in Response to COVID-19](#)

- **April 15**
  - ["Force Majeure Clauses in the Face of COVID-19: Commercial Leasing Guidance \(CA\)," Lexis Practice Advisor](#)
  - [Federal Tax Advisory: IRS Issues COVID-19 Forbearance Guidance for REMICs and Investment Trusts](#)
- **April 14**
  - [Investment Advisory: Federal Reserve Announces Main Street Lending Program to Provide Liquidity to Small & Mid-Size Businesses](#)
  - [Investment Management Advisory: Relief Under the CARES Act for Fund Managers](#)
- **April 13**
  - ["As Pandemic Triggers Continuity Plans, What RIAs and BDs Should Ask Themselves," Financial Planning](#)
  - [FDA & Environment Advisory: Cleaning Up After COVID-19? What You Need to Know Before You Manufacture, Import, or Sell Sterilizers, Sanitizers, Purifiers, and Disinfectants](#)
  - [Securities Law Advisory: SEC Reminds Companies to Keep Their Disclosures Looking Forward](#)
- **April 10**
  - [Securities Law Advisory: ISS Offers COVID-19-Conscious Policy Guidance](#)
- **April 9**
  - [Federal Tax Advisory: IRS Provides Partnerships a Mechanism to Claim Benefit of Retroactive CARES Act Provisions](#)
  - [Financial Services Advisory: Agencies Update Their Interagency Statement on Reporting Loan Modifications](#)
  - [Early Securities Class Actions Highlight COVID-19 Litigation Risk \(Law360\)](#)
  - [FDA Compliance & Enforcement Advisory: FDA Issues New Guidance on Supply-Chain Disruption Notifications During COVID-19 Emergency](#)
  - [Financial Restructuring & Reorganization Advisory: Protecting Recoveries in a Pandemic: What Creditors Can Do Right Now](#)
- **April 7**
  - [Updated FAQs Regarding Paid Leave Obligations Under the Families First Coronavirus Response Act](#)
  - [Cyber Alert: Cybersecurity and COVID-19: Four Categories of Cyber Threats and Practical Tips in Response](#)
- **April 6**
  - [Antitrust Advisory: Production and R&D Joint Ventures in a Pandemic: Reducing Antitrust Risk](#)
  - [Financial Services Advisory: Regulatory Agencies Issue Mortgage Servicing Guidance and FAQs for the CARES Act](#)
  - [White Collar, Government Investigations Advisory: CARES Act Follows Familiar Blueprint for Oversight and Enforcement](#)
- **April 3**
  - [EU State Aid Measures in the Fight Against COVID-19 Pandemic](#)

- **April 2**
  - [USPTO Announces Additional Limited Extensions Due to the COVID-19 Pandemic](#)
  - [Deadline for Reg BI and Form CRS Compliance Remains on Track](#)
  - [What Does the Coronavirus Mean for Companies and Their Critical Offshore Services?](#)
- **April 1**
  - [Federal Tax Advisory: Downward Stock Attribution for CFC Purposes](#)
  - [Hospital EMTALA Obligations Under Recent COVID-19 Waivers](#)
  - [CMS Issues Blanket Waivers from Physician Self-Referral Law Sanctions](#)
- **March 31**
  - [Additional Families First Coronavirus Response Act Paid Leave FAQs for Employers](#)
  - [SEC Extends Timeframe for Regulatory Relief for Investment Advisers and Investment Companies](#)
  - [Responsibility for Construction Site Safety in a Coronavirus World](#)
- **March 30**
  - [Keep Mystery to a Minimum in Your SEC COVID-19 Disclosures](#)
  - [How the CARES Act Will Affect Banking During the Coronavirus Emergency](#)
  - [Economy in Chaos: Is Bankruptcy Inevitable for My Business?](#)
  - [CMS Announces Expansion of Medicare's Accelerated and Advance Payment Program](#)
- **March 27**
  - [Utilization of Electronic Signatures and Records: What You Need to Know](#)
  - [SEC Extends Conditional Filing Relief to Companies Affected by COVID-19](#)
  - [COVID-19: What It May Mean for Landlords and Lenders Under Their CRE Facility Agreements](#)
  - [Congress Further Expands Medicare Telehealth Benefits with the CARES Act](#)
- **March 26**
  - [USTR to Consider Additional Tariff Exclusions Due to COVID-19 Pandemic](#)
  - [COVID-19 and Price Gouging](#)
  - [SEC Continues to Keenly Monitor Insider Trading During COVID-19 Pandemic](#)
- **March 25**
  - [Is the COVID-19 Outbreak an "Act of God"? Why It May Matter for Your Contracts](#)
  - [FDA and USDA Food Safety Response to COVID-19 & DHS "Critical Infrastructure" Classification of Food and Agriculture Sector](#)
  - [Does Your Force Majeure Provision Extend to the Coronavirus?](#)
  - [Competition Authorities Across Europe Relax Competition Law Enforcement During COVID-19 Outbreak](#)
  - [COVID-19 Impacts Antitrust Deal Reviews: New Procedures and Delays](#)
- **March 24**
  - [Health Care Providers with Exposure to COVID-19: What You Need to Know](#)
  - [Regulators Further Clarify Guidance Regarding Loan Modifications and Reporting](#)
  - [Avoiding Antitrust Risk as Industries Respond to the Coronavirus: Businesses Look to Collaborate & Federal Government Offers Expedited Avenues](#)

- **March 23**
  - [FDA Continues to Accelerate Availability of COVID-19 Tests](#)
  - [CFTC Issues No-Action Letter Offering Regulatory Relief for CPOs](#)
  - [Building a Case for Force Majeure in Construction Contracts](#)
- **March 20**
  - [Employee Benefits & Executive Compensation Advisory: Coronavirus Impact on Health Benefits: A Deeper Dive](#)
  - [FDA Compliance & Enforcement Advisory: FDA Temporarily Postpones Routine Domestic Inspections](#)
- **March 19**
  - [Antitrust / Mergers & Acquisitions Advisory: COVID-19 Impacts Antitrust Deal Reviews: New Procedures and Delays](#)
  - [Construction Advisory: Five Best Practices for Construction Industry Stakeholders During the Coronavirus Pandemic](#)
  - [Labor & Employment Advisory: Employee Leave Requirements Under the Families First Coronavirus Response Act](#)
  - [Labor & Employment / Health Care Advisory: Coronavirus \(COVID-19\) FAQs for Employers](#)
- **March 18**
  - [Cyber Alert: Six Practical Tips for Practicing Cyberhygiene in the Middle of a Global Pandemic](#)
  - [Advisory: Are You an "Essential Business" in California Counties Where Shelter-in-Place Order Have Been Issued?](#)
- **March 17**
  - [Finance Advisory: Coronavirus and Securitization: Disclosure and Diligence Issues](#)
- **March 16**
  - [Securities Law Advisory: SEC Provides Guidance on the Possible Impacts of COVID-19 on Annual Meetings](#)
  - [Health Care / Cybersecurity Preparedness & Response Advisory: COVID-19 and HIPAA: Privacy, Security, and Breach Response During a Global Pandemic](#)
- **March 13**
  - [Financial Services & Products Advisory: FINRA Guidance: COVID-19 and Business Continuity Planning](#)
  - [Food, Drug & Device/FDA Advisory: FDA Seeks Help to Solve Personal Protective Equipment Shortages](#)
  - [Securities Litigation Advisory: Securities Litigation Risk Arising Out of the Coronavirus Pandemic](#)
- **March 12**
  - [FDA Compliance & Enforcement Advisory: FDA Postpones Foreign Inspections Through April 2020: Considerations for Industry](#)

- **March 10**
  - [Labor & Employment / Health Care Advisory: Coronavirus, Employers, and Domestic Travel: A Complicated Business Decision](#)
- **March 6**
  - [Securities Law Advisory: SEC Provides Conditional Relief to Companies Affected by COVID-19](#)
- **March 5**
  - [Health Care Advisory: Congress Expands Medicare Telehealth Benefit Amid Coronavirus Concerns](#)
- **February 28**
  - [Labor & Employment / Health Care Advisory: The Coronavirus: Employer and Workplace Considerations](#)