

## Coronavirus *Flash Update*: Friday, May 15, 2020

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### The Latest News

- **U.S. COVID-19 cases** exceed 1,411,002 and 86,571 U.S. deaths. (Source: CDC) (**Updated 5/15/20**)
- **U.S. stock market:** On Thursday the major U.S. benchmarks all posted gains, with the Dow rising 377 points, the S&P 500 up 32 points, and the Nasdaq gaining 80 points. (**New**)
- The Department of Labor released the weekly **unemployment report** showing that 2.98 million Americans applied for initial unemployment benefits last week, bringing the eight-week total to 36.5 million. (**New**)
- The President **announced** changes to the supply and maintenance of the **strategic national stockpile** (SNS), which will include **new requirements** for a 90 day supply of testing, ventilators, respirators, and other materials in preparation for future COVID-19 resurgence. The SNS will maintain flow of supplies through contracts with companies and will collect information from

manufacturers and hospitals to track need and availability. The President also released an [executive order](#) to **increase the development of domestic medical supply manufacturing** through an International Development Finance Corporation loan program. (5/14/20) (**New**)

## COVID-19 Federal Legislation

- **Bill 4.0:** The House of Representatives **will vote today** on the Health and Economic Recovery Omnibus Emergency Solutions (HEROES) Act, it's \$3 trillion aid package which the President described as "dead on arrival" in referencing its chances of consideration in the Senate. Regardless its chances for further action, the HEROES Act serves as the official opening of negotiations for phase 4.0 in emergency relief legislation. Senate Majority Leader Mitch McConnell (R-KY) continues to downplay the need for action any time soon.
  - One issue gaining considerable Senate interest is **liability protection for employers**. The U.S. Chamber of Commerce and other business groups are seeking limits on lawsuits from employees and customers who contract COVID-19 as the nation transitions to reopening. Senate Judiciary Chairman Lindsay Graham has stated that the next relief package must include liability protection, and President Trump has warned of "litigation heaven."
    - For the full details on the HEROES Act, H.R. 6800:
      - 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 5/14/20**)

- 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 – (New 5/12/20)
  - 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 5/13/20**)
  - 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 CDC released (5/14/20) guidelines and decision tools for reopening:
    - [Schools](#) (**New**)
    - [Workplaces](#) (**New**)
    - [Restaurants and bars](#) (**New**)
    - [Mass transit](#) (**New**)
    - [Youth Programs/ Camps](#) (**New**)
    - [Childcare Programs](#) (**New**)
  - FEMA released an [Exercise Starter Kit](#) with sample documents organizations can use to conduct planning workshops to navigate the complexities of returning to full operations during the COVID-19 pandemic. (5/12/20) (**New**)
  - 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)

## Federal Communications Commission

- The **Federal Communication Commission (FCC)** [approved](#) the sixth set of COVID-19 Telehealth Program Applications. FCC approved an additional 33 funding applications, totaling \$8.36 million. This brings the total COVID-19 Telehealth Program to 82 health care providers in 30 states for a total of \$33.26 million in funding. (5/13/20) (**New**)

- The FCC [announced](#) that **774 broadband and telephone providers** have extended a pledge to assist residential and small business customers that are impacted by the COVID-19 pandemic. The commitment now extends through June 30. (5/14/20) (**New**)
  - FCC also [extended](#) (5/14/20) temporary waivers through June 30 for Telecommunications Relay Service providers. (**New**)

## Department of Health and Human Services

- The **Department of Health and Human Services (HHS)** Coronavirus [toolkit](#) page has been updated. (**Updated 5/13/20**)
- The Agency for Healthcare Research and Quality (AHRQ) [announced](#) a new funding opportunity that will award \$5 million to support novel, high-impact studies that **evaluate the responsiveness of the U.S. health care system** to the COVID-19 pandemic. (5/14/20) (**New**)
- Substance Abuse and Mental Health Services Administration [announced](#) a \$40 million grant program to **prevent suicide** and support states and communities during the COVID-19 pandemic. (5/13/20) (**New**)
- 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)
- The HHS Administration for Community Living updated its COVID-19 [FAQs](#) for **Title VI grantees**. (Updated 5/11/20)
- 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 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 5/13/20**)

## 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 5/14/20**)
- The CDC updated or issued new information on laboratory testing ([FAQs](#), [biosafety guidelines](#), [website](#)). (**Updated 5/13/20**)
- The CDC released (5/12/20) a [Framework for Healthcare Systems Providing Non-COVID-19 Clinical Care](#), including the key considerations that health systems should take into account, as well as [Considerations for Memory Care Units in Long-term Care Facilities](#). (**New**)
- The CDC updated its information for [pediatric health care providers](#) and [worker safety and support](#). (5/12/20)
- The CDC [issued](#) guidance on factors to consider when planning to purchase respirators from another country. (5/11/20)

## Centers for Medicare & Medicaid Services

- The **Centers for Medicare and Medicaid Services (CMS)** latest [news alerts](#).
  - And for the latest COVID-19 related CMS guidance visit the CMS Current Emergencies [webpage](#).
- CMS [announced](#) a call for nominations for the new contractor-led **Coronavirus Commission on Safety and Quality in Nursing Homes**. The Commission will conduct a comprehensive assessment of the overall response to the COVID-19 pandemic in nursing homes and will inform immediate and future actions to address the virus in order to safeguard the health and quality of life for this vulnerable population of Americans. (5/14/20) (**New**)
- CMS released a new [Toolkit](#) on actions by states and other organizations to mitigate COVID-19 prevalence in **nursing homes**. The toolkit is not CMS guidance but is comprised of best practices from front line health care providers, Governors' COVID-19 task forces, associations, and experts. (5/14/20) (**New**)
- CMS provided [guidance](#) regarding Medicaid Managed Care Options in responding to COVID-19. (5/14/20) (**New**)
- CMS [released](#) a new FAQ on Price Transparency: Requirements for Providers to Make Public Cash Prices for COVID-19 Diagnostic Testing. (5/13/20) (**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**. (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)
- 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)

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

- HHS [announced](#) that HRSA has awarded \$15 million in five health workforce programs to 159 organizations to increase telehealth capabilities in response to the COVID-19 pandemic and as authorized by the CARES Act. (5/14/20) (**New**)
- 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)

- A&B [Quick Guide](#) to the health care Provider Relief Fund General Distribution Attestation and Application Process – (Update 5/12/20)
- Provider Relief Funds general distribution [FAQs](#) updated. (5/8/20)
- The CARES Provider Relief hotline is (866) 569-3522.
- The **Health Resources and Services Administration** 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.

## Food and Drug Administration (Drugs and Devices)

- **FDA provides a daily roundup on COVID-19** related actions. The latest update is [here](#) (**Updated 5/14/20**), and here is a listing of [all announcements](#).
  - **FDA maintains its COVID-19 [FAQs](#) for the general public. (Updated 5/14/20)**
  - The agency also maintains a [public database](#) of drug shortages. (Updated 5/8/20)
- The FDA will host a [Virtual Town Hall](#) on May 15 for researchers, clinical laboratories, and commercial manufacturers to discuss the **production and use of 3D printed swabs. (New)**
- The FDA issued an [emergency use authorization](#) for **infusion pumps** and infusion pump accessories. (5/13/20) (**New**)
- The FDA posted a new [webpage](#) with information on the use of thermal imaging systems. (5/13/20) (**New**)
- 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)
- The FDA [announced](#) updated [guidance](#) for clinical laboratories, commercial manufacturers, and FDA staff to accelerate the availability of COVID-19 tests. (5/11/20)
- The FDA [announced](#) new [guidance](#) to provide recommendations regarding post marketing adverse event reporting during the pandemic. (5/11/20)
- The FDA updated its [FAQs](#) on manufacturing, purchasing, importing, and donating face masks.
- The FDA has posted [FAQs](#) for consumers on Remdesivir and COVID-19. (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)

## National Institutes of Health

- The National Institutes of Health (NIH) [announced](#) it was beginning clinical trial testing of hydroxychloroquine and azithromycin to treat COVID-19. (5/14/20) (**New**)
- NIH updated its [COVID-19 Treatment Guidelines](#). (**Updated 5/12/20**).

## Health Resources and Services Administration

- HRSA provides COVID-19-related information, resources, and FAQs [here](#).

## Department of Homeland Security/FEMA

- The **Department of Homeland Security (DHS)** [issues](#) a weekly roundup of its response to COVID-19. (Last updated 5/11/20)
- The **Department of Defense**, in coordination with **FEMA** and **HHS**, signed a \$134 million contract [award](#) with the Federal Resources Supply Company to provide **PPE kits** for medical personnel at over **15,000 nursing home locations**. (5/13/20) (**New**)
- 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)
- The **DHS Cybersecurity and Infrastructure Security Agency (CISA)** [issued](#) an announcement with the FBI to raise awareness of the threat to COVID-19-related research. Malicious actors have been observed attempting to identify and illicitly obtain valuable intellectual property (IP) and public health data related to vaccines, treatments, and testing from networks and personnel affiliated with COVID-19-related research. (5/13/20) (**New**)
  - CISA previously released a [fact sheet](#) to warn of disinformation related to COVID-19. (5/8/20)
- 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.

## 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 **Department of Labor's Employment and Training Administration** [announced](#) the publication of updated [guidance](#), including FAQs, regarding the Pandemic Emergency Unemployment Compensation program. Under the CARES Act, the DOL created a temporary federal unemployment compensation program that provides funding to states. (5/14/20) (**New**)
- The **Occupational Safety and Health Administration (OSHA)** [announced](#) an alert for rideshare, taxi, and car service safety during the COVID-19 pandemic. (5/14/20) (**New**)
  - OSHA also [announced](#) an [alert](#) listing safety tips employers can follow to protect dental industry workers from COVID-19. (5/11/20)

## 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 2.71 million loans totaling \$193.659 billion. The average loan size is \$71,254. (**Updated 5/14/20**).
    - The SBA previously released Round 2 [data of the PPP](#). (5/8/20)
  - The SBA and Treasury **updated their [FAQs on the Paycheck Protection Program](#)**. (**Updated 5/13/20**)
    - The FAQs clarified that any borrower that, together with its affiliates, received PPP loans with an original principal amount of **less than \$2 million** will be deemed to have made the required certification concerning the necessity of the loan request in **good faith**.



- The FAQs also clarified that for borrowers with loans greater than \$2 million that are deemed by SBA to lack the requisite necessity, the borrower may **repay the loan without penalty**.
- The SBA also extended the **repayment date** for the **safe harbor** to May 18, 2020.
- The SBA issued an [interim final rule](#) for the PPP, relating to **electric cooperatives**. (5/14/20) (**New**)
- The SBA issued an [interim final rule](#) related to the PPP, covering issues related to **partner compensation, seasonal employers**, additional loan disbursements, and reporting of disbursements. (5/13/20) (**New**)
- 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 Federal Reserve Board [issued](#) a Report on the Economic Well-Being of U.S. Households. (5/14/20) (**New**)
- 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)
- 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)
- 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)
- 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 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)

- 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)
- 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)

## Other Agencies

- The **Consumer Financial Protection Bureau** issued a [statement](#) on supervisory and enforcement practices regarding Regulation Z billing error resolution timeframes in light of the COVID-19 pandemic. (5/13/20) **(New)**
- 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)
- The **Environmental Protection Agency (EPA)**, with the U.S. Department of Agriculture, [announced](#) assistance to help 16 communities boost economic opportunities for their local farmers, while promoting clean air, safe water, open space, and healthy food choices. (5/14/20) **(New)**
- The 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)
  - 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)
- The **Federal Housing Finance Agency** [announced](#) that Fannie Mae and Freddie Mac are making available a new payment deferral, allowing borrowers who are able to return to making their normal monthly mortgage payment to repay their missed payments at the time the home is sold, refinanced, or at maturity. (5/13/20) **(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)
- 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)
- For an update on **recent key developments in privacy, data security, and all things cyber**, read this A&B [Digital Download](#). (5/12/20)
- 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 **Department of Transportation** (DOT) Federal Motor Carrier Safety Administration [published](#) a [final rule](#) updating hours of service rules for commercial motor vehicle drivers to increase safety on America's roadways. (5/14/20) (**New**)
- 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)
- DOT and the Federal Aviation Administration (FAA) [updated](#) their interim occupational health and safety guidance for air carriers and crews. (5/11/20)

## Trade and International Business Issues

- **G20 trade ministers endorse steps to mitigate COVID-19 impacts.** G20 trade and investment officials convened virtually on May 14, endorsing short- and long-term "collective actions" countries could take to combat economic harm caused by the COVID-19 pandemic. Short-term recommendations include enhancing trade regulation, facilitation, and transparency and to improve the operation of logistics networks, according to a [joint statement](#). Longer-term actions are initiatives to support the multilateral trading system, "building resilience in global supply chains" and strengthening international investment. (**New**)
- **Travel limitations hitting CBP's Budget.** The travel limitations imposed to slow the spread of COVID-19 has resulted in a big hit to CBP's budget due to the decrease in corresponding user fees, said Thomas Overacker, CBP executive director, Cargo and Conveyance Security, on a [virtual National Association of Foreign-Trade Zones conference](#) on May 12. Also, about \$72 million in importers' payment were deferred according to officials. CBP is actively looking for ways to cut spending as a result. (**New**)
- **WCO, WHO Issue Updated COVID-19 Medical Supplies Classification Guide.** The World Customs Organization, with help from the World Health Organization, updated its [list](#) of tariff classifications for COVID-19 medical supplies to include priority medicines. The indicative list aims at assisting Customs and economic operators in classifying these medicines. (**New**)
- **FDA Document Submission for Imports During COVID-19 Pandemic.** If a request for documents is received from FDA, filers and/or importers are strongly encouraged to submit product labeling along with regularly submitted entry documents (commercial invoice, packing list, way bill, etc.). Submission of labeling will help expedite the admissibility process during this pandemic. This can be done electronically via the FDA Import Trade Auxiliary Communication System (ITACS). See U.S. Customs message [here](#). (5/8/20) (**New**)
- 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)
- 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](#)