

COVID-19 Update: Federal Developments – Federal Agencies

Agencies	News	Notes
Centers for Disease Control and Prevention (CDC)	<ul style="list-style-type: none"> ○ The CDC issued on October 21 updated guidance to clarify the amount of time it would take for someone to be considered a close contact exposed to a person with COVID-19. The updated guidance now defines a close contact as someone who has spent a cumulative total of 15 minutes or more in a 24-hour period within six feet of an infected person. Previous guidance defined a close contact as someone who spent at least 15 consecutive minutes within 6 feet of a confirmed case. You can read the guidance here. ○ In newly issued guidelines, the CDC strongly recommended on October 19 that all passengers and workers on planes, trains, buses and other public transportation wear masks to control the spread of the novel coronavirus. You can read the guidance here. ○ The CDC announced on Sept. 18 that people who had close contact to someone with COVID-19 should be tested, even if they don't have symptoms. This is a reversal from guidance given last month. ○ The week of July 20, the CDC released or updated several documents to help re-open America: Scaling Up Staffing Roles in Case Investigation and Contact Tracing: CDC updated guidance for the workforce needed to quickly scale up COVID-19 case investigation and contact tracing activities, including specific job roles. <ul style="list-style-type: none"> ▪ Communities, Schools, Workplaces, and Events: CDC updated information on staying safe from COVID-19 in places where you live, work, and play. ▪ What We Can Do: CDC updated information for employers, health care systems and providers, community- and faith-based organizations, public health agencies, policymakers, and others who have a part in helping promote fair access to health. To prevent the spread of COVID-19, everyone must work together to ensure people have resources to maintain and manage physical and mental health, including easy access to information, affordable testing, and medical care. Programs and practices are needed that fit the communities where people live, learn, work, play and worship. ▪ Your Health: CDC updated information on symptoms, testing, what to do if you are sick, and at risk groups, including tips for managing daily life, like going out, running errands, and coping with stress. ○ On July 23, the CDC released updated guidance for reopening schools this fall. The CDC guidance provides administrators with key considerations for reopening schools, including implementing social distancing strategies, monitoring COVID-19 transmission rates in the community and preparing for when someone gets sick. ○ The CDC released several updated documents and toolkits related to the COVID-19 pandemic. They include: <ul style="list-style-type: none"> ▪ Toolkit for the General Public: CDC updated guidance and tools anyone can use to protect themselves, their family, friends and community. ▪ Toolkit for Businesses and Workplaces: CDC updated guidance and tools to help business owners make decisions, protect their customers and employees and communicate with their communities. ▪ Cleaning and Disinfection for Households: CDC updated interim recommendations on the cleaning and disinfection of households where persons under investigation (PUI) or those with confirmed COVID-19 reside or may be in self-isolation. It is aimed at limiting the survival of the virus in the environments. ▪ General Business FAQs: CDC updated FAQs for businesses on how to maintain healthy operations during the COVID-19 pandemic. ○ The CDC updated its recommendations for cloth face coverings this week, indicating cloth face coverings are recommended as a simple barrier to help prevent respiratory droplets from traveling into the air and onto other people when the person wearing the face covering coughs, sneezes, talks or raises their voice. The CDC's recommendation is based on evidence showing the role respiratory droplets play in the spread of the virus that causes COVID-19, as well as emerging evidence from clinical and laboratory studies showing cloth face coverings reduce the spray of droplets when worn over the nose and mouth. ○ The CDC updated its list of underlying health conditions that might increase a person's risk of complications from COVID-19. CDC said the update increases the percentage of American adults who are in the high-risk category. Chronic kidney disease, chronic obstructive pulmonary disease, serious heart conditions, sickle cell disease, type 2 diabetes and a weakened immune system are among the conditions that might increase risk of severe complications from COVID-19. People with asthma, high blood pressure, neurologic conditions and cerebrovascular disease and those who have a body mass index of 30 or greater also might be at higher risk of experiencing severe complications. While pregnant women might also be at risk for developing severe complications, CDC noted they are not at greater risk for death. They do, however, have a higher probability 	

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	<p>of being admitted to the intensive care unit and being placed on ventilation.</p> <ul style="list-style-type: none"> ○ The Director of the Centers for Disease Control and Prevention (CDC) Robert Redfield stated the number of Americans who were infected with the coronavirus is likely 10 times higher than the 2.3 million confirmed cases reported. This estimate is based on blood samples collected from across the country looking for the presence of antibodies to the virus. Redfield added that the agency estimates for every case reported, there are 10 other infections. He also estimated 92% to 95% of the U.S. population is still susceptible to the virus. ○ The Centers for Disease Control and Prevention (CDC) has been conducting a scientific review of the public health benefits of mask-wearing and is expected to make an updated recommendation soon. A CDC senior official indicated a study is ongoing to determine whether masks are not only an effective method of source control – keeping the wearer from giving it to others – but whether masks can also protect wearers from getting the virus themselves. ○ On June 12, the Centers for Disease Control and Prevention (CDC) released guidelines for people who are considering venturing out, warning that attending large gatherings remains a high risk. CDC Director Robert Redfield said it is important for people to remember the pandemic is ongoing, and people should continue social distancing and taking steps like handwashing and wearing a cloth mask to protect themselves and others from the virus. The guidance recommends people attending gatherings use proper hand hygiene, wear cloth facial coverings and maintain social distancing when possible. It says attending virtual events is the lowest-risk option, while the highest-risk is attending a large, in-person gathering where it is difficult to keep 6 feet apart from others, and people from different communities are attending. CDC did not provide a recommended limit on the number of people at mass gatherings. The guidance is available here. ○ The CDC is urging organizers of large gatherings to “strongly encourage the use of facemasks.” The guidance comes after more than a week of national protests against police brutality where many attendees and police did not wear masks. It also coincides with President Trump’s plans to hit the campaign trail next week in Jacksonville, Fla., where the Republican National Committee has indicated it does not want to require participants to wear masks for the speech in which the President will accept his party’s nomination. ○ Nearly 30 states are not following Centers for Disease Control and Prevention (CDC) guidelines on reporting new COVID-19 cases. These states are not reporting “probable cases,” according to the daily case count listed on the CDC’s website, despite guidance that probable cases should be included in the case count. Probable cases include those that show evidence of an infection without the confirmation of a lab test and cases where COVID-19 was listed as a cause, or contributing cause, of death not confirmed with a lab test. Some of the states with the largest populations, including California, Florida, New York and Texas, are among those listed as not reporting probable cases. ○ On May 28, the CDC updated guidance regarding: (1) transportation; (2) reopening restaurants and bars; (3) reopening public pools, hot tubs and water playgrounds; and (4) employer considerations for office buildings. ○ CDC has revised its website to clarify contagion risks for COVID-19. In a new update, the agency notes that coronavirus is easily spread among individuals – noting that, ‘The virus spreads easily between people’ – but also updated what sources are not major risks. Under a new heading - ‘The virus does not spread easily in other ways’ - CDC explains that touching contaminated objects or surfaces does not appear to be a significant mode of transmission. The same is true for exposure to infected animals. Visit CDC’s “How COVID-19 Spreads” page here. ○ The CDC quietly published during the week of May 18 detailed guidelines for reopening schools and businesses that have been shut down during the coronavirus pandemic. The updated document includes specific guidance for reopening child care centers, schools, businesses, restaurants and public transit. Among the additions is more detailed advice for mass transit that suggests encouraging social distancing by adding floor decals or colored tape to ensure people remain six feet apart. ○ The CDC and EPA released updated guidance to help facility operators and families properly clean and disinfect spaces. This guidance was developed in collaboration with the White House and provides step-by-step instructions for public spaces, workplaces, businesses, schools and homes, and is consistent with the “Opening Up America Again” guidelines. ○ The Centers for Disease Control and Prevention (CDC) changed its guidance for workers in critical industries, including food supply, to suggest that people exposed to the coronavirus should return to work if they are asymptomatic. Previously, the CDC’s guidance was for workers 	
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	<p>to self-quarantine for two weeks after exposure to someone who tested positive for the virus. Now, the agency suggests these employees should return to work as long as they are not showing symptoms but should wear a face mask, practice social distancing and do regular temperature checks.</p> <ul style="list-style-type: none"> ○ As of March 16, President Trump and CDC leadership announced new social distancing guidelines, asking people to limit gatherings to no more than 10 people, engage in no unnecessary travel, keep children home when sick, and avoid bars, restaurants and food courts. CDC is also recommending no gatherings of more than 50 people for the next eight weeks (approximately mid-May). 	
<p>Department of Agriculture (USDA)</p>	<ul style="list-style-type: none"> ○ <i>Following a federal judge’s ruling last week forcing the Department of Agriculture (USDA) to send emergency nutrition benefits to Pennsylvania, the Trump administration is now appealing the decision. Previously, Pennsylvania residents sued USDA over a policy that blocked emergency nutrition benefits for around 40% of families that rely on the Supplemental Nutrition Assistance Program (SNAP). Anti-hunger advocates say the administration is reverting to its pre-pandemic agenda of shrinking safety net programs, even though economists say help is still needed as businesses continue to close and workers are laid off — leaving families behind on their rent and struggling to buy food.</i> ○ The Trump administration announced that it will extend its food box program to the end of 2020. The \$4 billion program has already distributed more than 100 million boxes to those in need since its May launch, with the aim of redirecting meat, dairy and produce that might normally go to restaurants and other food-service businesses. The boxes are assembled by contractors, such as produce distributors and wholesalers, and then handed out by food banks, nonprofits, churches and schools across the country. ○ The Agriculture Department said on October 22 in a court filing that it will issue nearly \$59 million in additional emergency money to Supplemental Nutrition Assistance Program (SNAP) recipients in Pennsylvania to comply with a recent injunction order. ○ The Department of Agriculture on Friday, Oct. 9, said it would extend a suite of regulatory waivers to allow schools to serve free meals until the end of the school year in June. This was largely expected after Congress gave the department authority and funding to extend the waivers in a recent spending bill. Read more here. ○ The \$4 billion coronavirus relief program that sends food boxes to hungry families will now include a signed letter from the president, touting his administration’s work to support the public during the pandemic, along with a sheet on COVID-19 public health tips. This is a new requirement from USDA, which has delivered more than 100 million boxes of dairy, produce and meat since May. Some food bank workers claim that this a political move ahead of the election but USDA says politics “played zero role” in the food box program, and points to a statement from Anthony Fauci, the top U.S. infectious disease expert, praising the department’s “innovative use” of the food boxes to share public health guidance. ○ USDA announced on Monday, Sept. 21, that it will extend several waivers for the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) for the duration of the public health emergency. The waivers allow WIC agencies to operate largely remotely so pregnant women and those with young children don’t have to apply for the program or pick up their benefits in person. The waivers, which were slated to expire Sept. 30, also allow more flexibility in the WIC food package. Read the press release here. ○ The USDA announced on Sept. 17 its approval of up to \$1 billion in new contracts for distributors to package boxes of surplus farm goods to food banks and other feeding organizations where demand has surged amid the pandemic. This particular program has been plagued by inefficiencies and major shortfalls during earlier iterations of the program. ○ After weeks of pressure from lawmakers and school nutrition groups, USDA Secretary Sonny Perdue announced that they will extend a handful of waivers to make free school meals widely available through the end of the year. The USDA said it doesn’t yet have enough funding to continue the policy throughout the entire 2020-21 school year. Read USDA’s press release here. ○ USDA is reopening its rulemaking for hemp regulation saying it needs more feedback in key areas. An additional 30-day comment period will be open for hemp farmers, industrial users and others who say rules issued last month on testing are overly burdensome. ○ The USDA is extending summer meal program flexibilities through Dec. 31. This unprecedented move will allow summer meal program operators to continue serving free meals to all children into the fall months, and help ensure children have access to nutritious food as the country recovers from the COVID-19 pandemic. Read the press release here. ○ Earlier in the week of August 23, President Trump announced that the administration was providing another \$1 billion for USDA’s food box 	

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	<p>program, bringing the total to \$4 billion. On August 25, USDA filled in some of the details. According to USDA, “The third round will put more emphasis on food insecurity by seeking entities that provide combination boxes and requiring distributors to illustrate how they will provide coverage to areas identified as opportunity zones, detail subcontracting agreements, and address the ‘last mile’ delivery of product into the hands of the food insecure population.” Read USDA’s full press release here.</p> <ul style="list-style-type: none">○ Since the coronavirus pandemic began, USDA has given schools and families more flexibility to continue subsidized meal programs for students by waiving various restrictions and requirements, such as allowing recipients to pick up meals from the nearest or most convenient site without proving their income. But that flexibility is on the verge of expiring as the new school year approaches, and USDA so far is not on board with an extension. Schools and anti-hunger groups are now asking lawmakers to approve funding and policy requirements for free school meals in an upcoming coronavirus relief package.○ The number of people enrolled in SNAP grew by 17% over the first few months of the pandemic, according to a report released on July 20 by the Center on Budget and Policy Priorities. The spike of SNAP participation is unmatched in the program’s history. Participation was way up in some of the biggest states like Texas (19%), Florida (36%) and Georgia (34%). On the lower end were some less populous states like Idaho, which saw only a 2% in SNAP participation from February to May. The only state to report a decline was Utah.○ The Senate Agriculture Committee announced on June 29 that the Department of Agriculture is extending regulatory flexibilities to make it easier for The Special Supplemental Nutrition Program for Women, Infants and Children’s (WIC) clinics to serve low-income women and children during the pandemic. The administration took the move after a request that was signed by nearly all members of the committee.○ On May 22, USDA and FDA released recommendations to help address shortages of personal protective equipment (PPE), cloth face coverings, disinfectants and sanitation supplies in the food and agriculture industry during the COVID-19 pandemic.○ On May 20, the USDA and FDA announced a Memorandum of Understanding (MOU) to help prevent interruptions at FDA-regulated food facilities, including fruit and vegetable processing. The MOU creates a process for the two agencies to make determinations about circumstances in which the USDA could exercise its authority under the Defense Production Act with regard to certain domestic food resource facilities that manufacture, process, pack or hold foods, as well as to those that grow or harvest food that fall within the FDA’s jurisdiction.○ On May 12, the USDA authorized Ohio to provide extra nutrition benefits for low-income families with children who normally qualify for subsidized school meals. There were roughly 850,000 such children in Ohio during the 2019-20 school year, according to the department. Half of all U.S. states are now approved to operate the pandemic program.○ USDA announced on May 8 an initial \$1.2 billion for the “Farmers to Families Food Box Program,” part of the CARES Act. These food boxes will distribute surplus food to local and regional food banks, community and faith-based organizations, and other non-profits.○ U.S. Department of Agriculture Secretary Sonny Perdue announced on May 5 a major expansion of Meals to You, a program to feed low-income children in rural areas through an innovative partnership with the Baylor University Collaborative on Hunger and Poverty, McLane Global and PepsiCo. The initiative will now serve nearly 5 million meals per week to rural children impacted by COVID-19-related school closures – five times its original goal.○ USDA announced on May 5 an initiative to provide up to \$100 million in competitive grants for activities designed to expand the availability and sale of renewable fuels. The Higher Blends Infrastructure Incentive Program will provide direct funds to assist transportation fueling and biodiesel distribution facilities converting to higher ethanol and biodiesel blends. Approximately \$86 million will be used toward ethanol implementation related activities and approximately \$14 million will be used for biodiesel implementation related activities.○ On April 22, USDA announced that emergency Supplemental Nutrition Assistance Program (SNAP) benefit increases reached \$2 billion per month across all 50 states and three territories, representing a 40% increase in overall monthly SNAP benefits and providing families with the maximum allowed allotment under law.○ USDA announced a \$19 billion Coronavirus Food and Assistance Program (CFAP) for farmers, ranchers, and producers hurt by the coronavirus pandemic. You can read more about where the funds are slated to go here.○ The USDA issued a communication on March 17 assuring consumers the food supply is safe and that food safety inspections will continue.	
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	<ul style="list-style-type: none"> ○ On March 17, the U.S. Department of Agriculture (USDA) announced a new public-private partnership that aims to deliver nearly 1 million meals to students attending rural schools that have closed due to the coronavirus pandemic. The USDA will partner with PepsiCo Inc., the Baylor Collaborative on Hunger and Poverty and McLane Global to carry out a plan that delivers boxes of food to children. Students, in a limited capacity, will receive boxes containing five days worth of shelf-stable, nutritious, individually packaged foods. 	
<p>Department of Education</p>	<ul style="list-style-type: none"> ○ The Department of Education is not enforcing standardized testing for this school year, suspending federally held student loan payments for 60 days and waiving all interest on federal student loans. 	
<p>Department of Health and Human Services (HHS)</p>	<ul style="list-style-type: none"> ○ <i>Dr. Robert Kadlec, HHS Assistant Secretary of Preparedness and Response, stated in an October 9 email that the U.S. can expect delivery of a vaccine starting in January 2021.</i> ○ HHS Secretary Alex Azar stated on October 8 that the U.S. could have enough COVID-19 vaccine doses for every American as early as March of 2021. ○ On Sept. 16, HHS released their report, “From the Factory to the Frontlines: The Operation Warp Speed Strategy for Distributing a COVID-19 Vaccine.” In the report, they layout their vaccine distribution strategy, which includes ramping up infrastructure so a vaccine can be delivered ‘immediately’ once authorized; and sending 6.6 million kits of supplies needed to administer the vaccine, like syringes and alcohol pads. Read the press release here and the full report here. ○ On Sept. 10, HHS issued guidance under the Public Readiness and Emergency Preparedness Act (PREP Act) to expand access to safe and effective COVID-19 vaccines when they are made available. This guidance authorizes state-licensed pharmacists and state-licensed or registered pharmacy interns acting under the supervision of the qualified pharmacist, to order and administer COVID-19 vaccinations to persons ages 3 or older, subject to certain requirements. Read more here. ○ HHS is bidding out a more than \$250 million contract to a communications firm as it seeks to “defeat despair and inspire hope” about the coronavirus pandemic, according to an internal HHS document obtained by POLITICO. ○ On June 29, Department of Health and Human Services (HHS) Assistant Secretary for Public Affairs Michael Caputo tweeted the department would extend the public health emergency (PHE) for COVID-19 before it expires later next month. Several providers have raised concerns the administration will not renew the declaration once it expires. However, Caputo tweeted, “Enough already. @HHSGov expects to renew the Public Health Emergency due to COVID-19 before it expires.” HHS has extended the PHE once already. Additional details on the PHE are available here. ○ On June 16, HHS released a fact sheet explaining Operation Warp Speed (OWS). OWS is a partnership among components of HHS, including the Centers for Disease Control and Prevention (CDC), the Food and Drug Administration (FDA), the National Institutes of Health (NIH), the Biomedical Advanced Research and Development Authority and the Department of Defense(DoD, and aims to deliver 300 million doses of a safe, effective vaccine for COVID-19 by January 2021. OWS engages with private companies and other federal agencies, including the Departments of Agriculture, Energy and Veterans Affairs. ○ The 2020 Dietary Guidelines Advisory Committee will present its draft report via webcast on June 8, 2020. 	
<p>Department of Homeland Security (DHS)</p>	<ul style="list-style-type: none"> ○ <i>The National Academy of Sciences released a four-phased framework for distribution of the COVID-19 vaccine once it becomes available. Critical workers fall into phase 2, behind health care workers and those vulnerable populations at highest risk. The report includes an infographic outlining each category. The details within the report refer back to the Department of Homeland Security’s categorization of “essential critical infrastructure workers” established in the first weeks of the pandemic, and describes food and beverage production, food store workers and truck drivers as among those so designated. The recommendations have not yet been adopted but are expected to serve as a basis for DHS action for prioritizing vaccine distribution later this year and into next.</i> ○ On June 17, CISA released a Disinformation Toolkit to bring awareness to misinformation, disinformation and conspiracy theories related to COVID-19. The toolkit includes talking points, frequently asked questions and flyers, and provides simple steps individuals can take to combat false or misleading information related to the pandemic. ○ On May 19, CISA published its Essential Critical Infrastructure Workforce List 3.1. The slightly updated version clarifies language for e-commerce, non-retail businesses providing access to certain items and vehicle maintenance. It also adds workers in telehealth, phlebotomy, skilled nursing care and substance abuse, and it updates terminology to match food and agriculture industry usage. 	

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	<ul style="list-style-type: none"> ○ On May 14, the Federal Emergency Management Agency (FEMA) released a comprehensive Exercise Starter Kit. It facilitates planning workshops by using fact sheets, sample slides, and a presenter guide. Additionally, the Centers for Disease Control and Prevention (CDC) recently released guidelines to reopen manufacturing or industrial facilities and meat processors on its regularly updated guidance page. The CDC also created a community-focused website offering guidance for “Where You Live, Work, Learn, Pray, and Play.” ○ DHS, along with CDC, determined government employees supporting COVID-19 response efforts are providing essential services, so the guidelines for critical infrastructure workers apply. As a result, Drs. Robert Redfield, Stephen Hahn and Anthony Fauci can continue to participate in meetings at the White House when their attendance is required, provided they are asymptomatic, screened and monitored for fever and other symptoms, wear a face covering and maintain a safe distance from others. ○ The Cybersecurity and Infrastructure Security Agency (CISA) at DHS is finalizing a 3.1 version of its Critical Infrastructure Workers list. No release date is set. ○ On April 30, FEMA released a new factsheet for businesses restarting operations – “Planning Considerations for Organizations in Reconstituting Operations During the COVID-19 Pandemic.” ○ HHS’s FEMA, along with HHS, CISA and other federal agencies, are distributing cloth face coverings for critical infrastructure workers as part of a multi-prong approach to re-open American economic activity while continuing to limit spread of COVID-19. <ul style="list-style-type: none"> ▪ As of April 27, 37.6 million cloth face coverings are being processed and distributed to state, local, tribal, private sector and federal entities. ▪ The federal government will provide additional face coverings in production to states, territories and tribes for distribution, with priority to emergency services, food production and distribution, and other sectors that support community lifelines. ○ CISA has announced that the federal government will distribute to state emergency response agencies cloth facial coverings for critical infrastructure workers who do not need medical-grade personal protective equipment (PPE) for their daily work. The facial coverings will be delivered in a phased approach for infrastructure workers, first responders and food producers. Prioritization will be to areas with the highest COVID-19 infection rates. The first phase includes distribution of more than 19 million facial coverings. ○ DOH’s Cybersecurity and Infrastructure Security Agency (CISA) released Version 3.0 of the Essential Critical Infrastructure Workers list, including: a reorganization of the section around health care and public health; more detail to clarify essential workers; emphasis for emergency medical services workers; and adding lawyers and legal aid workers. In worker categories, all references to “employees” or “contractors” are changed to “workers.” ○ The Cybersecurity and Infrastructure Security Agency (CISA) at DHS is finalizing a third version of its Critical Infrastructure Workers list. No release date is set. ○ ABA joined with other industry associations in signing a letter to urge Governors to adopt CISA critical personnel guidelines. Read the letter here. ○ On March 28, the Cybersecurity and Infrastructure Security Agency (CISA) released additional guidance on essential workers for critical infrastructure. This provides clarification that supply chain employees, those supporting essential workers in food and agriculture through ingredient manufacturing and processing, transportation and logistics, and workers providing disinfection services for essential food manufacturing facilities are all covered by CISA’s guidance. Also included are DMV workers. ○ The U.S. Department of Homeland Security announced that the deadline for “REAL ID” enforcement has been extended for one year - from October 1, 2020 to October 21, 2021. The Real ID Act was enacted in 2005, and modified federal law related to security, authentication and issuance of official forms of identification such as drivers licenses and other identification cards. The measure was enacted to combat terrorism and is executed through local Departments of Motor Vehicles where citizens are required to present multiple documents proving citizenship and residency. 	
<p>Department of Justice (DOJ)</p>	<ul style="list-style-type: none"> ○ The DOJ announced that Federal authorities are flagging and taking down hundreds of phony websites related to coronavirus relief. DOJ is uncovering fraudulent charity drives, websites advertising fake vaccines and pages mimicking relief applications from the Internal Revenue Service (IRS). As of April 22, the Federal Bureau of Investigations’ (FBI) 	

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	<p>tip line for internet crime received and reviewed nearly 4,000 complaints related to COVID-19 scams, referring many of them to private sector website hosts that took them down in response.</p>	
<p>Departments of Labor (DOL)</p>	<ul style="list-style-type: none"> ○ OSHA released new guidelines: “COVID-19 Guidance on the Use of Cloth Face Coverings while Working Indoors in Hot and Humid Conditions.” You can read them here. ○ Earlier in the week of Aug. 10, the DOL circulated informal guidance to state unemployment administrators on the implementation of the executive order on additional unemployment benefits. In the guidance, the DOL said states can choose to provide the additional \$100 per week in required cost-sharing on top of the normal benefit or count the normal benefit amount toward the state portion. The Administration is encouraging states to utilize appropriated federal funds to provide the additional \$100. The federal government will provide the \$300 per week in unemployment benefits from disaster relief funds at the Federal Emergency Management Administration. The benefits will continue until the fund hits \$25 billion dollars or December 6, 2020, whichever comes first. ○ The DOL reported on July 7 that layoffs in May fell to 1.8 million, close to pre-coronavirus levels and a significant drop from the 9.9 million seen in April. The number of workers hired also rose by 2.4 million to 6.5 million by the end of May, the largest monthly jump and largest number of hires since DOL began recording the data in 2000. While the DOL’s latest jobs report, Job Openings and Labor Turnover Summary, represents the situation on the last day of May, it also provides a more detailed look into the activity that suggests the labor market is recovering. Hiring in government jobs saw little change from April to May, and that trend continued into June, according to last week’s jobs report. The data confirms the labor market was beginning to rebound at the end of May and follows a positive June jobs report, representing data from the middle of June, which showed the unemployment rate fell to 11.1% last month. However, as the virus makes a comeback, and states implement new shutdowns, the labor market is likely worse off than these data points suggest. ○ On June 17, the Equal Employment Opportunity Commission (EEOC) issued updated guidance forbidding employers from requiring employees to take a COVID-19 antibody test before entering the workplace. The EEOC guidance relies on the Centers for Disease Control and Prevention (CDC) interim guidelines indicating antibody tests should not be used to make decisions about returning to the workplace. The EEOC will continue to monitor CDC recommendations and update this guidance accordingly. ○ The Occupational Safety and Health Administration (OSHA) released guidance June 18 to supplement previous reopening guidance from HHS and the Department of Labor. OSHA advises three phases of reopening and included guiding principles on hazard assessment, hygiene, social distancing, identification and isolation of sick employees, return to work after illness or exposure, training, workplace flexibilities and anti-retaliation practices. Read the guidance here. ○ OSHA announced on May 19 revised policies for enforcing requirements with respect to COVID-19 by increasing in-person inspections at all types of workplaces and revising its previous enforcement policy for recording cases. ○ U.S. Department of Labor senior officials will hold a background briefing via conference call on May 20 at 10:30 a.m. EDT regarding a final rule that allows employers to offer bonuses or other incentive-based pay to employees whose hours vary from week to week. ○ DOL is hosting an online dialogue from April 30 through May 7 for the private sector to discuss challenges that may be faced as businesses reopen and ways in which to help employers and workers safely reopen America’s workplaces. You can read more here. ○ The DOL clarified that independent contractors who experience a “significant diminution” of work are eligible for aid from DOL’s Pandemic Unemployment Assistance program. ○ The DOL announced an Occupational Safety and Health Administration (OSHA) interim enforcement response plan for the COVID-19 pandemic. The plan provides instructions and guidance to OSHA Area Offices and compliance safety and health officers for handling COVID-19-related complaints, referrals and severe illness reports. ○ Early in the week of March 30, the U.S. Department of Labor’s Wage and Hour Division (WHD) issued a news release regarding guidance on paid sick, family and medical leave. This latest guidance includes questions and answers addressing critical issues such as the definition of a “health care provider,” and the scope of the small business exemption for purposes of exclusion from the provisions of the Emergency Paid Sick Leave Act and 	

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	<p>Emergency Family and Medical Leave Expansion Act, as well as whether public sector employees may take paid family and medical leave. All of this adds to the wide range of WHD-published compliance assistance materials, including fact sheets and posters – all available here in both English and Spanish.</p> <ul style="list-style-type: none"> ○ The Department of Labor (DOL) has posted additional Questions and Answers regarding implementation of certain provisions of the Families First Coronavirus Response Act (FFCRA) including definitions of key terms and implementation dates. ○ On March 23, Occupational Safety and Health Administration (OSHA) Principal Deputy Assistant Secretary of Labor for Occupational Safety and Health Loren Sweatt and Office of Emergency Management and Preparedness’s (OEMP) Dr. Christopher Brown gave guidance on workplace safety regarding COVID-19. OSHA reminded companies, especially those that are in the 16 “critical” industries noted by CISA, that they should limit employees in the facility to only those critical to the business. In these instances, social distancing and routine cleaning should be maintained. Deep cleaning is not recommended unless a COVID-19 case is diagnosed in a facility. All companies are encouraged to create COVID-19 plans. In creating these plans, please refer to EPA’s list of cleaners that are effective against COVID-19 and OSHA’s COVID-19 guides. 	
<p>Department of Transportation (DOT)</p>	<ul style="list-style-type: none"> ○ The Federal Motor Carrier Safety Administration (FMCSA) has extended relief from Hours of Service (HOS) for delivery of essential supplies, including food, through Dec. 31. It was set to expire on September 15. See the declaration here. In addition, a regional emergency suspending HOS has been declared for Hurricane Sally for Alabama, Georgia, Florida, Louisiana and Mississippi. Read FMCSA’s declaration here. ○ The Federal Motor Carrier Safety Administration (FMCSA) published its intent to run a pilot program implementing major provisions of the DRIVE-Safe Act. The program will study two groups of participants. The first would consist of 18-20 year old drivers that undergo 120 hours of training, allowing them to operate initially in interstate commerce under a 280-hour probationary period. The second would include 19-20 year old drivers who have operated in intrastate commerce for at least one year and have driven 25,000 miles. This group would not be required to undergo a probationary period. The pilot program would run for three years, and FMCSA will collect monthly data from those enrolled. Read more here. ○ The Federal Motor Carrier Safety Administration (FMCSA) has provided Hours of Service (HoS) relief for states impacted by Hurricane Laura, including Alabama, Arkansas, Louisiana Mississippi, Missouri, Oklahoma, Tennessee and Texas. Click here for the amended declaration. ○ Over the weekend of July 11, DOT guidance authorizing states to issue overweight permits on the interstates during the pandemic expired after the 120-day timeframe. The federal emergency Hours of Service declaration also expired last month. ○ The Federal Motor Carrier Safety Administration (FMCSA) declared on June 8 that the emergency declaration for trucking hours of service will expire on June 14. Trucking hours of service for agriculture-related operations only were extended through July 14 due to the volatility of agriculture products. ○ On May 28, DOT announced that it will give out more than 15 million cloth masks to transportation workers as part of a broad Trump Administration effort to equip critical workers. The facial coverings, which were obtained by FEMA, will be sent through the U.S. Postal Service to transit, rail, aviation, maritime, highway and pipeline workers. ○ While not related to COVID-19 actions, the Federal Motor Carrier Safety Administration (FMCSA) published on May 14 a final rule updating hours of service (HOS) rules. This proposal has been in the works for many months, and the changes adopted now include: flexibility to the 30-minute break rule; modifying the adverse driving conditions exception to allow more driver discretion; and changing the short-haul exception available to most commercial drivers by lengthening the drivers’ maximum on-duty period from 12 to 14 hours and extending the distance limit within which the driver may operate from 100 air miles to 150 air miles. Read the updated rules here and see a one-pager here. ○ The Federal Motor Carrier Safety Administration (FMCSA) announced on May 13 its extension of the national emergency declaration on driver hours of service (which had been set to expire on May 15) through June 14. The notice can be found here. ○ Secretary Elaine L. Chao released a new video thanking those in the motor carrier industry for being on the frontlines performing essential work during these challenging times. Please help share Sec. Chao’s message on your social media: Twitter, Facebook, and YouTube. 	

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	<ul style="list-style-type: none"> ○ The Federal Motor Carrier Safety Administration (FMCSA) has compiled a new list of FAQs regarding actions State Driver Licensing Agencies (SDLA) or commercial driver’s license (CDL) holders may take during the COVID-19 national emergency that are permissible under the Federal Motor Carrier Safety Regulations (FMCSRs). ○ The Federal Motor Carrier Safety Administration (FMCSA) has extended its Emergency Declaration through May 15. The extension of the Emergency Declaration will continue the emergency relief from Parts 390 through 399 of the Federal Motor Carrier Safety Regulations, such as hours-of-service (HOS) rules for motor carriers and drivers providing direct assistance in support of relief efforts related to the COVID-19 outbreak. States are continuing to issue their own emergency declarations that are providing HOS relief, as well as relief from truck weight limits. It is recommended to check with your state associations and state departments of transportation for more information on the state-level application of the emergency declarations on trucking rules. ○ ABA joined other industry associations and consumer brand companies in signing a letter to Federal Highway Administration (FHWA) Administrator Nicole Nason (FHWA), commending FHWA for its work on getting language to address truck weight limits into Section 22003 of the CARES Act. ○ The Federal Motor Carrier Safety Administration (FMCSA) issued a waiver for commercial driver’s license (CDL) holders whose licenses have expired and who require medical exams, due to the closure of 40 state DMV offices. The waiver runs through June 30. 	
<p>Environmental Protection Agency (EPA)</p>	<ul style="list-style-type: none"> ○ The EPA released a draft National Recycling Strategy for public input in preparation for America Recycles Week. The public is able to comment on the draft strategy through December 4, 2020, with the goal of finalizing the document in early 2021. You can read the National Recycling Strategy here. ○ The EPA approved the first two surface disinfectants made by Lysol which specifically kill SARS-CoV-2. Since the start of the pandemic, the government has advised cleaning surfaces with disinfectants to prevent the spread of the virus, but it had yet to announce any test results on specific products. Lab tests confirm Lysol Disinfectant Spray and Lysol Disinfectant Max Cover Mist are effective against the virus. Before pesticide products can legally make claims that they can kill a pathogen, the claim must be authorized by EPA based on a data review. However, because novel viruses, such as the newest coronavirus, are typically not immediately available for laboratory testing, EPA established guidance allowing manufacturers to submit data showing their products were likely to be effective against the virus. The agency has assumed more than 420 disinfectant products on its List N work, meeting the agency’s criteria for use against the coronavirus. 	
<p>Federal Reserve</p>	<ul style="list-style-type: none"> ○ The Federal Reserve warned on June 5 that struggling small businesses may need more government support, even after employers received more than \$500 billion in emergency loans. In a semiannual report to Congress on monetary policy, the Federal Reserve stated a wide variety of data reveal "an alarming picture of small business health during the COVID-19 crisis." The report also stated that the broader economic outlook is "extraordinarily uncertain." The central bank, which indicated this week it would keep interest rates near zero through 2022, pledged to use "its full range of tools to support the U.S. economy in this challenging time." 	
<p>Food and Drug Administration (FDA)</p>	<ul style="list-style-type: none"> ○ The FDA Commissioner Stephen Hahn said on August 30 in a new interview that he is willing to fast-track a coronavirus vaccine before clinical trials are complete if it is determined to be “appropriate.” ○ Catherine McDermott of the FDA’s Center for Food Safety & Applied Nutrition (CFSAN) announced on August 19 the release of a number of resources developed by FDA and OSHA to help food industry employers safely continue, or resume, operations. These resources complement the FDA’s long-standing requirements for food producers to protect the safety of the food they produce. Read more here. ○ The FDA published during the week of Aug. 10 an online Consumer Update with tips on some steps to help Americans slow the spread of the coronavirus disease and protect themselves, their families and communities. You can read it here. ○ The FDA plans to release guidance today outlining its conditions for approving a COVID-19 vaccine, including a requirement that any vaccine be at least 50% more effective than a placebo in preventing the disease. The FDA said that no vaccine would be approved unless a vaccine company had “clearly demonstrated” proof of a vaccine’s safety and effectiveness through a clinical study. ○ FDA Commissioner Stephen Hahn published on June 2 an article titled “Pandemic Challenges Highlight the Importance of the New Era of Smarter Food Safety.” The FDA will release a blueprint in the coming 	

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	<p>weeks, outlining its plans to create a more digital, traceable and safer food system for the next decade.</p> <ul style="list-style-type: none">○ On May 28, the Food and Drug Administration issued additional guidance temporarily revising certain labeling requirements to provide flexibility for manufacturers to make minor formulation changes without changing nutritional labels and ingredient lists. The FDA is also temporarily allowing vending machine operators to sell foods without proper calorie information labels.○ The FDA released on May 8 a food safety re-opening checklist and infographic for previously closed retail food establishments or those that have been open with limited service due to the COVID-19 pandemic. The checklist addresses key food safety practices for retail food establishments to consider when re-opening and restarting operations.○ The FDA released new documents regarding food safety and COVID-19 on April 24:<ul style="list-style-type: none">▪ What to Do if You Have COVID-19 Confirmed Positive or Exposed Workers in Your Food Production, Storage, or Distribution Operations Regulated by FDA.▪ Use of Respirators, Facemasks, and Cloth Face Coverings in the Food and Agriculture Sector During Coronavirus Disease (COVID-19) Pandemic.○ The FDA released new guidance to provide additional flexibility to support the food supply chain and meet consumer demand, allowing restaurants and food manufacturers to sell food without labeled nutrition information directly to consumers, allowing restaurants to release menus without nutritional information and easing packaging requirements for shell eggs.○ The FDA released a new graphic advising consumers on best practices when shopping at grocery stores during the pandemic.○ The FDA has authorized a device that tests patients for COVID-19 using saliva instead of the traditional swab technique which requires a type of swab in short supply, impeding widespread testing in the United States. The new saliva test, created by Spectrum Solutions and a branch of Rutgers’ Human Genetics Institute of New Jersey, does not require a swab. Instead, similar to at-home ancestry testing, patients spit into a tube and close it. The tube then releases a preservation solution to guard the needed components to test for the coronavirus. Starting on April 15, the test will be used for drive-through testing at a facility in Edison, N.J.○ On April 5, FDA updated its food safety guidance (after clicking through, please scroll down to first item in section on “Social Distancing, Disinfecting & Other Precautions”) to include guidance on maintaining social distancing in food production/processing facilities and food retail establishments where employees typically work within close distances.○ On April 4, FDA updated its food safety guidance (after clicking through, please scroll down to second item in section on “Social Distancing, Disinfecting & Other Precautions”) to include guidance on employees in retail food and food production settings wearing face coverings to prevent exposure to COVID-19.○ On April 2, FDA updated its food safety guidance (after clicking through, please scroll down to section on “Workers Testing Positive”) during emergencies as it relates to workers testing positive – referencing the Food and Beverage Issues Alliance Protocol – and once again sharing the CDC’s document for ill employees on how to help prevent the spread of COVID-19. As a reminder, the protocol serves as guidance for when an employee is a confirmed or presumptive case of COVID-19, and when a facility employee, facility visitor or customer has been in close contact with an individual with COVID-19. This protocol is specific to food manufacturing facilities, distribution centers and wholesale and retail outlets.○ On March 27, FDA released a guidance document to provide restaurants and food manufacturers with flexibility regarding nutrition labeling of certain packaged food. FDA intends to work cooperatively with manufacturers for the remainder of the year regarding using updated Nutrition and Supplement Facts labels and will not focus on enforcement actions during this time.○ ABA joined with other industry associations in signing a letter asking that the FDA provide additional labeling flexibility to the food industry during the COVID-19 crisis. Read the letter here.	
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<p>National Institutes of Health (NIH)</p>	<ul style="list-style-type: none"> ○ A team of National Institutes of Health (NIH) researchers identified genomic features of SARS-CoV-2, the virus that causes COVID-19 and other high-fatality coronaviruses that distinguish them from other members of the coronavirus family. This research could be a crucial step in helping scientists develop approaches to predict the severity of future coronavirus disease outbreaks and detect animal coronaviruses that have the potential to infect humans. Researchers compared the genome of the SARS-CoV-2 virus against the genomes of other members of the coronavirus family and identified protein features that are unique to SARS-CoV-2 and two other coronavirus strains with high fatality rates, SARS-CoV and MERS-CoV. ○ The National Institutes of Health (NIH) and the University of Louisville Research Foundation have teamed up to explore getting a potential new COVID-19 treatment. Researchers want to see if Q-Griffithsin, an antiviral derived from a combination of a New Zealand algae and a plant from the tobacco family, could treat patients with the virus. The antiviral has shown to be effective against other coronaviruses, hepatitis, and Ebola. NIH is slated for a Pre-Investigational New Drug Application meeting with the Food and Drug Administration to advance the program. ○ NIH researchers launched an effort to evaluate drugs prescribed to treat COVID-19 in infants, children and adolescents across the country. The study leverages an existing clinical trial examining drugs prescribed off-label to children for a variety of medical conditions. Researchers will investigate a number of drugs currently given to children diagnosed with COVID-19, including antiviral and anti-inflammatory drugs, and products will be added or removed from the list as researchers learn more about the treatment needs of patients with COVID-19. ○ The National Institutes of Health has launched a website with important educational resources for coronavirus workers dealing with the spread of COVID-19. This is part of NIH’s long-established Worker Training Program which provides educational resources for employees in high-risk occupations who serve the public during emergencies and who need skills to protect their own health as they are potentially exposed to dangerous pathogens, contaminated materials or infected people. More information here. 	
<p>Small Business Administration (SBA)</p>	<ul style="list-style-type: none"> ○ As of August 8, the Paycheck Protection Program (PPP) stopped accepting new applications from participating lenders. While more than \$130 billion of unused funds remain in the program, Congress will need to pass legislation for the Small Business Administration (SBA) to open up the program again to borrowers. Both the House and Senate have included language to further extend and amend PPP as part of their relief packages, House HEROES Act (Democrat proposal) and the Senate HEALS Act (Republican proposal). Additionally, in the Senate GOP’s targeted legislation that will be voted on later this week, Senate Republicans included “the Continuing the Paycheck Protection Program Act,” a \$257.7 billion proposal to provide additional funding targeted to smaller businesses that are suffering from the ongoing pandemic. Specifically, the PPP portion of the targeted bill would: <ul style="list-style-type: none"> ▪ Create a 2nd round of PPP with reforms to require new applications show revenue loss and maintain loan documents consistent with IRS requirements. Provides additional resources for audits. ▪ Allows small businesses (including self-employed individuals, sole-proprietors and independent contractors) that 1) met the SBA’s revenue size standard, if applicable; 2) have 300 or fewer employees; and 3) demonstrate at least a 35% reduction in gross revenue in a 2020 quarter relative to the same 2019 quarter to receive a second PPP loan. ▪ Second PPP loans will be equal to 2.5X average monthly payroll costs, with a maximum loan value of \$2 million. The use of these loans will be subject to existing regulations implemented by the SBA and Treasury, with eligible uses expanded to cover certain worker protective, supplier, and operational expenses. ▪ Simplified forgiveness application process for current and future PPP borrowers receiving loans of under \$150,000 or less. Includes reforms to require new applications show revenue loss and retain business documents. Provides \$50 million in additional resources for audits using existing PPP funding. ○ On August 4, the SBA released an updated FAQ document regarding loan forgiveness for the Paycheck Protection Program (PPP). The document outlines eligibility for PPP loan forgiveness and details for calculating forgiveness amounts. ○ On July 23, the SBA released a notice regarding the process for lenders to submit forgiveness applications for PPP loans. The platform will go live on August 10. ○ As of June 20, the PPP had over \$100 billion in funding left with only days remaining until the SBA stops taking new applications on June 30. The PPP loans were a lifeline for the more than 4.7 million companies that 	

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	<p>got assistance – with an unprecedented \$516.5 billion approved over two rounds in less than three months. Now, there is debate in Congress about what to do with the leftover PPP money and how to reach those businesses as the economy reopens in the midst of new virus outbreaks across the country. “There’s strong bipartisan interest in protecting the funds that have been appropriated to develop a second round, but to have it targeted more to those small businesses that really need the help,” said Sen. Ben Cardin, D-Md.</p> <ul style="list-style-type: none"> ○ The Small Business Administration (SBA) released an interim final rule allowing businesses to use less than 60 percent of their Paycheck Protection Program loan toward payroll expenses and still be eligible for partial forgiveness. The rule also implements the changes provided in the Paycheck Protection Program Flexibility Act of 2020 (P.L. 116-142). ○ The Small Business Administration released a list of lenders participating in PPP by state. ○ The Treasury Department and the Small Business Administration released an updated Payroll Protection Program (PPP) frequently asked questions document for borrowers and lenders. It addresses questions including the use of payroll processors, affiliation rules, seasonal businesses and more. ○ The SBA published the Paycheck Protection Program – Interim Final Rule that allows businesses with fewer than 500 employees to obtain loans at 1% interest to continue to pay workers. The loan payments are deferred for 6 months, and if at least 75% of the loans are used for payroll costs, group health benefits, mortgage/rent payments on facilities, and utility payments the principal is forgiven, essentially turning the loan into a grant. Any federally insured depository institution, credit union or farm credit system is immediately deemed a qualified lender for these loans. ○ On March 31, the Small Business Administration (SBA) released the new streamlined application for the Economic Injury Disaster Loan (EIDL). With this new online portal, companies can quickly identify eligibility for disaster loan support. Increased funding for the disaster loan program was included in the Coronavirus Emergency Supplemental Appropriations Bill signed into law by President Donald Trump on March 6. Details are available here for how these loans can be utilized. Please note, the EIDL loans and the \$349 Billion in Paycheck Protection Program (PPP) loans established under the CARES ACT are different. PPP guidelines can be found here and the application here. 	
State Department	<ul style="list-style-type: none"> ○ The U.S.-Canada-Mexico borders will remain closed to “non-essential” travel for an additional 30 days. ○ The State Department is temporarily suspending routine visa services at all U.S. Embassies and Consulates. Embassies and consulates will cancel all routine immigrant and non-immigrant visa appointments as of March 20. ○ On March 19, the State Department announced a Level 4 travel advisory applying to all international travel, its most severe warning, instructing all Americans abroad to either return to the United States or prepare to shelter in place. 	
Treasury	<ul style="list-style-type: none"> ○ <i>On Thursday, Oct. 8, the Small Business Administration (SBA) and Treasury Department announced simpler loan forgiveness for loans of \$50,000 or less. The notice, the simpler loan forgiveness application and instructions are here. Additionally, the SBA said it began approving PPP forgiveness applications and sending payments to lenders on Oct. 9.</i> ○ The Treasury Department announced it will not move the tax filing deadline from July 15. ○ On May 8, the Office of the Inspector General (OIG) for the Small Business Administration (SBA) released a report of its review of the Paycheck Protection Program (PPP). The report found the SBA’s formal guidance through interim rules and FAQs of the PPP did not align with the CARES Act in the following areas: (1) prioritizing underserved and rural markets; (2) loan proceeds eligible for forgiveness; (3) guidance on loan deferments; and (4) registration of loans. ○ As of close of business on May 8, the Paycheck Protection Program (PPP) had allocated \$185 billion in loans since April 27, leaving roughly 40% left to be distributed of the \$310 billion approved by Congress for the second round. The average loan size for the second round is just over \$74,000. The first round of the program’s funding was fully allocated in less than two weeks. ○ Modeling indicates that the latest round of funding for the Paycheck Protection Program (PPP) is likely to run out by the end of this week. Despite strong demand for this relief program, it is unclear at this time if or when Congress will provide additional funding. Support for any new funding for PPP might be paired with changes to how the money can be spent by borrowers (see PPP proposed changes in the Congressional update). 	

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	<ul style="list-style-type: none">○ The Paycheck Protection Program (PPP) went live again on April 27 at 10:30 a.m. ET, but faced problems from the start. The Small Business Administration (SBA) had issues with the E-Tran system preventing lenders from submitting loan applications. The problems occurred after the SBA announced on April 26 it would pace the acceptance of loan applications. The SBA said some lenders were timed out after reaching the pacing limit.○ The Paycheck Protection Program (PPP) loan program resumed on April 27 after a fresh infusion of cash from Congress. Ahead of the re-start, Department of Treasury (DOT) and the Small Business Administration (SBA) issued new guidance for borrowers and lenders on how to calculate payroll costs for the purpose of determining the amount of a PPP loan. Additionally, DOT and the SBA released an interim final rule on the PPP regarding business eligibility, application of affiliation rules, promissory notes and authorizations for lenders and safe harbor for businesses returning a loan.○ The Treasury Department released updated guidance on the Paycheck Protection Program (PPP) indicating public companies are not likely to be eligible for the loans. The document states, “it is unlikely that a public company with substantial market value and access to capital markets will be able to make the required certification in good faith” in a new FAQ added today. Several public companies announced they will return loans received through the PPP.○ Treasury Secretary Steve Mnuchin announced that the Internal Revenue Service (IRS) has pushed the April 15 tax payment deadline back 90 days in an effort to ease the economic burden caused by COVID-19.○ The U.S. and Canada have agreed to close the U.S.-Canada border to "non-essential traffic." Trade will not be impacted.	
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