As businesses respond to the COVID-19 outbreak and implement measures to help protect and support their employees and their operations, Steptoe’s cross-disciplinary team of lawyers can help with the countless issues that companies are now navigating. The next few weeks and months will be a critical time, and companies of all sizes and in all industries will face extraordinary hurdles with business continuity, supply chains, policy considerations, and more. Our lawyers are ready to help you deal with these unique circumstances and move forward.

**What’s New From Steptoe:**

- COVID-19 Relief Bill Includes Provisions Affecting Exempt Organizations
Federal Funding Opportunities

**Contacts:** Jason Abel, Jim Barnette, Alan Cohn, Matt Kulkin, Scott Sinder, Kate Jensen

The United States Congress has passed an unprecedented response to the COVID-19 emergency. The CARES Act authorizes more than $2 trillion in funding for public health spending, immediate cash relief for individuals, a broad lending program for small businesses, and targeted relief for hard-hit industries.

Steptoe’s cross-disciplinary team is ready to help companies sift through the legislation’s 900 pages and navigate through the next several weeks and months. We can provide counsel on issues related to financial services, tax, ERISA, and labor and employment issues, as well as technical government affairs and public policy legislative and regulatory advice.

**RESOURCES**
- Small Business Loans (SBA’s Paycheck Protection Program)
- Main Street Lending Program
- Federal Reserve Emergency Liquidity Facilities
- Treasury Department Direct Loan Programs
  - Direct Loan Program for Eligible Businesses
  - Direct Loan Program for Mid-Size (500-10,000 employee) Businesses
  - Direct Loan Program for Air Carriers, Cargo Air Carriers, and Businesses Critical to Maintaining to National Security
- Targeted Federal Agency Grants
  - Healthcare
    - HHS Releases Details for Additional Payments to Healthcare Providers
    - FAQs from DOL, HHS, and Treasury on COVID-19 Health Coverage Issues
    - Resources and Assistance for Hospitals and Healthcare Providers
    - Senate Approves Additional Funding for SBA Programs and Health Care
  - Education
    - Department of Education Releases CARES Act Funds
    - Resources and Assistance for Institutions of Higher Education under the CARES Act
  - Defense
    - DoD Issues CARES Act Guidance on Recovery of Paid Leave Costs for Contractors
    - Stafford Act & Other Assistance for State and Local Governments

**Overviews of Major COVID-19 Relief Packages**
- CARES Act
- Families First Coronavirus Relief Act
- Coronavirus Preparedness and Response Supplemental Appropriations Act
- UK Future Fund
- Support for UK Businesses

**Government Contracts: Opportunities & Legal Issues**

**Contact:** Paul Hurst

- Guidance on contractual remedies for contractors and subcontractors to address impacts on contract performance
- Guidance on the Defense Production Act and Defense Priorities and Allocation System
- Navigating obligations between federal contracts to perform and state/local public health directives

**RESOURCES**
- Defense Production Act
- Department of Defense
  - DoD Issues CARES Act Guidance on Recovery of Paid Leave Costs for Contractors
  - CMMC in the Age of COVID-19
  - March Madness: Remedies for Government Contractors Adversely Affected by COVID-19
Oversight & Investigations

Contacts: Jason Abel, Jim Barnette, Alan Cohn, Matt Kulkin, Scott Sinder, Kate Jensen

RESOURCES

- Congressional Oversight
- Lender Beware Series
  - Part III: Criminal Exposure for Banks Participating in the CARES Act
  - Part II: Key Sources of Civil Liability
  - Part I: Mitigating Risks in Lending Stimulus Funds to Small Businesses
- Borrower Beware Series
  - Part VI: Considerations for Government Contractors and Federal Grantees Seeking Relief Under the CARES Act
  - Part V: Key Commercial Considerations for CARES Act Program Participants
  - Part IV: Lessons for CARES Act Participants from TARP Prosecutions
  - Part III: CARES Act Loan Certification Obligations Create Pitfalls for the Unwary
  - Part II: Avoiding False Claims Act Liability Associated With CARES Act Funding
  - Part I: Beware of CARES Act Oversight and Attendant Risks

Labor & Employment

Contacts: Beth Call, Paul Ondrasik

- Employment law implications with responding to COVID-19 in the workplace
- Employee benefits and the potential tax implications
- Employee communications
- Impacts to ERISA employer sponsored plans
- Immigration restrictions

RESOURCES

- Employee Benefits
  - Paid & Unpaid Leave
    - California Governor’s Rx for Food Workers: Paid Sick Leave and Hand Washing Orders
    - Did You Notice? - Requirements to Provide Notice of Paid Leave Under FFCRA
  - Workplace Safety and Employer Liability Issues
    - COVID-19 Vaccine on the Horizon – But Can Employers Require It?
    - LA Area Adopts COVID-19 Worker Retention and Right of Recall Protections to Hospitality, Airport, and Event Industries
    - CA Issues New Guidance on First Statewide ‘Stay At Home’ Order as More States Adopt ‘Stay At Home’ Orders
    - COVID-19: What Retailers Need to Know About California’s ‘Stay At Home’ Order
    - Responding to Limits on Gatherings and Quarantines: Considerations for Employers
- "Essential" Businesses & Workers
  - We’re in it Together - Identifying Who is "Essential" During COVID-19
- Unemployment Benefits
  - Who CARES? Unemployment Benefits for Reduced Hours and Furloughed Employees
Tax

Contact: Lisa Zarlenga

- Tax advice related to current law and change in law

Resources

- For-Profit Business Tax Issues
  - Government Clarifies Federal Tax Filing and Payment Extensions and Coronavirus Legislation
  - Businesses: COVID-19 and Subnational Taxes: Some Relief...and Two Reminders

- Not-For-Profit Tax Issues
  - COVID-19 Relief Bill Includes Provisions Affecting Exempt Organizations
  - Main Street Lending Program Expanding to Non-Profits
  - IRS Extends Deadline for Filing Form 990s
  - CARES Act Benefits for Tax-Exempt Organizations
  - IRS Issues FAQs on Tax Filing and Payment Extensions: Limited Benefits for Exempt Organizations

- Individual Tax Issues
  - State of IRS Guidance on COVID-19 Legislation
  - Treasury, IRS Issue Guidance on Tax Presence and Residency Issues
  - IRS Clarifies Interaction of Payroll Tax Deferral and Paycheck Protection Program
  - Government Clarifies Federal Tax Filing and Payment Extensions and Coronavirus Legislation
  - Personal Income Taxes and COVID-19: A Caution
  - Estate Planning in Turbulent Times

Financial Services

Contacts: Stacie Hartman, Matt Kulkin

- Responses to inquiries from regulatory and self-regulatory organization
- Compliance policy considerations

Resources

- Regulatory Agency Action Tracker
- Main Street Lending Program
- Federal Reserve Emergency Liquidity Facilities
- Treasury Department Direct Loan Programs
  - Direct Loan Program for Eligible Businesses
  - Direct Loan Program for Mid-Size (500-10,000 employee) Businesses
  - Direct Loan Program for Air Carriers, Cargo Air Carriers, and Businesses Critical to Maintaining to National Security
- UK Regulatory and Law Enforcement, and COVID-19

Trade Issues

Contact: Eric Emerson

- Trade policy and sanctions implications in the movement of goods in and out of affected regions

Resources

- Contrasting Thoughts on EU Trade Policy During the COVID-19 Crisis
- EU Prolongs and Adjusts Export Authorization Scheme for Personal Protective Equipment
- Trump Administration Announces 90-Day Duty Deferral
- UK Trade - Implications Arising From COVID-19
- What You Need to Know About the Impact of COVID-19 on International Trade
- EU Takes Measures Regarding Trade with Medical Equipment
Political Law Compliance

Contact: Jason Abel
- Federal lobbying compliance, including the Lobbying Disclosure Act
- State and local lobbying compliance
- Counsel on government ethics rules when interacting with public officials
- Federal, state and local campaign and election law considerations

RESOURCES
- Voting By Mail in November—It's Not a Matter of if, But How
- President Trump Signs CARES Act into Law

International Regulation & Compliance

Contacts: Meredith Rathbone, Brittany Prelogar
- Advice on US and EU sanctions policies related to COVID-19 relief
- Advice on US export restrictions related to personal protective equipment
- Advice on conducting remote investigations
- Advice on anti-corruption compliance procedures for donations

RESOURCES
- Import/Export Restrictions
  - EU Ends Export Authorization Scheme for Personal Protective Equipment
  - EU Prolongs and Adjusts Export Authorization Scheme for Personal Protective Equipment
  - FEMA Restricts Export from US of Personal Protective Equipment
- Sanctions
  - White House Memorandum Sets Out Best Practices for Agency Enforcement Actions
  - European Commission Publishes Guidance on the Provision of Humanitarian Aid to Fight the COVID-19 Pandemic in Countries Subject to EU Sanctions
  - US and EU Sanctions Policies on Humanitarian Exports and COVID-19 Relief
- Anti-Corruption
  - Key Investigation and Compliance Take-Aways from May 20, 2020 DOJ, SEC, and FBI Joint Town Hall Discussing FCPA and Healthcare Fraud Enforcement Efforts During COVID-19 Emergency
  - Considerations for Conducting Internal Investigations Remotely
  - Anti-Corruption Compliance for Charitable Donations – The Basics
- Brexit and Other UK Topics
  - Brexit Negotiations in the Midst of the COVID-19 Crisis: is the Challenge Still Feasible?

Immigration

Contact: Liz LaRocca
- Advice on immigration-related issues arising out of the COVID-19 pandemic

RESOURCES
- Federal Contractors May Face Immigration-Related Hiring Requirements and Barriers
- Presidential Proclamation Suspends Select Non-Immigrant Entry
- Travel Risks in Expected Immigration Restrictions on Temporary Categories
- Revisiting US Travel Suspensions: Brazil Added, Sports Exempted, Economy Sets Future Policy Tone
- Form I-9 Updates: More COVID Extensions, Document Exceptions and the New Form I-9 Edition
- COVID-19 Immigration Suspension Proclamation Has Limited Scope
- Extensions of Visa Waiver (ESTA) Stays Gain Flexibility During COVID-19
- I-9 In-Person Employment Verification Deferred During COVID-19 Pandemic
- Immigration Compliance During COVID-19 Travel, Visa, and Worksite Disruptions
Nonprofits & Other Tax-Exempt Organizations

Contacts: Suzanne McDowell, Elnor Ramey
• Tax advice for nonprofits and other tax-exempt organizations related to current law and change in law

RESOURCES
• COVID-19 Relief Bill Includes Provisions Affecting Exempt Organizations
• IRS Extends Deadline for Filing Form 990s
• CARES Act Benefits for Tax-Exempt Organizations
• IRS Issues FAQs on Tax Filing and Payment Extensions: Limited Benefits for Exempt Organizations
• Providing Assistance to Those Affected by COVID-19

Restructuring, Insolvency & Bankruptcy

Contact: Jeffrey Reisner
• Advise on structuring transactions to protect and enforce creditors’ rights, remedies, and security interests within and outside of bankruptcy proceedings

RESOURCES
• United Kingdom: New Guidance on Holding AGMs During COVID-19
• Cross-Border M&A Challenges During COVID-19: An Overview for Buyers and Sellers
• COVID-19: Key Issues for Corporate Reorganizations in England and Wales
• COVID-19: Companies House Changes to Filings in April 2020
• Changes to the UK Insolvency Rules: Assistance for Directors
• Filing Accounts in the UK During COVID-19
• Debt Buyback Considerations Amidst Market Uncertainty

Retail Sector

Contact: Stephanie Sheridan
• Compliance with state, county and city executive/public health orders, mandatory restrictions and recommendations limiting business operations and public gatherings
• Steps to prevent shelter-in-place laws from disrupting your supply chain
• Data security and privacy obligations during the COVID-19 response
• Best practices after learning a customer or employee is COVID-19 positive
• Advertising review and compliance
• Promotion of goods or services related to COVID-19 or its consequences
• Interact with national (NRF and RILA) and state retail associations on proposed legislation to advocate and shape measures

RESOURCES
• COVID-Induced Litigation Mounts for Retail Industry: Cases to Watch
• Reopening Checklist for Retailers
• COVID-19: Retail Sector Issues in England & Wales
• California Governor’s Rx for Food Workers: Paid Sick Leave and Hand Washing Orders
• Retail Industry Best Practices During the COVID-19 Pandemic
• CA Issues New Guidance on First Statewide ‘Stay At Home’ Order as More States Adopt ‘Stay At Home’ Orders
• COVID-19: What Retailers Need to Know About California’s ‘Stay At Home’ Order
Insurance Industry

Contacts: Harry Lee, Frank Winston

- Equipped to advise with respect to COVID-19 related claims arising from business interruption, large scale medical liabilities, workers compensation, and Directors and Officers issues
- Assist in developing strategies for dealing with the significant number of claims expected in the coronavirus context

Resources

- Three Very Different Perspectives on the FCA’s Statements About Insurance and the Coronavirus: Reinsurance, Competition and Bilateral Investment Treaties
- COVID-19 and Business Interruption Insurance Under English Law
- Update on the EU Insurance & Reinsurance Regulatory Response to COVID-19
- New UK Financial Conduct Authority Guidance Regarding Expectation on Insurance Firms Conduct During COVID-19

Litigation & Arbitration

Contacts: Steve Davidson, Matthew Coleman

- Shareholder and securities litigation
- Consumer class actions
- Contract disputes

Resources

- Witnesses During COVID Times: Remote Depositions, Virtual Testimony, and Unavailability
- COVID-19 and Sovereign Immunity
- Securities Enforcement Activity in the COVID-19 Era: A Backstop to Private Securities Litigation
- Practical Responses to COVID-19: Courts, Arbitrations, and Depositions
- Enforcing Judgments During COVID-19 Times
- Options for Conducting Commercial Disputes in England during COVID-19
- The Pandemic in Prisons: Advocating for Clients in Federal Custody

Contract Law

Contacts: Chris Paparella, James Carolan

- Contract negotiations and advice
- Contractual remedy considerations
- Force majeure provisions in commercial contracts

Resources

- COVID-19: English Law Contracts – Force Majeure, Frustration, and Other Relief
- Electronic Signatures in the Age of Social Distance
- Reducing Risk and Uncertainty in Shareholder Disputes with Exclusive Forum Clauses
- New York Contracts and the Corona Crisis
- COVID-19 Business Interruptions: Issues to Consider for Managing Real Estate in the UK
Energy

**Contacts:** Donna Byrne, Daniel A. Mullen, Charles R. Mills
- Responding to inquiries from regulators (FERC, CFTC, ISOs/RTOs)
- Requesting extensions, no-action letters, and waivers
- Navigating compliance and enforcement obligations

**Resources:**
- FERC Addresses Enforcement and Compliance-Related Issues During COVID-19 Pandemic

Antitrust/EU Competition/State Aids

**Contacts:** Simon Hirsbrunner, Charles Whiddington
- Guidance on antitrust-compliant information and resource sharing with competitors and the supply chain
- Issues around price gouging and refusal to trade
- Advice in connection with financial aid provided by EU Member State authorities to support or rescue companies affected by crisis

**Resources:**
- UK Issues Guidance on Approach to Merger Assessments during the COVID-19 Pandemic
- Three Very Different Perspectives on the FCA’s Statements About Insurance and the Coronavirus: Reinsurance, Competition and Bilateral Investment Treaties
- Joint DOJ/FTC Antitrust Statement on US Labor Markets in the COVID-19 Crisis
- UK Competition Law and COVID-19
- Changes to EU Competition Rules in Times of COVID-19
- Temporary Framework for State Aid Measures During the COVID-19 Crisis

Chemicals & EU Biocides

**Contacts:** Darren Abrahams, Seth Goldberg, Eléonore Mullier
- Assistance with urgent market access for disinfectants
- Extension of regulatory deadlines
- Supply chain issues for active substances and biocidal products
- Support with contractual issues

**Resources:**
- EPA Adds to Temporary Supply Chain Flexibility to Ensure Adequate Disinfectant Supply
- FDA’s OTC Drug Review Process Modernized by the CARES Act
- EPA Announces Additional Supply Chain Flexibility to Ensure Supply of Disinfectants
- Federal Support for Hand Sanitizer Production – FDA & TTB Guidance, Impact of the CARES Act
- Important FDA Activities Related to the COVID-19 Crisis that May Impact Your Business

Intellectual Property

**Contacts:** John Caracappa, Jay Nuttall

**Resources:**
- COVID-19 and Protecting Against Counterfeits

Crisis Communications

**Contact:** Phil Khinda
- Disaster recovery and business continuity responses
- Communications considerations
State Regulatory Responses to COVID-19

- State Regulatory Tracker

External Resources & Guidance

US Centers for Disease Control
Interim Guidance for Businesses and Employers

World Health Organization
Country and Technical Guidance
Travel Advice

US State Department
Travel Advisories

European Commission
Coronavirus Response Centre

Policy Tracking Resources
National Association of Counties
National Governors Association
Multistate Associates
News & Publications

PUBLICATIONS

COVID Chronicles: Bankruptcy Edition

*Leader’s Edge*
October 2020
By: Scott A. Sinder, Jeffrey M. Reisner, Kerri A. Lyman

PRESS RELEASES

Chris Suarez Receives 2020 Warren E. Burger Writing Prize
September 29, 2020

PRESS RELEASES

Steptoe Launches Multifaceted Supply Chain Team
September 9, 2020

PUBLICATIONS

New Criminal Enforcement Risks to Dietary Supplement Industry Litigations

*Bloomberg Law*
September 8, 2020
By: Patrick F. Linehan, Chris Niewoehner, David Matthew Fragale, Galen Kast

PUBLICATIONS

COVID-19 Reveals Tensions in Food Packaging Supply Chain

*Law360*
August 7, 2020
By: Daniel C. Rubenstein

PUBLICATIONS

Voting During a Pandemic—Unprecedented Challenges Lie Ahead

*Bloomberg Law*
July 27, 2020
By: Jason Abel, Evan Glassman, Daniel W. Podair, Chelsea Gold

PUBLICATIONS

Five Business Tax Reforms to Aid Long-Term Pandemic Recovery

*Law360*
July 6, 2020
By: George Callas

MEDIA MENTIONS

*Forbes* Quotes Matt Kulkin on Expansion of Main Street Lending Program
June 9, 2020

MEDIA MENTIONS

*Reuters* Quotes Matt Kulkin on Main Street Lending Program Scrutiny
June 8, 2020

PUBLICATIONS

COVID-19 Legal Issues for Retail In-House Counsel

*Bloomberg Law*
May 27, 2020
By: Stephanie A. Sheridan, Meegan Brooks
Events

ON DEMAND

On Demand Videos: Weekly EU Regulatory Round-Up
November 2, 2020
Speakers: Darren Abrahams, Ruxandra Cana, David O’Sullivan, Deborah C. Attwood, Erik Janus, Eléonore Mullier, Algirdas Semeta

WEBINARS

Navigating the Road Ahead: Congressional and DOJ Investigations into Waste and Abuse Related to COVID-19 Relief Funds
September 14, 2020

WEBINARS

Communicating in a Crisis: Best Practices for Privilege and Position Preservation
June 16, 2020
Speakers: Robyn C. Crowther, Charles A. Michael, Chris Paparella, Gwendolyn Prothro Renigar

ON DEMAND

EU Competition Law: A Powerful Tool in Post-COVID-19 Business Recovery
June 4, 2020
Speakers: Simon Hirrsbrunner, Paul Hughes, Charles Whiddington, Danyal Arnold

WEBINARS

Perspectives from Washington: Navigating a Shifting Political, Regulatory, and Economic Environment
May 28, 2020
Speaker: Matthew B. Kulkin

WEBINARS

What Employers Need to Know: Employment Provisions in the CARES Act
May 15, 2020
Speakers: George Callas, Sara Pikofsky, Lisa M. Zarlenga, Kate Jensen, Caitlin R. Tharp

ON DEMAND

Lender Beware: Mitigating Risks in Lending Stimulus Funds to Small Businesses
May 6, 2020
Speakers: Michael Campion Miller, Stacie R. Hartman, Matthew B. Kulkin, Leah M. Quadrino, Ashwin J. Ram, Jeremy B. Glen

ON DEMAND

The Expanding Reach of US Securities Laws: Mitigating Risk in the Wake of the Crisis
April 22, 2020
Speakers: Stacie R. Hartman, Nathaniel Kritzer, Chris Paparella

ON DEMAND

Times Change, CFIUS Remains
National Security and Foreign Investments into the United States Post-COVID-19
April 17, 2020
Speakers: Brian Egan, Wendy Wysong, Hena Schommer

ON DEMAND

Borrower Beware: Risks Associated with Accessing COVID-19 Relief Funds
April 14, 2020
Speakers: Matthew B. Kulkin, Michael Campion Miller, Leah M. Quadrino, Ashwin J. Ram, Jeremy B. Glen, Caitlin Conroy, **
Explore Related Practices

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Commercial Litigation
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Crisis Management
Employee Benefits & ERISA
Employee Benefits & Executive Compensation
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