

March 28, 2020

New CISA Guidelines for Essential Business Issued and More

BREAKING NEWS--CISA ISSUES NEW ESSENTIAL BUSINESS GUIDANCE 2.0

CISA just released Version 2.0 of the Essential Critical Infrastructure Worker Guidance an updated version of that list published originally published on March 19, 2020. This is a much more granular list of who is an "essential business" and its workers. This list is critical for business qualifying as an essential business in order for them to keep their doors open and employees at work. While it is guidance, many of the state "shelter in place" orders mimic it or reference it directly as their list for staying open. Consult with your Michael Best counsel if you have questions or our team listed at the end of the alert.

How to Help

If you or your organization are interested in helping the effort to combat the spread of COVID-19, FEMA has established a website (www.fema.gov/coronavirus/how-to-help) with more information. Examples for the private sector include:

- To **sell medical supplies** or equipment to the federal government, please email specifics to covidsupplies@fema.dhs.gov.
- If you have **medical supplies or equipment to donate**, please provide us details on what you are offering.
- If you are a private company that wants to **produce a product related** to the COVID response – email nbeoc@max.gov.
- If you are a hospital and other companies in need of medical supplies, contact your state Department of Public Health and/or Emergency Management.

Related Practices

CARES Act Relief
COVID-19 Resource Center
Michael Best Strategies LLC

- For **non-medical** supplies, services or equipment, if you are interested in doing business with FEMA, visit our Industry Liaison Program.

For additional information please visit FEMA's website: <https://www.fema.gov/coronavirus/>.

White House COVID-19 Updates

- President Trump Signs the CARES Act (Remarks, **Bill Announcement, Statement by the President, Video**, fact sheet)
- EO on Delegating Additional Authority Under the DPA with Respect to Health and Medical Resources
- EO to Order the Selected Reserve and Certain Members of the Individual Ready Reserve of the Armed Forces to Active Duty
- Memorandum on Order Under the Defense Production Act Regarding General Motors Company (Text, **Statement**)
- President Trump Declares Disaster Declaration in Puerto Rico and South Carolina

CDC

Statement on Self-Quarantine Guidance for Greater NYC Transportation and Delivery Workers

When we issued the self-quarantining guidance for greater New York City residents leaving this area, it was out of an abundance of caution to help protect U.S. areas with lower levels of COVID-19 spread. In line with our recommendations for other essential critical infrastructure workers, this guidance does not apply to critical transportation and delivery workers who are desperately needed for New York residents to continue their daily lives and respond to the COVID-19 outbreak.

HHS

CMS Approves 34th State Request for Medicaid Emergency Waivers

Under President Trump's leadership, the Centers for Medicare & Medicaid Services (CMS) approved its 34th state Medicaid waiver request under **Section 1135 of the Social Security Act**. Granting these waivers is made possible by the President's national emergency declaration to ensure that CMS is providing state partners with the maximum flexibility needed to care for Medicaid beneficiaries during the coronavirus public health emergency.

FDA Takes Action to Help Increase U.S. Supply of Ventilators and Respirators for Protection of Health Care Workers, Patients

The FDA issued an Emergency Use Authorization (EUA) to allow for the emergency use in health care settings of certain ventilators, anesthesia gas machines modified for use as ventilators, and positive pressure breathing devices modified for use as ventilators (collectively referred to as "ventilators"), ventilator tubing connectors, and ventilator accessories that the FDA determines meet specified criteria for safety, performance and labeling. [Click here for the FDA's daily roundup for 3/27.](#)

Announces Grants to Provide Meals for Older Adults

Today, HHS is announcing \$250 million in grants from the Administration for Community Living to help communities provide meals for older adults. The Families First Coronavirus Response Act, signed into law by President Trump on March 18, 2020, provided the additional funding for the nutrition services programs authorized by the Older Americans Act of 1965.

OCR Issues Guidance to Help Ensure First Responders and Others Receive Protected Health Information about Individuals Exposed to COVID-19

The Office for Civil Rights at the U.S Department of Health and Human Services issued guidance on how covered entities may disclose protected health information about an individual who has been infected with or exposed to COVID-19 to law enforcement, paramedics, other first responders, and public health authorities in compliance with the Health Insurance Portability and Accountability Act of 1996 Privacy Rule.

DHS

FEMA Administrator March 27, 2020, letter to Emergency Managers Requesting Action on Critical Steps

The coronavirus disease 2019 (COVID-19) pandemic has transformed our daily lives and our profession in a matter of weeks. Together with our public health colleagues, we work as a team to battle the nationwide effects of this virus.

DHS Initiating Crucial Research to Mitigate COVID-19

DHS Science and Technology Directorate is conducting ongoing research that will help scientists better understand the coronavirus that causes the disease known as COVID-19, and methods to prevent its spread. In the Trump Administration's whole of government effort, this work is being done at the National Biodefense Analysis and Countermeasures Center laboratory in cooperation with the DHS Countering Weapons of Mass Destruction Office.

DOL

Families First Coronavirus Response Act: Questions and Answers

As provided under the legislation, the U.S. Department of Labor will be issuing implementing regulations. Additionally, as warranted, the Department will continue to provide compliance assistance to employers and employees on their responsibilities and rights under the FFCRA.

State Department

Important Announcement on H2 Visas

In response to significant worldwide challenges related to the COVID-19 pandemic, the Department of State temporarily suspended routine visa services at all U.S. Embassies and Consulates as of March 20, 2020. As resources allow, embassies and consulates will continue to provide emergency and mission critical visa services.

U.S. Foreign Assistance in Response to the COVID-19 Pandemic

The U.S. government has rapidly mobilized unprecedented resources to respond to the COVID-19 pandemic, both at home and abroad. Today, I am pleased to announce that the United States has made available nearly \$274 million in emergency health and humanitarian funding. Along with the U.S. private sector, the American people continue to lead in responding to this pandemic.

Coronavirus Repatriation Statistics

The Department of State is rising to meet the historic challenge posed by the COVID-19 pandemic, every day, all over the world. The U.S. Government has no higher priority than the protection of American citizens.

The United States Is Leading the Humanitarian and Health Assistance Response to COVID-19

The U.S. Government is leading the world's humanitarian and health assistance response to the COVID-19 pandemic. We are mobilizing all necessary resources to respond rapidly, both at home and abroad.

USDA

Secretary Perdue Applauds State Department's H-2 Decision

USDA has been directly engaged with the State Department and the Department of Homeland Security to ensure minimal disruption in H-2A and H-2B visa applications during these uncertain times. This Administration is doing everything possible to maintain continuity of this critically important program. These flexibilities will allow our farmers and ranchers to utilize workers they have used in the past, or those who are already in the U.S., to get our food from the farm to our tables.

Rural Development COVID-19 Response

USDA Rural Development has taken a number of immediate actions to help rural residents, businesses, and communities affected by the COVID-19 outbreak. Rural Development will keep our customers, partners, and stakeholders continuously updated as more actions are taken to better serve rural America.

Warns of Scams Targeting SNAP Recipients

Be on the lookout for potential scammers using the COVID-19 situation to steal personal information, the USDA warned Supplemental Nutrition Assistance Program participants today. USDA is issuing this warning after receiving reports of several possible SNAP fraud attempts.

Implements Immediate Measures to Help Rural Residents, Businesses and Communities Affected by COVID-19

USDA Rural Development has taken a number of immediate actions to help rural residents, businesses and communities affected by the COVID-19 outbreak. Rural Development will keep our customers, partners, and stakeholders continuously updated as more actions are taken to better serve rural America.

EPA

Announces Steps to Protect the Availability of Gasoline during COVID-19 Pandemic

EPA intends to provide additional flexibility to the marketplace to transition from winter-grade, high volatility gasoline to summer-grade low vapor pressure gasoline. Due to the steep fall-off in gasoline demand as a result of the COVID-19 pandemic, gasoline storage capacity is limited and more time is needed to transition the distribution system in order to come into compliance for the summer driving season.

Urges States to Support Drinking Water and Wastewater Operations during COVID-19

Today, U.S. Environmental Protection Agency (EPA) Administrator Andrew Wheeler sent a letter to Governors in all 50 states, territories and Washington, D.C. urging them to ensure that drinking water and wastewater employees are considered essential workers by state authorities when enacting restrictions such as shelter in place orders to curb the spread of COVID-19.

Efforts Underway to Increase Sterilization Capacity in Response to the COVID-19 Pandemic

The EPA is providing an update on efforts underway with the Georgia Environmental Protection Division to safely and quickly increase production at sterilization facilities in the cities of Covington and Madison in response to the dramatically increased need for sterile medical equipment during the COVID-19 response.

Veterans

Releases COVID-19 Response Plan

The U.S Department of Veterans Affairs (VA) made public, March 27, the COVID-19 Response Plan it is executing within its medical facilities to protect Veterans, their families and staff. VA deems the plan a valuable tool that's useful for the nationwide medical community.

Defense

Army Leaders Detail Efforts Against Coronavirus

Army leaders detailed how the service is deploying field hospitals to New York and Seattle, and what the Army is doing to ensure its missions continue.

Nearly 10,000 Guardsmen Called Up for COVID-19 Response

Nearly 10,000 National Guardsmen called up across the United States, with more expected soon, are performing a variety of missions in response to COVID-19 pandemic response efforts.

Education

Secretary DeVos Directs FSA to Stop Wage Garnishment, Collections Actions for Student Loan Borrowers, Will Refund More Than \$1.8 Billion to Students, Families

Secretary DeVos announced today that, due to the COVID-19 national emergency, the Department will halt collection actions and wage garnishments to provide additional assistance to borrowers. This flexibility will last for a period of at least 60 days from March 13, 2020.

For the most up-to-date information, please see the CDC's website: www.coronavirus.gov.

\$2 TRILLION IN BIPARTISAN DEAL PASSES HOUSE; A LITTLE CONTROVERSY BRINGS MANY HOUSE MEMBERS BACK TO TOWN

The \$2.2 trillion Phase 3 Stimulus bill finally passed the House and is being sent to the President. The 880-page measure is the largest economic relief bill in U.S. history. The bill builds upon earlier versions of the CARES Act and is intended to be a third round of federal government support in the wake of the coronavirus public health crisis and associated economic fallout, succeeding the \$8.3 billion in public health support passed two weeks ago and the Family First Coronavirus Response ACT. It is the product of negotiations between Democrats and Republicans for a bipartisan response to the crisis.

- A section-by-section of the Coronavirus Aid, Relief, and Economic Security Act
- A summary of the emergency appropriations for coronavirus health response and agency operations
- A summary of the small business provisions
- Final Text of CARES ACT

For more information check our past alerts for a detailed summary of the bill.

The House adjourned until next Tuesday, March 31st. Schedule still remains fluid but they will begin working on the framework for Phase 4. Reminder – the Senate is in recess until April 20th.

Next Steps

Congress is expected to convene after Easter to consider a Coronavirus Phase IV bill. Senate Appropriations Chairman Richard Shelby (R-Ala.) said several times he wants a major infrastructure package. And a fourth bill could tie up loose ends if any lawmakers are unhappy with the details of the “phase three” package, Sen. Roy Blunt (R-Mo.) said on the floor yesterday. “I’d say the minute we’re done with phase three, we’ll start talking about phase four because all of us know that phase three can’t have included everything that needs to be included,” Blunt said. Negotiators should keep in mind that they’ll have another major piece of legislation that could include their ideas, and that this “moment is more important than everybody winning everything they’d like to win,” Blunt added. White House Legislative Director Eric Ueland agreed that another piece of legislation will likely be needed, and said negotiators would decide its content after they “see what is helping, what’s working, what needs to be facilitated and expanded, what needs to be redirected.”

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