
Hughes Hubbard & Reed

CARES Act Developments and Newly Proposed Fiscal Stimulus Legislation as of September 18, 2020

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September 18, 2020 – This week a bipartisan congressional caucus proposed a compromise package intended to promote agreement for another economic stimulus and relief bill, while the Department of Labor revised paid leave regulations under Families First Coronavirus Response Act (FFCRA) and the USPTO announced a pilot program to promote inventions helping to combat the coronavirus pandemic.

Regulatory Developments Relating to the Pandemic

Revisions Made to Paid Leave Regulations Under FFCRA

On September 11, the Department of Labor (DOL) revised regulations to clarify the paid sick leave and expanded family and medical leave provisions of the Families First Coronavirus Response Act (FFCRA). The revisions clarify workers' rights and employers' responsibilities under the FFCRA's paid leave provisions, in response to an August 3, 2020 federal court decision that found portions of the DOL's FFCRA regulations invalid. The revisions do the following:

- Reaffirm and provide additional explanation for the requirement that employees may take FFCRA leave only if work would otherwise be available to them;
- Reaffirm and provide additional explanation for the requirement that an employee have employer approval to take FFCRA leave intermittently;
- Revise the definition of "healthcare provider";

- Clarify that employees must provide required documentation supporting their need for FFCRA leave to their employers as soon as practicable; and

- Correct an inconsistency regarding when employees may be required to provide notice of a need to take expanded family and medical leave to their employers.

- [Press release](#)
- [Revisions published in the Federal Register](#)

Patent Office to Accept COVID-19 Deferred-Fee Provisional Patent Applications

On September 16, the United States Patent and Trademark Office (USPTO) announced a deferred-fee provisional patent application pilot program for inventions that combat COVID-19. Under the pilot program, applicants may defer payment of the provisional application filing fee until the filing of a corresponding, non-provisional application. To foster dissemination and collaboration, applicants must agree that the technical subject matter disclosed in their provisional applications will be made available to the public on USPTO's website. The program is scheduled to begin accepting applications for 12 months beginning on September 17, 2020.

- [Press release](#)

Legislative Proposals

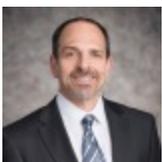
The Problem Solvers Caucus Economic Relief Framework

On September 15, 2020, the bipartisan Problem Solvers Caucus introduced a framework to help negotiators come to an agreement regarding another round of economic stimulus and relief. The caucus is composed of 25 Democratic and 25 Republican members of the House of Representatives and is led by Co-Chairs Josh Gottheimer (D-NJ) and Tom Reed (R-NY). The \$1.8 trillion proposal includes \$1200 stimulus checks to taxpayers, unemployment benefits of \$450 per week for eight weeks, then up to \$600 per week for five additional weeks, an additional \$95 billion towards PPP loans, and \$500 billion in aid to state and local governments. The Democratic leadership rejected the proposal on Sept. 17.

- [Press release](#)
- [Relief framework](#)

[Click here to go to our COVID-19 Resource Center for more advisories, articles and other content related to the coronavirus pandemic.](#)

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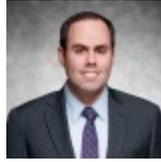
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