



CORONAVIRUS TASK FORCE

The outbreak of the novel coronavirus strain known as “COVID-19” is creating significant business and legal challenges for companies throughout the world. In response to client demand, Miller & Chevalier Chartered has formed an interdisciplinary task force, comprised of attorneys in seven main practice areas, to help businesses navigate the complex legal issues created by this global event. The Miller & Chevalier Coronavirus Task Force advises clients in a wide range of industries regarding legislative, regulatory, and strategic implications of the COVID-19 outbreak, including:

Employee Benefits & Employment: Health privacy issues under state law and the Health Insurance Portability and Accountability Act (HIPAA), potential health plan and health savings account (HSA) coverage of prescriptions, protective devices (masks, etc.) for non-symptomatic individuals, duties owed by employers under the OSHA “General Duties Clause” in connection with employee travel, ADA issues in employer-mandated fitness-for-duty tests for employers returning from travel, obligations under federal leave laws (FMLA) or company leave and PTO policies, and mitigation of discrimination risks (disparate treatment or impact).

Domestic & International Tax: Tax issues relating to supply chain and other business disruptions, including the treatment of losses and the permanent negative international tax consequences, which may be particularly dramatic given recent changes made by the *Tax Cuts and Jobs Act*; potential for legislative business tax relief (e.g., enhanced net operating loss relief, enhanced charitable contribution incentives) modeled after “disaster relief” packages that are commonly enacted in response to natural disasters; tax filing and compliance issues.

Government Contracts: Schedule delays, suspensions of work or stop work orders, changes, terminations for convenience, increased costs and other performance issues impacting prime contractors and subcontractors; negotiating contractual and statutory indemnity for the performance of high-risk work; availability of rapid acquisition techniques for COVID-19 response supplies and services.

Customs & Import Trade: Planning for supply chain disruption; evaluating alternative suppliers and logistics providers; outreach to customs administrations; application and enforceability of *force majeure* clauses in international trade contracts.

Economic Sanctions & Export Controls: Humanitarian and medical assistance to sanctioned countries and parties; evaluating alternative suppliers, vendors, and partners in response to supply chain disruptions; liaising with government agencies to secure guidance, licenses, and other authorizations; impact and enforceability of trade-related contract obligations, including *force majeure* and other grounds for rescission.

Commercial Disputes: Business disputes arising from supply chain disruption, event and travel cancellations, and policy/regulatory changes; invocation of *force majeure*, reformation principles and other contractual issues stemming from the spread of COVID-19.

Cross-Border Investigations & Corporate Due Diligence: Fact-gathering challenges in investigations and due diligence, including in government-led investigations and due diligence required for ongoing mergers, acquisitions, joint ventures, or relationships with third parties.

YOUR TASK FORCE CONTACTS



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