

March 31, 2020

PACE-NRDC Food Law Initiative

The following chart summarizes federal legislation and federal agency relief efforts that may be helpful to farmers during the COVID-19 pandemic as of March 2020.

	TOPIC	LEGISLATION/ PENDING ACTION	STATUS	SUMMARY
1.	Small Business Relief	Coronavirus Aid, Relief, and Economic Security Act (the “CARES Act”) ⁽¹⁾	Enacted 3/27/2020	<ul style="list-style-type: none"> • Businesses with 500 or fewer employees are eligible for loans guaranteed by the Small Business Administration. • Loans could be used for payroll support, including paid sick, medical or family leave. • Loans could also be used for costs related to the continuation of group health care benefits during those periods of leave, employee salaries, mortgage or rent payments, utilities, or any other debt obligations incurred before March 1, 2020. • Individuals who operate under a sole proprietorship or as an independent contractor are also eligible to receive these loans. <ul style="list-style-type: none"> • Must submit payroll tax filings, Forms 1099-MISC and income and expenses from the sole proprietorship

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		Families First Coronavirus Response Act ^[2]	Enacted 3/18/2020	<ul style="list-style-type: none"> • Businesses with 500 or fewer employees can receive two new refundable payroll tax credits, which would reimburse them for the cost of providing COVID-19-related leave to their employees. • The businesses can use the funds to provide employees with paid leave for their health care or a family member's healthcare. • Employees will be able to receive up to 80 hours of paid sick leave. Employers will receive full reimbursement for this paid leave and will not face any payroll tax liability. • Eligible employers can claim these credits based on qualifying leave they provide between now and December 31, 2020.
2.	Stimulus Check	CARES Act	Enacted 3/27/2020	<ul style="list-style-type: none"> • Individuals with gross incomes up to \$75,000 per year will receive \$1,200. <ul style="list-style-type: none"> • Individuals with gross incomes between \$75,000–\$99,000 will receive a reduced check. • Married couples with a gross income of under \$150,000 per year will receive \$2,400.

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				<ul style="list-style-type: none"> Married couples with gross incomes between \$150,000–\$198,000 will receive a reduced check. Married couples will also receive an additional \$500 for every child under 17. Individuals earning more than \$99,000 and couples earning more than \$198,000 will not receive a check. The checks will be based on 2018 tax returns. The checks will be taxed.
3.	Student Loan Relief	CARES Act	Enacted 3/27/2020	<ul style="list-style-type: none"> Involuntary payment of federal student loans held by the Department of Education (“DOE”) has been suspended, and accrual of interest on those loans has been waived until September 30, 2020. Borrowers may still choose to make loan payments during the relief period. For participants in certain federal loan forgiveness programs, each month that a loan payment is suspended will be treated as if the borrower had made a payment for purposes of the program. It is important to note that these relief programs do not apply to all student loans. For relief regarding loans not

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				held by the DOE, one should contact his or her loan issuer and/or loan servicer.
		Department of Education Suspension of Loan Payments and Waiver of Interest ^[3]	Implemented 03/20/2020	<ul style="list-style-type: none"> On March 20, 2020, the Department of Education's Office of Federal Student Aid ordered the suspension of certain federal student loan payments and the waiver of interest on certain student loans for at least 60 days during the national emergency caused by the COVID-19 outbreak beginning on March 13, 2020.
		House Loan Forgiveness Proposal ^[4]	Proposed 3/23/2020	<ul style="list-style-type: none"> House Democrats proposed the Student Debt Emergency Relief Act, which would cancel \$30,000 in student debt per borrower, suspend federal offset programs to collect past due loan payments and have the government assume monthly payments during the crisis.
		Senate Loan Forgiveness Proposal ^[5]	Proposed 3/19/2020	<ul style="list-style-type: none"> Senate Democrats have proposed a plan that would offer \$10,000 in loan forgiveness for all borrowers.
4.	Mortgage/ Debt	Farm Credit Administration Guidance Letter ^[6]	Issued 3/20/2020	<ul style="list-style-type: none"> The Farm Credit Administration is the regulator of the Farm Credit System and Farmer Mac. On March, 20, 2020, the Farm Credit Administration sent a letter to the

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	Relief – Farm Properties			<p>Farm Credit System encouraging it to work with borrowers whose operations have been affected by COVID-19 to:</p> <ul style="list-style-type: none"> • extend the terms of loan repayments; • restructure borrowers’ debt obligations; and • ease some loan documentation or credit-extension terms for new loans to certain borrowers.
		Farmer Mac Business Update ^[7]	Issued 03/26/2020	<ul style="list-style-type: none"> • In a recent business update, Farmer Mac stated that the organization is “committed to helping [our customers, including agricultural lenders] provide flexibility and assistance to their borrowers who are experiencing financial challenges due to COVID-19.”
5.	Mortgage Relief – Homes Not on Farm Property	Federal Housing Finance Agency Directives ^[8]	Updated 03/27/2020	<ul style="list-style-type: none"> • Fannie Mae, Freddie Mac and Federal Home Loan Banks will provide relief to homeowners who have been impacted by COVID-19 and who have outstanding mortgages with these entities <p>In particular, if an individual is having difficulty paying their mortgage at this time,</p> <ul style="list-style-type: none"> • they will not incur late fees;

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				<ul style="list-style-type: none"> they will not have delinquencies reported to credit bureaus; and foreclosure will be suspended. <p>Homeowners will need to contact their mortgage servicer to work out a payment plan.</p>
		Freddie Mac FAQ ^[9]	Updated 2020	<ul style="list-style-type: none"> It is important to note that <i>properties used primarily for farming or ranching are ineligible for the relief</i> listed above. An exception may be made for: <ul style="list-style-type: none"> hobby farms, which are “typically small farms where the homeowner engages in farming activity for personal use and are eligible properties” or for a farmer whose primary use of the property is residential and the secondary use of the property is for insignificant farming activity (such as a small roadside stand used for selling fruits and vegetables).
6.	Unemployment Relief	Guidance for State Run Programs ^[10]	Issued 03/12/2020	<ul style="list-style-type: none"> On March 12, 2020, the U.S. Department of Labor announced new guidance concerning unemployment insurance flexibility during the COVID-19 outbreak that will, at a minimum, permit states to pay benefits where:

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				<ul style="list-style-type: none"> • an employer temporarily ceases operations due to COVID-19, preventing employees from coming to work; • an individual is quarantined with the expectation of returning to work after the quarantine is over; and • an individual leaves employment due to a risk of exposure or infection or to care for a family member.
		CARES ACT	Enacted 3/27/2020	<ul style="list-style-type: none"> • The CARES Act created a temporary Pandemic Unemployment Assistance program that will run through December 31, 2020 to provide payment to individuals not traditionally eligible for unemployment benefits • This will cover individuals who are able and available to work but are unemployed due to COVID-19. • The CARES Act also extends unemployment benefits from 26 weeks to 39 weeks
7.	Health Insurance	CARES ACT	Enacted 3/27/2020	<ul style="list-style-type: none"> • Health plans must provide no-cost coverage for COVID-19 testing and related services, though the Act does not require plans to cover treatment for COVID-19. • Providers must post the cash price of their diagnostic tests publicly on their websites.

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				<ul style="list-style-type: none"> • Within 15 days of a vaccine or preventive service being recommended by the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention, or receiving an “A” or “B” from the U.S. Preventative Services Task Force, health insurance issuers must provide coverage for that measure. • Telemedicine services are to be provided free of cost for high-deductible plans with health savings accounts for plan years beginning on or before Dec. 31, 2021. • Telehealth services will be paid for by the Secretary if they are furnished via a telecommunications system by a federally qualified health center or a rural health clinic to an eligible telehealth individual. • The Affordable Care Act’s ban on pretax reimbursement of the costs for over-the-counter drugs not prescribed by a physician, including menstrual care products, is no longer in force.

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8.	Visas/ Labor	U.S. Department of State Essential Service Designation ^[11]	Updated 03/26/2020	<ul style="list-style-type: none"> On March 26, 2020, the U.S. Department of State designated the H-2 visa program as essential to the economy and food security of the United States and stated that it will continue to process applications to the extent possible using the following measures: <ul style="list-style-type: none"> Consular officers can, in their own discretion, waive visa interview requirements for first-time and returning applicants who have no apparent or potential ineligibility. Applicants who have had visas expire in the last 48 months that did not need a waiver of ineligibility during their previous application do not need an in-person interview. The State Department anticipates that the above provisions will mean that “the vast majority of otherwise qualified H-2 applicants will now be adjudicated without an interview.”
		New Partnership between the U.S. Department of	Announced 03/19/2020	<ul style="list-style-type: none"> U.S. Secretary of Agriculture Sonny Perdue announced a partnership between the U.S. Department of Agriculture (“USDA”) and the U.S. Department of Labor (“DOL”) to

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		Agriculture and the U.S. Department of Labor ^[12]		identify and facilitate the transfer of eligible foreign and domestic workers to other U.S. agricultural sector employers to fulfill critical workforce needs within the U.S. during the COVID-19 outbreak. ^[13]
9.	Support for Agricultural Producers	CARES Act	Enacted 3/27/2020	<ul style="list-style-type: none"> The CARES Act earmarks \$9,500,000,000 to support agricultural producers impacted by COVID-19, including producers of specialty crops, producers that supply local food systems and farmers markets and livestock producers.

[1] Coronavirus Aid, Relief, and Economic Security Act (CARES Act), H.R. Res. 748, 116th Cong. (March 27, 2020), available at <https://www.congress.gov/bill/116th-congress/house-bill/748/text>.

[2] Families First Coronavirus Response Act, H.R. 6201, 116th Cong. (March 18, 2020), available at <https://www.congress.gov/bill/116th-congress/house-bill/6201>.

[3] U.S. Department of Education, Delivering on President Trump's Promise, Secretary DeVos Suspends Federal Student Loan Payments, Waives Interest During National Emergency (March 20, 2020), available at <https://www.ed.gov/news/press-releases/delivering-president-trumps-promise-secretary-devos-suspends-federal-student-loan-payments-waives-interest-during-national-emergency>.

[4] Student Debt Emergency Relief Act Proposal, H.R. __ 116th Cong. (March, 22, 2020), available at <https://pressley.house.gov/sites/pressley.house.gov/files/FINAL%20Student%20Debt%20Emergency%20Relief%20Act.pdf>.

[5] Senate Democrats' Proposal To Aid Federal Student Loan Borrowers During Coronavirus Crisis (March 19, 2020), available at <https://www.democrats.senate.gov/imo/media/doc/03192020%20Student%20Loan%20Payment%20Relief%20Summary.pdf>

[6] Farm Credit Administration, FCA Encourages Farm Credit System Institutions to Work with Borrowers Affected by COVID-19 (March 17, 2020), available at <https://www3.fca.gov/news/Lists/News%20Releases/Attachments/606/NR-20-04-03-17-20.pdf>.

[7] Farmer Mac, Farmer Mac CEO Provides COVID-19 Business Update (March 26, 2020), available at <https://www.farmermac.com/wp-content/uploads/Farmer-Mac-CEO-Provides-COVID-19-Business-Update.pdf>.

[8] See Federal Housing Finance Agency, Mortgage Help for Homeowners Impacted by the Coronavirus (March 27, 2020), available at

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<https://www.fhfa.gov/Homeownersbuyer/MortgageAssistance/Pages/Coronavirus-Assistance-Information.aspx>.

[9] Freddie Mac, Freddie Mac Requirements for Rural Properties Q&A (2020), available at http://www.freddiemac.com/singlefamily/purchasemarket/sell/rural_properties_QA.html.

[10] U.S. Department of Labor, U.S. Department of Labor Announces New Guidance on Unemployment Insurance Flexibilities during COVID-19 Outbreak (March 12, 2020), available at <https://www.dol.gov/newsroom/releases/eta/eta20200312-0>.

[11] U.S. Department of State, Important Announcement on H2 Visas (March 26, 2020), available at <https://travel.state.gov/content/travel/en/News/visas-news/important-announcement-on-h2-visas.html>.

[12] U.S. Department of Agriculture, Release No. 0197.20 <https://www.usda.gov/media/press-releases/2020/03/19/usda-and-dol-announce-information-sharing-assist-h-2a-employers>.

[13] A list is available at <https://www.farmers.gov/sites/default/files/documents/H2-Certified-Positions-Ending-March-April-2020.pdf> (current as of 3/31/2020).

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