

## Israel Practice

# COVID-19 INSIGHTS UPDATE

## Holland & Knight COVID-19 Insights

November 2020

We trust you and your families are all well, safe and in good health. Holland & Knight in partnership with the Israel-America Chamber of Commerce keeps you updated on pertinent American-Israeli topics relating to legal considerations and federal funding opportunities in connection with the coronavirus (COVID-19).

We invite you to read the Alerts below and reach out to us to discuss your thoughts or any questions you may have on this issue. We also invite you to read [our Israel Practice Summer Newsletter](#).

More information is available on our [COVID-19 Response Team page](#).

### Relevant Insights:

- [SBA to Require PPP Borrowers of \\$2 Million-Plus to Complete Loan Necessity Questionnaires](#)

There have been numerous questions and guidance released surrounding the U.S. Small Business Administration's (SBA) Paycheck Protection Program (PPP) since its inception and implementation. Now, more than five months after the most recent guidance,



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borrowers are getting their first real look at what the SBA intends to review. The SBA has published SBA Form 3509 – Loan Necessity Questionnaire (For-Profit Borrowers) and SBA Form 3510 – Loan Necessity Questionnaire (Non-Profit Borrowers). These new nine-page forms appear to require completion by each borrower that, together with its affiliates, received a PPP loan of \$2 million or greater.

- [COVID-19 Vaccinations Are Coming, But What Will the PREP Act Immunize?](#)

Due to the recent announcements of successful trials for a COVID-19 vaccine, healthcare providers are asking about the extent to which the Public Readiness and Emergency Preparedness Act (PREP Act) will protect them against liability under state and federal law. There is limited case law addressing the applicability of the PREP Act, but the bottom line of the few cases that have examined the question is that the PREP Act is likely to preempt state claims relating to the administration of a vaccine but unlikely to cover the failure to administer the vaccine or, more generally, the care received by patients at healthcare facilities.

- [DOE Loan Program: Where We Are and What to Expect Post-Election](#)

More than \$40 billion in loan authority remains available at the U.S. Department of Energy (DOE) to finance clean energy and advanced transportation projects. The U.S. House of Representatives' energy bill (H.R. 4447) and other legislative initiatives contain meaningful reforms to the Title XVII and Advanced Technology Vehicles Manufacturing (ATVM) loan programs, which will continue to improve the programs moving forward. Because of the available funding in combination with the current economic and political environment, DOE's Loan Programs Office (LPO) is strongly positioned as a viable option for emerging clean technology companies in the next administration, no matter the electoral outcome.

- [Federal and Florida Officials Discuss Enforcement Priorities and How Corporations Can Minimize Risk](#)

The Third Annual Florida Enforcement Summit, hosted by Holland & Knight, the Florida Chamber of Commerce, the Miami-Dade Chamber of Commerce and the Miami-Dade Beacon Council, focused on federal and Florida enforcement priorities. Summit speakers included the U.S. Attorney for the Southern District of Florida, the Regional Director of the U.S. Securities and Exchange Commission, and the Statewide Prosecutor of Florida. The speakers shared their insights on current enforcement priorities and provided advice on how businesses can minimize enforcement risks by implementing robust compliance programs.

- [Operation Warp Speed and Vaccine Distribution Policies](#)



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Recent advances in the race for a COVID-19 vaccine, as well as the transition from the Trump Administration to a Biden Administration, have generated new questions about how a vaccine would be authorized, approved, and equitably and safely delivered to hundreds of millions of Americans. This Holland & Knight alert provides an overview of various activities within and outside of the federal government to address these issues, as well as who will or may be in charge of these efforts in the near-term.

- [Are New York Executive Orders a True Tolling of Statute of Limitations or Merely a Grace Period?](#)

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#### Holland & Knight Webinars:

- [Innovation to Address COVID and Funding Opportunities \(Recorded\)](#)

Date/Time: November 19

Israel Practice Co-Chair Meital Stavinsky participated in the Florida-Israel Agriculture Innovation Summit, a virtual event offering sessions on the agriculture industry in Florida, agriculture innovation from Israel and opportunities for collaboration between the two. She moderated a panel discussion with industry leaders from companies including Adama, Netafim and Lipman Family Farms on how the COVID-19 pandemic has affected the agriculture industry and how innovation can help it move forward despite new challenges. Holland & Knight co-hosted the panel with the Consulate General of Israel in Miami and the Florida Department of Agriculture and Consumer Services.

#### About Our Israel Practice:

Holland & Knight is a U.S.-based global law firm with a strong commitment to the state of Israel. With an intimate understanding of the Israeli economic, political and social environment, members of Holland & Knight's [Israel Practice Team](#) provide a wide array of legal services to both Israeli clients operating abroad and companies and investors doing business in Israel. With more than 1,400 professionals in 28 offices, we are highly experienced in

all the interdisciplinary areas necessary to guide entrepreneurs, investors, and startup or established companies through the opportunities and challenges that arise throughout the business or investment life cycles. Areas of legal guidance that are typically provided to our Israel Practice clients include real estate, mergers and acquisitions, private equity, international tax, cross border and customs, Internet privacy and cybersecurity, intellectual property, government lobbying, regulations and compliance, U.S. Foreign Corrupt Practices Act (FCPA), U.S. Foreign Account Tax Compliance Act (FATCA), and litigation and dispute resolution.

**DISCLAIMER:** Please note that the situation surrounding COVID-19 is evolving and that the subject matter discussed in these publications may change on a daily basis. Please contact your responsible Holland & Knight lawyer or the authors of these alerts for timely advice.

The information provided herein presents general information and should not be relied on as legal advice when analyzing and resolving a specific legal issue. If you have specific questions regarding a particular fact situation, please consult with competent legal counsel about the facts and laws that apply.

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