

## PilierioMazza Weekly Update for Government Contractors and Commercial Businesses

March 12, 2020

If you have questions concerning the content below, please visit this [link](#).

**PODCAST: FCA: The Year-End Review**, March 10, 2020, [Matt Feinberg](#). [[Read More](#)]

**WEBINAR: CMMC Is Coming: Are You Ready?**, March 17, 2020, [Jon Williams](#) and [Anna Wright](#). [[Read More](#)]

**WEBINAR: The False Claims Act: 2019 Takeaways and 2020 Trends**, March 31, 2020, [Matt Feinberg](#) and [Jackie Unger](#). [[Read More](#)]

### GOVERNMENT CONTRACTS LAW

#### **GSA to Clarify Agency Physical Security Standard Responsibility**

The General Services Administration (GSA) issued a proposed rule to revise the Federal Management Regulation to clarify the responsibilities of agencies for maintaining physical security standards in federally owned and leased facilities in light of current law, executive orders, and updated standards. The revision will also update nomenclature and reorganize the subparts for better readability and clarity. Comments are due May 4, 2020. Read the published version [here](#).

#### **DOD Adjusts Civil Monetary Penalties for Inflation**

The Department of Defense (DOD) issued a final rule to adjust its statutory civil monetary penalties (CMP) to account for inflation. The Federal Civil Penalties Inflation Adjustment Act of 1990, as amended by the Debt Collection Improvement Act of 1996 and the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, requires the head of each agency to adjust for inflation its CMP levels in effect as of November 2, 2015, under a revised methodology that was effective for 2016 and for each year thereafter. This rule was effective March 6, 2020. Read the published version [here](#).

#### **CRS Report: Defense Authorization and Appropriations Bills: FY 1961–FY 2020**

The Congressional Research Service (CRS) updated its defense authorization and appropriations bills report. The report is a research aid that lists DOD authorization bills and appropriations bills for Fiscal Year (FY) 1961–FY 2020. It includes pertinent information on the passage of these bills through the legislative process: bill numbers, report numbers, dates reported and passed, recorded vote numbers and vote tallies, dates of passage of the conference reports with their numbers and votes, vetoes, substitutions, dates of final passage, and public law numbers. Significant definitions are also included. Read the full report [here](#).

#### **ANNOUNCEMENT: PilieroMazza Welcomes Government Procurement Attorney Justin Haselden to Government Contracts Team**, March 5, 2020

After nine years representing the federal government, [PilierioMazza](#) is pleased to announce the addition of [Justin Haselden](#) as an associate in the Firm's [Government Contracts](#) and [Litigation & Dispute](#)

[Resolution](#) practice groups. Commenting on Mr. Haselden's arrival, Practice Group Chair [Tony Franco](#) said, "Justin's in-agency experience, combined with his private practice, provides a 360-degree view of federal procurements and agency decision-making that will be invaluable to our clients. We couldn't be more pleased to have him join our team." [\[Read More\]](#)

#### Related Government Contracts Law Presentations by PilieroMazza

**WEBINAR: Force Majeure? Understanding Your Rights and Responsibilities as a Government Contractor Impacted by COVID-19**, March 16, 2020, Speakers: [Jon Williams](#), Ben McMartin (Public Spend Forum), Elizabeth Jochum (Smith Pachter McWhorter), and Mark Ries (Crowell & Moring LLP). [\[Read More\]](#)

**WEBINAR: CMMC Is Coming: Are You Ready?**, March 17, 2020, Speakers: [Jon Williams](#) and [Anna Wright](#). [\[Read More\]](#)

**WEBINAR: PCI Subcontracting Summit 2020: Risk Management**, March 24, 2020, Speaker: [Isaias "Cy" Alba, IV](#). [\[Read More\]](#)

**WEBINAR: The False Claims Act: 2019 Takeaways and 2020 Trends**, March 31, 2020, Speakers: [Matt Feinberg](#) and [Jackie Unger](#). [\[Read More\]](#)

#### **LABOR & EMPLOYMENT LAW**

##### **Bloomberg Law: More Than Half of NLRB Regional Offices Have Top-Level Vacancies**

A majority of the National Labor Relations Board's (NLRB) 26 regional offices have at least one vacancy or temporary appointment in leadership, creating top-level personnel gaps. The regional offices handle a heavy volume of work and are responsible for processing unfair labor practice charges and representation petitions, investigating cases, issuing complaints when charges have merit, authorizing union elections, and litigating matters before administrative law judges. Read more [here](#).

##### **Bloomberg Law: Rare NLRB Order Requires Company to Reopen**

According to Bloomberg Law, a federal labor board required a New York business owner, who closed down a truck repair shop and fired two workers after learning that they wanted to join a union, to reestablish the business, rehire the workers, and recognize their union. Per the article, the ruling demonstrates that businesses risk a particularly burdensome remedy if they engage in what the board has traditionally viewed as hallmark violations of federal labor law, including closing down a business in response to union organizing, firing all union-eligible workers, or packing the proposed bargaining unit with new employees who are less sympathetic to organized labor. Read more [here](#).

##### **DOL Revises Forms Required by Labor Organizations Under LMRDA**

The Department of Labor (DOL) issued a final rule that revises the forms required by labor organizations under the Labor-Management Reporting and Disclosure Act (LMRDA). Under the LMRDA, specified labor organizations file annual reports (Form T-1) concerning trusts in which they are interested. A Form T-1 covers a trust's most recently concluded fiscal year, and a Form T-1 is required only for trusts whose fiscal year begins on or after June 4, 2020. A trust's "most recently concluded fiscal year" is the fiscal year beginning on or before 90 days before the filing union's fiscal year. The rule provides appropriate instructions and revises relevant sections relating to such reports. This rule is effective April 6, 2020; however, no labor organization is required to file a Form T-1 until 90 days after the conclusion of its first fiscal year that begins on or after June 4, 2020. Read the published version [here](#).

## **SMALL BUSINESS PROGRAMS & ADVISORY SERVICES**

### **SBA Seeks Comments on Proposed Changes to Community Advantage Pilot Program**

The Small Business Administration (SBA) issued a notice of changes to the Community Advantage (CA) Pilot Program and request for comments. The CA Pilot Program is a pilot program to increase SBA-guaranteed loans to small businesses in underserved areas. To support SBA's commitment to expanding access to capital for small businesses and entrepreneurs in underserved markets, SBA issued the notice to revise the requirements for refinancing non-SBA guaranteed, same-institution debt in certain circumstances. Further, SBA revised the number of loans a CA lender must make before it can begin processing loans under its delegated authority. Finally, SBA has provided guidance on the expiration and process for renewal of CA lenders' Loan Guaranty Agreements (SBA Form 750CA). The changes took effect March 2, 2020. The CA Pilot Program will remain in effect until September 30, 2022. Read the published version [here](#).

### **SBA Proposes to Remove Intermediary Lending Pilot Program Regulations**

SBA issued a proposed rule to remove three regulations governing the application and selection process for Intermediary Lending Pilot (ILP) program intermediaries:

- Section 109.200, Application To Become an ILP Intermediary;
- Section 109.210, Evaluation and Selection of ILP Intermediaries; and
- Section 109.220, Loan Limits—Loans to ILP Intermediaries.

These regulations are no longer necessary because SBA is no longer authorized to select new ILP intermediaries. Comments are due May 4, 2020. Read the published version [here](#).

## **LITIGATION & DISPUTE RESOLUTION**

### **Related Litigation & Dispute Resolution Presentations by PilieroMazza**

**WEBINAR: The False Claims Act: 2019 Takeaways and 2020 Trends**, March 31, 2020, Speakers: [Matt Feinberg](#) and [Jackie Unger](#). [\[Read More\]](#)

## **CYBERSECURITY & DATA PRIVACY**

### **Related Cybersecurity & Data Privacy Presentations by PilieroMazza**

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#### **About PilieroMazza**

PilieroMazza – a business law firm – serves as a strategic partner to government contractors and commercial businesses from across the United States in numerous industries, including:

- Aerospace and Defense
- Construction
- Cybersecurity & Data Privacy
- Emerging and Developing Industries
- Environmental Remediation
- Healthcare
- Information Technology
- Manufacturers and Suppliers
- Professional Services
- Solar Energy
- Telecommunications
- Transportation

We deliver results for our clients by implementing legal and business solutions that take the client's best interests into consideration. Moreover, PilieroMazza's efficient operational structure and lean approach to staffing matters translates into competitive pricing for our clients, while providing the highest standard of client service and legal acumen.

With lawyers in Washington, DC; Boulder, CO; Annapolis, MD; and Chicago, IL, PilieroMazza is privileged to represent clients in the following areas:

- [Audits & Investigations](#)
- [Business & Corporate Law](#)
- [Cybersecurity & Data Privacy](#)
- [False Claims Act](#)
- [Government Contracts Claims and Appeals](#)
- [Government Contracts Law](#)
- [Intellectual Property & Technology Rights](#)
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