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Biden Administration Issues New Executive Orders To Address COVID-19

In his first few days in office, President Joseph Biden issued 10 Executive Orders to address the federal government's response to the COVID-19 pandemic. These orders signal that the Biden Administration intends for the federal government to play a larger role in the response to COVID-19.

EO 14001: A Sustainable Public Health Supply Chain: This order directs the Secretary of State, the Secretary of Defense, the Secretary of Health and Human Services, the Secretary of Homeland Security, and the heads of appropriate agencies to review the availability of critical materials, treatments, and supplies needed to combat COVID-19. These supplies include personal protective equipment as well as resources necessary to produce and distribute tests and vaccinations. The officials are then to assess whether United States industry can provide such supplies in a timely manner, and, if not, the head of the relevant agency shall promptly revise its plan and take appropriate action to address shortfalls as soon as possible.

EO 14000: Supporting the Reopening and Continuing Operation of Schools and Early Childhood Education Providers: This order calls on the Department of Education to develop, in consultation with the Department of Health and Human Services, guidance and resources for safely reopening primary and secondary educational institutions. The order directs the Department of Education to provide advice to state and local educational authorities, to develop Safer Schools and Campuses Best Practices, and to provide technical assistance to schools and higher education institutions to ensure high-quality remote learning. The order also calls for the collection of data to understand the impact of COVID-19 on students and educators and calls for the Department of Education's Assistant Secretary for Civil Rights to

deliver a report on the disparate impacts of COVID-19 on students. Under the order, the Secretary of Health and Human Services shall collect data on safe reopening, ensure that schools receive adequate supplies, provide guidance on safe reopening, including cleaning, masking, and proper ventilation, and develop contact tracing programs.

EO 13999: Protecting Work and Health Safety: This executive order directs the Secretary of Labor to issue revised COVID workplace guidance—within two weeks—to evaluate current Occupational Safety and Health Administration (OSHA) enforcement efforts, and to launch a national program focused on OSHA enforcement efforts related to COVID-19 violations. The Secretary of Labor is to focus on specific violations that put the largest number of workers at serious risk. The order also directs the Secretary of Labor to initiate a campaign to inform workers of their legal rights and to work with labor unions to do so. The order also calls on other officials, including the Secretary of Agriculture, Secretary of Health and Human Services, Secretary of Transportation, and Secretary of Energy to explore other potential protections for workers.

EO 13998: Promoting COVID-19 Safety in Domestic and International Travel: This order directs that the Secretary of Labor, the Secretary of Health and Human Services, the Secretary of Transportation, the Secretary of Homeland Security, and the heads of any other executive departments and agencies to immediately take action to require masks to be worn on aircrafts, in airports, on trains, on intercity bus services, on public maritime vessels (including ferries) and in any other form of public transportation subject to federal regulation.

EO 13997: Improving and Expanding Access to Care and Treatments for COVID-19: This order directs the Secretary of Health and Human Services, in consultation with the Director of the National Institute of Health, to develop a plan for supporting new studies to identify the most promising treatments for COVID-19 and future public health threats, to develop a plan to support research in rural hospitals, and to study the long-term impact of COVID-19 on patient health. The order also directs the Secretary of Defense, the Secretary of Health and Human Services (HHS), and the Secretary of Veterans Affairs to provide surge assistance to critical and long-term care facilities and to establish targets for production, allocation, and distribution of COVID-19 treatments. Further, the order directs the Secretary of HHS to issue recommendations to states and healthcare providers as to how to increase the capacity of their healthcare workforce. Finally, the order directs the Secretary of HHS to evaluate barriers to maximizing the effective and equitable use of COVID-19 treatments, including evaluating Medicare, Medicaid, and health insurance plans in order to promote insurance coverage for effective COVID-19 treatment.

EO 13996: Establishing the COVID-19 Pandemic Testing Board and Ensuring a Sustainable Public Health Workforce for COVID-19 and Other Biological Threats: This order establishes a COVID-19 Pandemic Testing Board to be chaired by the Coordinator of the

COVID-19 Response and Counselor to the President. The Testing Board will include representatives from a number of executive departments and agencies, as designated by the President. The Board shall implement a Government-wide, unified approach to testing, which will include establishing a national testing and public health workforce strategy, expanding test supplies, bringing test manufacturing to the United States, enhancing lab testing capacity, enhancing the public health workforce, supporting screening testing for schools and priority populations, and ensuring clarity of messaging about the use of tests and insurance coverage. The Secretary of HHS shall also provide technical support to state and local health agencies and assist in training of public health workers.

EO 13995: Ensuring an Equitable Pandemic Response and Recovery: This order establishes the COVID-19 Health Equity Task Force within the Department of Health and Human Services. The purpose of this task force is to address the disproportionate and severe impact of COVID-19 on communities of color and other underserved populations. The task force shall provide specific recommendations to the President for mitigating health inequities caused or exacerbated by COVID-19, including how state and local officials shall allocate resources and funds to advance equity and communicating to communities of color and underserved populations. The task force shall also collaborate with heads of relevant agencies to collect data in order to develop longer-term recommendations to address the shortfalls.

EO 13994: Ensuring a Data-Driven Response to COVID-19 and Future High-Consequence Public Health Threats: This order directs the Secretary of Defense, the Attorney General, the Secretary of Commerce, the Secretary of Labor, the Secretary of Health and Human Services, the Secretary of Education, the Director of the Office of Management and Budget, the Director of National Intelligence, the Director of the Office of Science and Technology Policy, and the Director of the National Science Foundation to promptly designate a senior official to serve as each agency's lead to work on COVID-19 and pandemic-related data issues. This official will work with the COVID-19 Response Coordinator to make data relevant to high-consequence public health threats publicly available and accessible. The Director of the Office of Personnel Management and the Director of OMB shall promptly review the ability of agencies to hire information technology personnel and personnel to collect and analyze data and shall take action to support agencies in hiring efforts. The Secretary of HHS is to review the effectiveness and connectivity of public health data systems to detect high-consequence public health threats, review the collection of morbidity and mortality data by state and local authorities, and issue a report with recommendations.

EO 13991: Protecting the Federal Workforce and Requiring Mask-Wearing: This order directs the heads of executive departments and agencies to immediately take action to require compliance with CDC guidelines with respect to wearing masks, maintaining physical distance, and other public health measures by on-duty or on-site federal employees, on-site federal contractors, and all persons in federal buildings or on federal lands. The order also directs the COVID-19 Response

Coordinator to promptly identify and inform agencies of options to incentivize and encourage mask-wearing consistent with CDC guidelines. Additionally, the order establishes the Safer Federal Workforce Task Force to provide ongoing guidance to heads of agencies on the operation of the federal government, the safety of its employees, and the continuity of government functions. The order directs the Secretary of HHS to promptly develop a testing plan for the federal workforce, based on community transmission metrics.

EO 13987: Organizing and Mobilizing the United States Government To Provide a Unified and Effective Response To Combat COVID-19 and To Provide United States Leadership on Global Health Security: This order establishes the position of the Coordinator of the COVID-19 Response and Counselor to the President (COVID-19 Response Coordinator) and the position of the Deputy Coordinator of the COVID-19 Response within the Executive Office of the President. The COVID-19 Response Coordinator shall report directly to the President and shall advise and assist the President and executive departments and agencies in responding to COVID-19, coordinate all elements of the COVID-19 response, and perform other duties as directed by the President, including reducing disparities in COVID-19 response and treatment, coordinating the effort to produce and distribute PPE, vaccines, and tests, increasing testing, and coordinating the reopening of schools. The order also directs the Assistant to the President for National Security Affairs to convene the National Security Council Principals Committee to coordinate the federal government's efforts to address threats and advise the President on global response and recovery from COVID-19. The order creates a National Security Council Directorate on Global Health Security and Biodefense, responsible for monitoring current and emerging biological threats. Finally, the order directs agency heads to bring obstacles related to the COVID-19 response to the attention of the COVID-19 Response Coordinator, who will address the problems with the President when presidential guidance is necessary.

These orders signal that there will be a more unified response to the COVID-19 Pandemic from the federal government and that federal regulations likely will be issued in the near future.

Contact us

If you have any further questions or require more information regarding this alert, contact Eduardo Castro, Natalie Holden, Lowell Pearson or your Husch Blackwell attorney.

CARES Act, COVID-19 & Return-to-Work Guidance

Husch Blackwell provides guidance regarding COVID-19 updates, the CARES Act, and rapidly changing state-by-state orders, including those that impact stay-at-home and return-to-work protocols. Contact these legal teams or your Husch Blackwell attorney to plan a way through and beyond the pandemic.