

Policy Resolution Group COVID-19 Update

January 22, 2021

Since taking office on Wednesday, President Biden has taken a series of administrative measures to address the ongoing COVID-19 pandemic. Summaries of the respective actions can be found below, along with links to the relevant materials, and a deeper dive into the “Protecting Worker Health and Safety” EO.

So What Does It Mean?

The new COVID orders and memoranda are just one part of a [broader suite of executive actions](#) the Biden administration is rolling out in a deliberate, thematically choreographed fashion in its earliest days. And with the House on hiatus, the Senate in organizational flux, and the impeachment trial schedule up in the air, it stands to be the most significant policy action we will see in the coming weeks, with some hints as to how the Biden White House intends to approach the crisis differently than the previous administration.

The parade of Presidential actions plays out in the background of Biden's pursuit of additional congressional COVID response. Earlier this month, the Biden transition rolled out its “[American Rescue Plan](#),” a \$1.9 trillion outline for what it would like to see in the next bill. With a [decidedly cool response](#) from GOP moderates, Democrats are faced with a both strategic and more practical questions of how to proceed. Do they lower their sights and seek compromise through regular order? Do they unlock budget reconciliation and pursue procedurally viable elements of the plan on a partisan basis? Or, ultimately, can they, should they, and will they seek to change the filibuster rules to allow them to pass their agenda without minority obstruction?

They'll need to answer these questions in relatively short order, as a March 14th unemployment benefit cliff serves as the near term legislative forcing mechanism. Should they elect to use reconciliation, they must first craft a budget resolution instructing the various committees of jurisdiction to make specific changes to spending and revenue levels. Building such a consensus will take time, as will adopting a common resolution in both chambers, to say nothing of the process of writing and enacting the reconciliation package itself. In the meantime, these COVID-related actions provide both the structure for implementing the Biden strategy, as well as signals for how they intend to marshal federal resources toward that end.

The Orders Themselves:

[Executive Order on Establishing the COVID-19 Pandemic Testing Board and Ensuring a Sustainable Public Health Workforce for COVID-19 and Other Biological Threats](#)

This Executive Order, issued on January 21, 2021, uses a government-wide approach to establish a COVID-19 testing and workforce strategy, increase the supply of tests, bring test manufacturing to the United States, enhance laboratory testing capacity, work to expand the public health workforce, and support screening testing for schools and other priority populations. The order also establishes a COVID-19 Pandemic Testing Board that is

made up by representatives from executive departments and agencies and chaired by the COVID-19 Response Coordinator. The board's mission is to support the implementation and oversight of the policies detailed above.

[Executive Order on Protecting Worker Health and Safety \(Extended summary attached\)](#)

This Executive Order, issued on January 21, 2021, directs federal agencies, primarily the Secretary of Labor, to review worker protections and improve these protections if necessary in light of the COVID-19 pandemic. For workers not covered by OSHA, the order directs federal agencies, including the Department of Transportation, to explore mechanisms to protect workers.

[Executive Order on Supporting the Reopening and Continuing Operation of Schools and Early Childhood Education Providers](#)

This Executive Order, issued on January 21, 2021, directs the Secretary of Education, in consultation with the Secretary of Health and Human Services, to provide evidenced based guidance to assist States, elementary and secondary schools, and institutions of higher education on how and whether to reopen. The order also requires the Secretary of Education, in consultation with the Secretary of Health and Human Services to issue guidance on how to safely conduct in-person learning and implement mitigation measures. In doing this, they are also ordered to establish various mechanisms for States, schools, and other education institutions to share best practices. The order also directs the Department of Education to collect data on how the pandemic has affected various groups of students.

[Executive Order on Ensuring an Equitable Pandemic Response and Recovery](#)

This Executive Order, issued on January 21, 2021, establishes a COVID-19 Health Equity Task Force within the Department of Health and Human Services. The task force shall provide specific recommendations to the President for mitigating health inequities caused by the COVID-19 pandemic, with the ultimate goal of preventing such inequities in the future. Additionally, all other agencies are directed to consult with the Health Equity Task Force when making decisions on pandemic response that could cause health inequities.

[Executive Order on a Sustainable Public Health Supply Chain](#)

This Executive Order, issued on January 21, 2021, calls for immediate action to secure supplies that are necessary for responding to the pandemic. These supplies need to be and remain available to the Federal, State, local, Tribal, and territorial authorities, as well as America's health care workers and patients. In order to do this, the order calls for immediate inventory of response supplies and the identification of emergency needs. Additionally, the order directs the heads of departments and agencies to address the pricing of pandemic response supplies and to develop a pandemic supply chain resilience strategy.

[Memorandum to Extend Federal Support to Governors' Use of the National Guard to Respond to COVID-19 and to Increase Reimbursement and Other Assistance Provided to States](#)

This Executive Order, issued on January 21, 2021, extends the federal support of operations or missions to prevent and respond to the spread of COVID-19 of the National Guard. The order directs all State and territorial governors to order National Guard forces to fulfill mission assignments directed by FEMA under the Stafford Act, on a fully reimbursable bases.

[Executive Order on Ensuring a Data-Driven Response to COVID-19 and Future High-Consequence Public Health Threats](#)

This Executive Order, issued on January 21, 2021, directs the heads of all executive departments and agencies to facilitate the gathering, sharing, and publication of COVID-19 related data to the extent permitted by the law. This data will be used to assist Federal, State, local, Tribal, and territorial authorities to influence decision-making to further public understanding of the pandemic and the response, and to deter the spread of misinformation and disinformation.

[Executive Order on Improving and Expanding Access to Care and Treatments for COVID-19](#)

This Executive Order, issued on January 21, 2021, directs the Secretary of Health and Human Services, in consultation with the Director of the National Institutes of Health, to accelerate the development of novel therapies to treat COVID-19, and to improve access to quality and affordable healthcare. In addition to accelerating the development of novel therapies, the order seeks to improve the capacity of the Nation's healthcare systems to address COVID-19.

[Executive Order on Promoting COVID-19 Safety in Domestic and International Travel](#)

This Executive Order, issued on January 21, 2021, takes immediate action to require mask-wearing on certain domestic modes of transportation. Such as: airports, commercial aircraft, trains, public maritime vessels, intercity bus services, and all forms of public transportation as defined in section 5302 of title 49, United States Code. Additionally, the order requires all travelers seeking to enter the U.S. from a foreign country to produce proof of a recent negative COVID-19 test and self-quarantine or self-isolation after entry into the U.S.

Executive Order on Protecting Worker Health and Safety Summary

On January 21, 2021, President Biden signed a series of executive orders and memoranda creating a national framework to combat the COVID-19 pandemic, which Biden referred to as a “wartime undertaking.”

On the issue of worker protections during the COVID-19 pandemic, President Biden signed the [Executive Order on Protecting Worker Health and Safety](#). Summarized below, the Executive Order directs federal agencies, primarily the Department of Labor, to review worker protections and improve these protections if necessary in light of the COVID-19 pandemic.

National Policy Objectives (Section 1)

- National objectives include, among others, taking swift action to reduce the risk that workers will contract COVID-19 in the workplace; issuing science-based guidance to help keep workers safe from exposure; partnering with State and local governments to better protect public employees; and enforcing health and safety requirements in the workplace.

Protecting Workers from COVID-19 Under the Occupational Safety and Health Act (“OSHA”) (Section 2)

- Directs the Secretary of Labor, acting through the Assistant Secretary of Labor for Occupational Safety and Health, to do the following in order to protect workers during the COVID-19 pandemic:
 - Issue revised guidance on workplace safety during the COVID-19 pandemic in consultation and conjunction with other agencies;
 - Consider whether emergency temporary standards, such as mask-wearing in the workplace, are necessary and issue the standards by March 15, 2021;
 - Review OSHA enforcement efforts, identify appropriate changes, and launch a national program focusing on OSHA enforcement violations related to COVID-19 protections;
 - Create a multi-agency, bilingual outreach campaign to inform workers of their rights during the pandemic, with an emphasis on communities hit hardest by the pandemic.

Protecting Other Categories of Workers from COVID-19 (Section 3)

- Directs the Secretary of Labor, acting through the Assistant Secretary of Labor for Occupational Safety and Health, to do the following in order to protect workers not covered under the federal OSHA plan:
 - Coordinate with States that operate state-level occupational safety and health plans approved under OSHA to ensure such plans are consistent with any revised guidance or emergency temporary standards issued in response to the COVID-19 pandemic;
 - Consult with State and local government entities in States that do not operate under their own state-level occupational safety and health plans to ensure COVID-19 protections are implemented for public-sector workers.
- Directs the Secretaries of Agriculture, Labor, Health and Human Services, Transportation, and Energy to explore mechanisms to protect workers not covered under OSHA.
- Directs the Secretary of Labor, acting through the Assistant Secretary of Labor for Mine Safety and Health, to consider whether emergency temporary standards are needed for COVID-19 protections in coal and metal or non-metal mines and if so, to issue the standards as soon as practicable.