

Chapter 6: Pandemic Preparedness and Response

Chapter Overview

The coronavirus pandemic has tested the government's ability to respond to a global health crisis while continuing to uphold the transparency, accountability and oversight principles at the heart of our democracy. The response to the pandemic—which evidence shows has been driven repeatedly by political considerations rather than the best interest of the country—has been plagued by misinformation and spin, while the devastating health and economic impact has been borne disproportionately by people of color, low-wage workers and other vulnerable populations.

To begin to restore trust in the government's response, measures already taken by government actors as well as the extraordinary recovery effort that will be needed going forward will need to be transparent, fact-based and equitable. Crucial interventions from vaccine creation to disease surveillance mechanisms must be informed by medical, scientific and health experts within the government. Those experts should have the right to communicate research findings and expert opinions directly to the public. In addition, mechanisms should be in place that limit waste and ensure resources, from stimulus funds to protective equipment, are properly and fairly disseminated. Policy makers and the public must have access to information that contributes to understanding how and why the pandemic had the impact it had on the country as a whole, and to specific populations, in order to recover from the current crisis and to ensure we are better prepared for a future catastrophic event.

Principle 16: In order to protect the health and wellbeing of the public during and after the coronavirus pandemic, government decisions must be transparent and informed by science, and expert opinion must be shared with the public and not be constrained by political interference, fear of retribution or suppression.

The Problem

Efforts to undermine scientific integrity across the government have compromised policymakers' ability to make informed decisions in response to the coronavirus pandemic and the public's ability to trust any subsequent government-issued guidance. The administration prevented experts from speaking freely or directly to the public from the outset of the pandemic, censoring experts' statements and elevating ideological beliefs over scientific evidence. At the same time, the administration allowed political appointees with limited expertise to lead an unaccountable shadow pandemic response team that fueled public uncertainty. Several months after the World Health Organization declared the pandemic, the United States government's failure to foster

independent science, transparent decision making, scientific free speech or statutory compliance resulted in devastating consequences for the public.

Recommendations for Action on Day One

1. **Ensure that major policy decisions related to the coronavirus pandemic are informed by medical, scientific and health experts within the government, including the Department of Health and Human Services, Food and Drug Administration, and the Centers for Disease Control and Prevention.**

The White House and federal agencies must develop internal policies that ensure that experts from across relevant agencies can access meetings and contribute to materials such as reports, plans or recommendations.

2. **Ensure scientists have the right to communicate research findings and expert opinions directly to the public, including the media.**

The public needs to hear directly from experts during public health crises as severe as the coronavirus pandemic. Public-facing officials, including the president, must commit to the principles of the Scientific Integrity Act and follow the recommendations in the Centers for Disease Control and Prevention's crisis and emergency communication guidebook. Scientific integrity policy and practices at the Centers for Disease Control and Prevention and other federal agencies must be strengthened to ensure experts can freely communicate up-to-date science that serves the public interest. No federal official should block government experts from communicating with the public, including the press, during the remainder of the pandemic or afterward.

3. **Create a COVID-19 taskforce or advisory committee based at the Centers for Disease Control and Prevention.**

The advisory committee should bring together a collection of experts to oversee a coordinated federal response to the pandemic. The committee should provide oversight of vaccine and treatment developments and dissemination of vaccines to communities most in need by supporting research into testing, treatments and vaccines; ensuring they go through appropriate approval processes; and ensuring that production and distribution are efficient and equitable. The committee should also provide information—including standards for data collection, guidance on acquiring medical supplies, best practices for testing and contact tracing, and analysis of the latest evidence on measures to prevent disease transmission—to the public and state and local governments. All communication should be tailored to the needs of the diverse populations affected, including those that prefer to receive information in a language other than English.

4. **Affirm to international partners that the United States is committed to collaborating on pandemic response.**

The United States must join in international coordination and information sharing efforts to contain the virus and mitigate the economic and social impact of the disease. International efforts should include expanded scientific and medical collaboration; providing surplus personal protective equipment to countries lacking supplies; supporting the warehousing of preparedness supplies for a future pandemic; strengthening the Global Outbreak Alert and Response Network; participating in the Global Health Security

Agenda; and rejoining World Health Organization efforts (including the COVID-19 Technology Access Pool) to combat pandemics and live up to our founding commitments to the organization.

Recommendations for Short-term Action (First 100 Days)

1. **Direct agencies and the White House Office of Science and Technology Policy to strengthen scientific integrity policies and the infrastructure to enforce them, and improve the accessibility and visibility of key coronavirus information.**
 - a. The Office of Science and Technology Policy should create an assistant director for scientific integrity with sufficient authority to make scientific integrity a priority for the office.
 - b. The Office of Science and Technology Policy should direct relevant agency heads to appoint (or assign, where the position already exists) an official to oversee scientific integrity; this official should be insulated from political appointees and report to the agency's highest-ranking civil servant. This official should develop an agreement with the agency's inspector general to address misconduct and should work with the Office of Science and Technology Policy on cross-government coordination of scientific integrity practices.
 - c. The Office of Science and Technology Policy should direct the designated federal official to review and, as needed, improve existing scientific integrity policies to ensure they include provisions that:
 - i. Protect the right of scientists to communicate with the public and lawmakers about the pandemic, free from political interference or vetting, and to review content that will be released publicly in their names or that significantly relies on their work.
 - ii. Explicitly prohibit retaliation against government employees who raise concerns about scientific integrity or offer scientific opinions related to COVID-19 that differ from those of the administration or their agency.
 - iii. Provide a clear, detailed policy and procedure for addressing allegations of scientific integrity violations, including appeal rights, and for publicly reporting their resolution.
 - iv. Encourage the agency to conduct training on scientific integrity for all federal employees who use science or manage science programs to a significant degree in their jobs.
2. **Restore protections for government scientists, solidify safeguards for whistleblowers, and ensure that work environments across federal agencies support and celebrate scientists' critical efforts to combat and control COVID-19.**
 - a. Direct the White House Office of Management and Budget not to interfere with, filter or alter scientific findings.
 - b. Issue a memorandum instructing agencies to allocate grant program funding based on evaluations from experts with relevant qualifications, in response to

criteria that are publicly available, to safeguard against the political vetting of research grants.

- c. Issue an executive order committing to filling open science positions in accordance with the limits set forth by the Federal Vacancies Reform Act and requiring all science agencies to have chief science officers. Analogous to evaluation officers required by the Foundations for Evidence-Based Policymaking Act, a chief science officer would oversee strategic coordination of agency science that informs decisions, as well as the implementation of policies affecting federal scientists. The executive order should note that existing offices of the chief scientist satisfy this requirement.
 - d. Ensure that each agency's budget request includes funding for enough full-time equivalent positions to effectively conduct work related to the pandemic.
 - e. Roll back rules and guidance that inappropriately restrict the types of science that can be used in policymaking or agency scientific work, including current guidance and expected rules at the Department of Interior and Environmental Protection Agency that would significantly limit the research and data that the Environmental Protection Agency can use to make informed policy decisions under major public health and environmental laws, including the Clean Air Act, Safe Drinking Water Act, and Toxic Substances Control Act, all of which affect environmental factors that can increase risk for severe cases of COVID-19. See Appendix 6.1.
3. **Ensure the proper staffing, functioning and transparency of scientific advisory committees shaping government response to the pandemic.**

The president should rescind E.O. 13875 and issue a new executive order encouraging agencies to reestablish necessary federal advisory committees pursuant to the pandemic. The new order should include steps to:

- a. Publish clear criteria for nominating and selecting qualified committee members, with a clear prohibition of veto power by current members over candidates. These criteria should include measures to identify and make public the process used for committee formation, including how agencies screen members and assess committees for balance.
- b. Make rosters public after selecting the first round of candidates for membership, and request public comment.
- c. Publish basic information on each committee member on a public government website (e.g., [integrity.gov](https://www.integrity.gov)), including information on qualifications, background, employers, and funding sources for at least the previous five years, along with any conflict of interest waivers granted.
- d. Instruct agencies that when they allow a federal advisory committee to expire, they should archive the committee's website and all related documents so that the information is still publicly accessible.
- e. Appoint committee members as special government employees and vet members for financial conflicts of interest. Committee members should recuse themselves from scientific discussions for which they have a direct conflict of

interest, and those recusals should be announced to the public at the start of meetings and be included on meeting notes, reports, and other documents.

- f. Ensure scientists who have taken public positions on issues or received government funding for scientific work are not a priori excluded from advisory committees.
4. **Disclose executive branch decisions in response to the pandemic.**

The president should publicly disclose all executive branch guidance or interpretations of legal aspects of the pandemic or pandemic response. The White House and Department of Justice must disavow censorship power and commit to not using the president's purported censorship power to justify distorting or suppressing research important for public health. The president and the attorney general should specifically instruct the Office of Legal Counsel and any relevant agency General Counsel that the executive branch expressly waives any claim of privilege over any records documenting guidance or interpretations of legal aspects of the pandemic or pandemic response, and that no legal office in the executive branch may assert or defend a claim of privilege in such records.

Recommendations for Long-term Action

1. **Call for review by inspectors general (or the Government Accountability Office) of key agencies leading pandemic response.**

The president should take steps to ensure ongoing reviews, in accordance with the Inspector General Act, are continued in the event the president determines to replace inspector general leadership posts.

2. **Call on the Department of Justice's Office of Legal Counsel to proactively consider potential constitutional or other challenges to restrictions on individuals or operations to combat the pandemic.**

The president or attorney general should tailor proposals for responses to best withstand such challenges, and to pass constitutional and other legal muster.

Recommendations for Legislative Action

1. **Call for the passage of the Scientific Integrity Act and fully and aggressively support its implementation.**

The Scientific Integrity Act would ensure scientists can carry out their research—and communicate it with the public—without fear of political pressure or retaliation. It would protect the ability of scientists to share their expertise with reporters, in scientific journals, and at scientific conferences. The president should help ensure scientists can conduct research regardless of whether their findings align with political preferences and publicly communicate their findings and expert opinions.

2. **Support legislation to restore protections for government scientists, solidify safeguards for whistleblowers, and ensure that work environments across federal agencies support and celebrate scientists' critical efforts to combat and control COVID-19.**

The legislation should codify rules preventing the White House Office of Management and Budget not to interfere with, filter or alter scientific findings.

Principle 17: The consequences of the pandemic should not be disproportionately worse for the economically vulnerable, communities of color, and other under-represented communities.

The Problem

Government officials referred to the novel coronavirus as the great equalizer at the onset of the pandemic, but evidence shows the disparate impact of COVID-19 on vulnerable communities across the country. Black, Native American and Latino populations have all suffered higher mortality rates when compared to their white counterparts. Black business owners are more likely to be denied coronavirus aid from the federal government than their white peers. Elderly people across all races and ethnicities are more vulnerable to COVID-19 than younger populations. Without reliable, disaggregated data that captures crucial information such as race, ethnicity, age and gender, communities of color and underserved populations will not have the resources to respond to, survive, and ultimately recover from the pandemic.

Recommendations for Short-term Action (First 100 Days)

1. **Address differing needs of communities affected by the coronavirus pandemic.**

The pandemic has affected frontline workers especially hard, with worse outcomes for Black, Hispanic and Native American communities, among others. As a result, impacted communities across the country require varying levels of government support to withstand and ultimately recover from the pandemic. The president should address the social determinants (i.e. where individuals are born, grow, live, work and age) that alter the impact of the pandemic on vulnerable communities. The president also should call for response efforts to address not only immediate needs but also root problems to long-standing inequities, including environmental, social and economic factors, so that all communities are able to sustainably adopt and benefit from public health guidance that can mitigate the effect of the pandemic.

2. **Make publicly available information on both the distribution of government-supported contact tracers and the administration of a coronavirus vaccine (once available).**

This data should capture the sociodemographic characteristics of communities where these resources are distributed to encourage equitable distribution.

Recommendations for Long-term Action

1. **Improve preparedness to protect vulnerable populations.**

The president should require greater preparedness standards to protect residents and workers in long-term care facilities, senior care facilities, prisons, and other environments particularly vulnerable to the spread of coronavirus.

Principle 18: Access to Information, including around government supplies, research, spending, and health data related to COVID-19 will result in better preparedness for future pandemic or other crises that impact the health of the population.

The Problem

When the novel coronavirus began threatening communities across the United States, the administration failed to provide clear or accurate information about its severity or about pandemic response plans or capabilities. The administration improperly classified COVID-19 meetings, dangerously limiting the public's access to critical public health information. When demand for medical supplies and personal protective equipment was at its peak, the government did not have clear or readily available information about strategic national stockpile supplies or how states could acquire them. Limited transparency around pandemic-related supplies, research, spending and health data has endangered the physical health of communities across the country leaving the public unable to make informed decisions about how to protect their health. Similarly, the distribution of funds under the economic stimulus package suffered from too few accountability mechanisms, leaving the program ripe for waste and limiting the public's understanding of the efficacy of the economic intervention.

More recent claims that the administration is moving "warp speed" to develop safe and effective COVID-19 vaccines and treatments leave the public unsure if they will be safe. Having repeatedly ignored and buried evidence of the impact of COVID-19 while inappropriately endorsing ineffective treatments like hydroxychloroquine actions that attempted to create political gain but offered minimal added protection to the public against the coronavirus. Without transparency around supplies, research, spending or health data, the public will not have reason to support further economic relief efforts or trust that government recommended vaccines and treatments are in fact safe—a scenario that could extend the pandemic and its devastating impact even longer.

Recommendations for Action on Day One

1. **Declassify COVID-19 information and commit to keeping future meetings and documents related to the pandemic response unclassified.**

Records of meetings, stockpile formularies, and policy and legal rationales used to distribute stockpile supplies should be declassified. Unnecessary classification of meetings addressing the pandemic prevented key experts from participating in conversations or receiving materials regarding health and safety information. Inappropriately classifying these discussions or documents hinders the government's ability to respond effectively and get key information to the public.

2. **Launch a commission to understand and learn from the United States' pandemic response.** The commission should be in the style of the National Commission on Terrorist Attacks Upon the United States, also known as the 9/11 Commission, and should review the chain of command when dealing with a public health emergency; the fastest ways to leverage resources and scale up response; the capacity of the nation's health system; and the spread of disinformation. The commission should put forward recommendations to improve the country's ability to respond to the next pandemic.
3. **Call for the Food and Drug Administration to release key data, including data on medications and vaccines related to the COVID-19 pandemic.**

The Food and Drug Administration should release information on who it is funding and what the funding is for. Drug manufacturing companies should provide details on their supply chains, including where drugs are coming from, where there is a shortage, and how actual or potential shortages can be addressed. Federally funded science conducted by companies should be publicly available to the maximum extent possible. That includes study designs; summary data statistics; results (both positive and negative) of experiments and trials; and proposed next steps.

For any drugs or vaccines for which an emergency use authorization request is approved by the Food and Drug Administration, that agency should release all research data supporting the request at the time of approval (while protecting patient privacy). Likewise, when the Food and Drug Administration approves a drug or vaccine for COVID-19, the agency should provide an explanation of the evidence (including all data, when not infringing research participant confidentiality) on which it based decisions regarding the safety and efficacy of the products. Likewise, when the Food and Drug Administration approves a drug or vaccine for COVID-19, the agency must immediately release at the time of approval all data regarding the safety and efficacy of the products.

The Food and Drug Administration should disclose the basis of medication shortages due to the coronavirus pandemic, which could include any shortage of ingredients.

4. **Require the Department of Health and Human Services to make publicly available all contracts, funding arrangements, and other agreements related to COVID-19 treatments and vaccines.**

Recommendations for Short-term Action (First 100 Days)

1. Extend data collection on the pandemic's economic impact.

The president should direct the U.S. Census Bureau to continue to extend the Household Pulse Survey and expand its outreach to include offline surveying, to avoid potentially skewing the survey's results to only populations with internet access.

2. Direct agencies to improve tracking of pandemic-related spending through USAspending.gov.

These improvements should:

- a. Establish a search filter that would allow users to more easily find pandemic awards.
- b. Ensure that agencies report direct assistance and loans to individuals, which should be aggregated to protect privacy in the smallest geographic areas possible, such as zip codes.
- c. Ensure that sub-award data from state agencies, contractors, and lenders receiving loan guarantees gets fully reported.
- d. Audit for data quality of award data and recipient reported data.

3. Call for quarterly reporting from key agencies and departments working to address the pandemic and its economic impact.

The president should require the Office of Management and Budget and the Pandemic Response Accountability Committee to establish a process for collecting quarterly reporting from recipients of large awards, as mandated under the *CARES Act*.

4. Direct agencies to establish standard procedures for the collection, disclosure, and maintenance of data related to the pandemic.

Agencies should be required to:

- a. Follow uniform disease monitoring and reporting requirements that enable identification of health disparities by multiple characteristics (including age, gender, race, ethnicity, sexual orientation, gender identity, disability status, and poverty level), and ensure that data collected by the Centers for Disease Control are made publicly available in a timely manner.
- b. Make research and data that are digitally formatted and in the public domain available online, non-proprietary, and freely accessible to the general public, to the extent permitted by law and with protections for individuals' privacy, with only the minimal necessary restrictions upon their use.
- c. Provide full public access to government-supported publications' metadata (such as unique, persistent ID; author(s) names with associated persistent identifier(s); title and abstract of article or paper; license information; journal or serial title with identifier (ISSN); and name(s) of funding agency or agencies with award numbers) without charge upon first publication.

- d. Encourage technical and legal interoperability to facilitate international sharing of government-supported scientific data, using compatible, publicly available, and open source formats.
- e. Collect data from settings such as long-term care facilities, correctional facilities, military bases and ships, and workplaces that have large numbers of cases, to ensure that areas of high transmission can be identified and addressed.
- f. Require Occupational Safety and Health Administration to report on the number and type of complaints related to insufficient safeguards against coronavirus transmission, and on the agency's response to the complaints.

5. Direct agencies to transparently manage coronavirus-related data.

The president should issue a memorandum requiring federal agencies to ensure management of scientific data throughout its lifecycle, to include compliance with Federal Records Act requirements related to records scheduling and preservation, and ensure scientific data is sufficiently described to enable its use. The memorandum should establish certain standards and requirements, including:

- a. Reminding agencies of their statutory obligation to properly schedule and preserve government research and data, and provide advance public notice before removing or altering significant information products.
- b. Instructing agencies to provide public access to all relevant scientific data to the greatest extent possible without compromising privacy, and creating an enforcement mechanism to ensure compliance with public access requirements. This should include remedies for noncompliance that provide for disclosure of the improperly withheld information and restoration of improperly removed information.

6. Require agencies to release key COVID-19 research and development findings.

Agencies should disclose and make publicly available research, data aggregated sufficiently to preserve human participants' privacy, and know-how for COVID-19 medical countermeasures developed with federal funding, including sharing with the WHO's COVID-19 technology access pool.

7. Ensure federal funding opportunities for COVID-19 initiatives or research follow reporting requirements.

All federal funding opportunities for clinical trials must register and provide result reporting at ClinicalTrials.gov, as is already required of National Institute of Health grantees.

8. Ensure government loans awarded in response to the pandemic are properly reported on and tracked.

The president should call for specific reporting on Federal Reserve lending facilities. This reporting should apply to entities that receive the funds and capture what they are reporting out for staff on payroll, number of people employed, wages and benefits. The president should also direct the Federal Reserve to ensure that the loan award data that

the Federal Reserve discloses closely matches the data structure and specificity of award data released through USASpending.gov.

9. **Support ethical data collection for technology-assisted contact tracing of COVID-19 transmission.**

The executive branch should carry out privacy impact assessments and publicly disclose how tracing measures will protect privacy. The president should outline a base set of digital contact tracing technology features that protect privacy, with layers of additional capabilities that users can choose to activate.

Recommendations for Long-term Action

1. **Establish fixed standards for when to invoke the Defense Production Act to mitigate shortages triggered by the pandemic.**

Standards should address use for both preparedness and distribution of health resources. The president should also create a mechanism for real-time public dissemination of Defense Production Act orders.

2. **Establish an oversight entity for the strategic national stockpile.**

This entity should independently assess the stockpile and report annually to Congress on the stockpile's status and maintenance.

3. **Improve coordination between agencies responding to the pandemic.**

The president should establish a mechanism to coordinate across agencies on global defense and biodefense topics to ensure that agency leaders are communicating with each other about potential and current threats. This mechanism should include, but not be housed at, the National Security Council. Technical leadership and coordination should be vested in the CDC. The White House should assure agencies are held accountable for fully cooperating on technical matters and policy as well as coordination with states and tribes.

Recommendations for Legislative Action

1. **Call on Congress to reestablish and properly fund an Office of Technology Assessment to ensure Congress has access to technical experts to advise on the government's response to the pandemic.**

The Office of Technology Assessment, before its funding was cut in 1995, was an independent body of experts that utilized the peer review process, received bipartisan support, and succeeded in its mission to provide Congress with new and effective means for securing competent, unbiased information concerning the physical, biological, economic, social and political efforts of technological applications.

2. **Call on Congress to pass a bill creating a roadmap for providing health services in future pandemics.**

The legislation should clarify how diagnosis, treatment, and prophylaxis would be covered.

3. **Call on Congress to ensure ethical data collection for technology-assisted contact tracing of COVID-19 transmission.**

Any legislation should involve stakeholder input, be built for sustainability and include strong safeguards, be narrowly tailored to target the ongoing epidemic, and include an exit strategy. The resulting system for technology-assisted contact tracing should be non-punitive, non-discriminatory, auditable and fixable, voluntary, sustainably maintained, privacy preserving, and data minimizing. It should also have a measurable impact and minimal reliance on central authorities, and avoid data leakage or displacing non-technical measures.

4. **Call on Congress to improve reporting for COVID-19 research and development efforts.**

Upon submission for regulatory approval or the grant of an Emergency Use Authorization, Congress should require pharmaceutical corporations to disclose disaggregated information regarding research and development costs, including the extent to which research and development was supported by the federal government, as well as manufacturing and other expenditures.

5. **Call on Congress to ensure transparency for all future federally-funded pandemic response efforts.**

Congress should expand the Freedom of Information Act to apply to coronavirus-related government contractors.

6. **Call on Congress to bolster transparency and oversight mechanisms of past coronavirus-response legislation.**

These fixes should include measures to: strengthen protections for inspectors general, facilitate and expand the Freedom of Information Act, broaden whistleblower protections, promote court access for the public; narrow the CARES Act secrecy exemption; fortify the CARES Act oversight mechanisms; disclose “secret law” (opinions from the Department of Justice’s Office of Legal Counsel) related to the pandemic; and fund congressional oversight.

7. **Call on Congress to report on the local-level distribution, implementation and economic impacts of relief funding triggered by the pandemic.**

Legislation should ensure:

- a. Recipients of funding provide electronically accessible data on the economic impacts of that funding on employment, estimated economic growth, and other key economic impact factors. Data on businesses receiving federal funds should include demographics and size, such as average annual revenue.
- b. Collection of data on unemployment insurance payments (including if they are issued in a timely manner) and checks to households (to see if all eligible individuals received checks).

8. **Call on Congress to track state and local budget shortfalls following the economic uncertainty that began in March 2020.**

These shortfalls can reveal where the greatest stressors are on the economy across the country, where fungible funds may have been reallocated, and where layoffs might occur in the future.

Appendix to Chapter 6: Pandemic Preparedness and Response

Appendix 6.1: Rules and Guidance to Rollback

The incoming administration should roll back the following rules and guidance that inappropriately restrict the types of science that can be used in policymaking or agency scientific work:

1. Strengthening Transparency in Regulatory Science - this is a misleading rule that stipulates that when the Environmental Protection Agency utilizes a scientific study to support public health protections, the raw data supporting the rule (potentially including personal medical data) must be publicly available and the studies must be able to be validated by a separate Environmental Protection Agency review. This wide-ranging proposal would significantly limit the research and data that the Environmental Protection Agency can use to make informed policy decisions under major public health and environmental laws, including the Clean Air Act, Safe Drinking Water Act, and Toxic Substances Control Act.
2. Fully rescind Science Advisory Board directives that restrict the ability of academic experts to participate on advisory panels. Ensure that expert panels are reconstituted and fully engaged for issues such as air pollution, environmental justice, chemical safety and other public health threats.
3. Roll back changes to cost-benefit analysis requirements that down weight or ignore indirect benefits or co-benefits to the public of government actions.
4. Rescind policies that minimize or waive reporting monitoring and pollution control requirements for industry. Re-fund environmental and public health enforcement staff and programs.
5. End waivers from the National Environmental Policy Act that restrict the ability of the public to access and comment on proposals for oil, gas and construction projects.