



### **3/23/20 OFW Law Daily COVID-19 News Conference Summary**

President Donald Trump and Vice President Mike Pence held a more than 2-hour press conference beginning at 6:10 this evening. They were joined by Attorney General William Barr, White House Coronavirus Response Coordinator Deborah Birx, and FEMA Supply Chain Task Force Leader Rear Admiral John Polowczyk.

#### **Summary of the President's remarks and questions:**

1. The President opened by saying that America continues to mobilize every segment of our society. The hardship will end soon and the economy will reload. The sacrifices being made will save many lives.
2. The White House is working with the best scientists and medical professionals. They will use data to recommend new protocols at the appropriate time.
3. The country was not built to be shut down.
4. They are working on an urgent relief bill with a commitment to ensuring the continuation of viable businesses. We cannot let the cure be worse than the problem. A decision will be made at the end of the current 15-day period.
5. Congress must pass the Senate bill as written. It must go quickly. It is not a time for political agendas.
6. The problem is a medical problem. We will not allow it to turn into an economic problem.
7. Critical supplies are being provided – 8 million N95 masks; 13.3 million surgical masks; 73 pallets of Personal Protective Equipment to New York; 36 pallets to Washington; 6.5 million masks have been donated to FEMA.
8. Clinical trials for existing drugs (hydroxychloroquine and azithromycin) are beginning.
9. FDA is working on regenron and redecevir. Other drugs are under study.
10. The President said there will be ad delay in the deadline for Real ID requirements. The new deadline will be announced soon. He said he signed Executive Order 45132 to prohibit the hoarding of equipment and supplies, including hand sanitizers and masks, and allow for the prosecution of price gougers. Stockpiling beyond a certain degree will not be allowed.
11. The Department of Justice will prosecute fraudulent schemes.
12. The President offered his thanks to first responders, healthcare workers, UPS. FedEx, truckers, grocery stores, and restaurant workers for their efforts.
13. Given that there have now been more than 100 deaths in one day, does the President share the Surgeon General's prognosis that things are going to get "really bad"? He said he did and went on to compare the COVID-19 situation with the flu, where there have been more

than 50,000 deaths. They are looking to make the situation “much less bad”. Numbers will increase with time and then decrease.

14. If Drs. Birx and Fauci say that the current limitations should keep going, what will the President say? He responded that we need to see what happens. We have learned a lot about social distancing. Some parts of the country are very lightly effected.
15. The President was asked about opening the country since the cure may be worse than the problem. The cure has been very tough. He replied that he will continue to look at everything. There is anxiety, depression, and suicides. We need to look at all of that and balance the situation. We can do both things at the same time.
16. The President previously said that the situation could last through July or August. Is his view now different? A lot has been learned. There is discipline that we never had before. A lot will stay after the virus is gone. But we have to open our country because there could be far bigger problems beyond medical. If it were up to the doctors, we would shut down the entire world. We cannot do that with the number one economy in the world.
17. There are cases in Asia and Latin America. Could there be a new round of travel bans? The President said no, but it could be a consideration in the future.
18. With respect to school closings, the President said it is a decision for governors.
19. He was asked if a \$2 trillion stimulus package is needed if the country will reopen in months. The President said the stimulus is needed to give the system a kick. There is a need to be sure companies are strong so that they can bring back the workers. Small businesses are the engine of the country.
20. The President was asked about reopening Affordable Care Act Exchanges, and he said they are talking about it.
21. The President was asked if he is coordinating responses with leaders of the G7. He said they are closely aligned.

#### **Summary of Attorney General William Barr’s remarks:**

1. Attorney General Barr reviewed the Executive Order signed by the President to safeguard critical medical supplies from price gouging and hoarding.
2. He also referenced Section 102 of the Defense Production Act, which prohibits the hoarding of resources. Sec. 102 prohibits the accumulation of such items: 1) in amounts that are in excess of reasonable personal, home use, or business purposes; and 2) for the purpose of resale in excess of prevailing market prices. Such activities would be criminalized under this authority. Authority is being delegated to the Secretary of Health and Human Services for the designation of these items.
3. The first national task force meeting was held today working on the problem. Lead prosecutors have been designated in each of the 93 districts to conduct investigations of activities disrupting the supply chain.

#### **Summary of the White House Coronavirus Response Coordinator Deborah Birx’s remarks and questions:**

1. Dr. Birx offered thanks to colleagues around the world, including Europe.
2. There has not been any mortality for children under 15 in Europe, while there has been one at age 14 in China. The mortality rate for those under 50 years of age has been less

than 1 percent. Mortality continues to be prevalent among those with preexisting conditions.

3. She urged Americans to continue to follow the guidance that has been put forth.
4. There have been 250,000 tests in the last 7 days. Medical personnel are being exposed to the virus, and we are getting more tests than can be run per day.
5. The self-swabbing option should be available by the end of the week.
6. She repeated the suggestion to not get a test if not needed.
7. In the New York city metro area, they are seeing an incidence of 1 in 1000, 5 times what other areas are seeing. 28% of the tests are positive with less than 8% positive in the rest of the country. She strongly encouraged self-distancing.
8. Dr. Birx was asked if she shares the President's optimism. She said that tests have had to go to hospitals, and identified various new platforms moving simultaneously that allowed for case findings and mitigation. They went out with a very blunt force, and now want to see where the virus is and how the mitigation efforts are working. It has to be tailored geographically and perhaps by age. Only China and South Korea have moved through their curves of 8 to 10 weeks. Each area in the United States is going to be their own curve.
9. Senator Rand Paul got his test even though he was not in contact with anyone who was positive and did not mean the conditions for testing in the guidelines. If he had not gotten a test he could have infected more Senators. Dr. Birx said this is why people need to be socially responsible. Until we figure out surface transmissions versus respiratory transmissions we need to monitor. Unless temperature is taken we cannot say he did not have any symptoms.
10. Dr. Birx was asked about the start date for the curves on each geographical area. She said they can now back track on testing. All of this was built on a flu platform. It was never thought there would be a simultaneous respiratory disease at the same time. We will be able to do simultaneous containment contact tracing while doing mitigation.
11. Dr. Brix was asked about new measures underway in Britain and Germany. She said the President and Vice President asked them to look at data and practices in every country. Weeks ago Britain had a very different approach. She hasn't looked at data since then.
12. She was asked if she agrees with the President's desire to reopen the country. She said that they were obligated to make a recommendation based on data with respect to the end of the 15-day period. She did not want to speculate on data. There was a discussion of the mortality rate. Death rates escalate with age and pre-existing conditions. The average age of people dying in Italy is in the 80's.

#### **Summary of the Vice President's remarks and questions:**

1. The Task Force today had a call with governors regarding testing and supplies.
2. Disaster declarations have been issued for [New York](#), [California](#), and [Washington](#).
3. They listened to the governors regarding their specific needs. The President and the Administration fully supports the decisions being made by governors,
4. They spoke about the pending legislation and were encouraged to move quickly. The governors in turn were urged to contact their own delegations. Payments to families, unemployment benefits, and assistance to industries are all important.

5. The expanded testing is appreciated, with much being done through the states. Thus far there have been 313,000 tests with 41,000 positive results.
6. There is full support for FEMA and public health.
7. FDA is working to improve less invasive methods of testing. Self-administered swabs can now be collected in clinics and drive-through sites.
8. There is new guidance from HHS to prioritize testing for hospital patients.
9. All state laboratories are now required by law to report the results of COVID-19 tests to CDC.
10. They received a report from the Supply Chain Task Force at FEMA. They are working to evaluate available supplies and working with industry to produce more. 3M has diverted 500,000 masks from commercial customers to New York and Seattle. Facebook has donated 700,000 masks.
11. There is a breakthrough on the availability of ventilators with the conversion effort.
12. The Vice President was asked about the waiver from the Department of Education for being excused from standardized testing requirements. He said it was discussed with the governors and they would have the Secretary of Education at a future briefing. Rules are also being loosened on distance learning.
13. With respect to guidance from CDC regarding first responders, the coronavirus Task Force is bringing recommendations to the President for approval.
14. The Vice President said they will be working through FEMA to distribute the self-swabs. FDA has announced its decision. They believe they have set a record for new approval with the study done by United Health Group and the Gates Group.

**Summary of FEMA Supply Chain Task Force Leader Rear Admiral John Polowczyk's questions:**

1. Admiral Polowczyk provided an organization chart for the Task Force. He said he has focus leads on PPEs and ventilators.
2. They are searching the globe for PPEs.
3. They are looking at reallocation to illuminate the supply chain.
4. They have a line called "expansion" to allow companies to get into the business.