



Israel Practice

# COVID-19 INSIGHTS UPDATE

## Holland & Knight COVID-19 Insights

### Winter 2021

We trust you and your families are all well, safe and in good health. Holland & Knight in partnership with the Israel-America Chamber of Commerce keeps you updated on pertinent American-Israeli topics relating to legal considerations and federal funding opportunities in connection with the coronavirus (COVID-19).

We invite you to read the Alerts below and reach out to us to discuss your thoughts or any questions you may have on this issue. We also invite you to read [our Israel Practice Winter Newsletter](#).

More information is available on our [COVID-19 Response Team page](#).

#### Relevant Insights:

- [Biden Order Aims to Strengthen Domestic Supply Chains in Key Sectors](#)

President Joe Biden has signed an Executive Order (EO) on America's Supply Chains, mandating a 100-day review of the global supply chains used by key industries in an effort to avoid the shortages in medical equipment, semiconductors and other goods seen as



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critical during the COVID-19 pandemic. The review will address vulnerabilities of supply chains of four key products: large-capacity batteries, pharmaceuticals, critical minerals and semiconductors. The review will also seek to determine whether U.S. firms in these sectors are too reliant on foreign suppliers, particularly those in China, as well as other vulnerabilities, such as extreme weather and environmental factors. The EO directs federal agencies to consult with outside stakeholders during the supply chain review process, providing an opportunity for business and industry to engage with the Departments of Defense, Commerce, Energy, Homeland Security, Health and Human Services, Transportation and Agriculture. This is an important opportunity that should not be overlooked, especially given the current political climate and ongoing stimulus discussions.

- [American Rescue Plan Act of 2021: Summary](#)

The U.S. House of Representatives on March 10, 2021, passed the Senate-amended H.R. 1319, the American Rescue Plan (ARP). The ARP provides \$1.9 trillion in additional relief to respond to the novel coronavirus (COVID-19). This follows the enactment of nearly \$4 trillion in COVID relief in 2020. President Joe Biden called for Congress to enact the ARP to provide relief for individuals and businesses struggling due to COVID-19, as well as to achieve other priorities of the Biden Administration and Congress. ARP includes provisions on aid to state and local governments, hard-hit industries and communities, tax changes affecting individuals and businesses, and other provisions. The latest COVID relief legislation was enacted as part of Congress' fiscal year (FY) 2021 budget, and includes provisions impacting a wide variety of stakeholders. The following chart highlights some noteworthy provisions.

- [Immigration Under Biden Administration: Recent Executive Orders and Other Updates](#)

The Trump Administration implemented many changes to immigration processes and procedures in the United States that were restrictive and resulted in long delays and suspensions of movement. Holland & Knight's third Biden Administration employer alert focuses on additional immigration changes made to various aspects of immigration, including recent executive orders and other updates. As the Biden Administration makes more changes during its first 100 days of office, Holland & Knight will continue to provide updates as necessary.

- [A Snapshot Look at COVID-19 Vaccine Distribution Logistics](#)

The spread and surge of the COVID-19 infection has clearly become a national crisis that affects many in the transportation industry. Responding to an inquiry from Holland & Knight, the American Trucking Associations stated, "ATA has made it clear with public health officials and Governors that prioritizing



**Meital Stavinsky**

Miami  
+1.305.789.7710  
Washington, D.C.  
+1.202.828.5004  
[meital.stavinsky@hkllaw.com](mailto:meital.stavinsky@hkllaw.com)



**Ronald J. Klein**

Fort Lauderdale  
+1.954.468.7874  
Washington, D.C.  
+1.202.469.5152  
[ron.klein@hkllaw.com](mailto:ron.klein@hkllaw.com)

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vaccine access to truck drivers is critical to controlling the pandemic and keeping our economy moving. We are closely monitoring vaccine rollout and working with our state trucking associations and public health officials across the country to make sure that happens as smoothly and quickly as possible."

- [The PREP Act and Vaccines Immunize, But Equally Well?](#)

The U.S. Department of Health and Human Services (HHS), under the current administration, has taken umbrage at how lower courts have interpreted the Public Readiness and Emergency Preparedness Act (PREP Act), insisting that the HHS Secretary's Declaration under the Act must be construed in accordance with HHS advisory opinions. In light of a spate of recent lawsuits related to COVID-19, most involving nursing homes and other healthcare facilities, HHS has received questions as to whether the PREP Act applies where covered persons (i.e., staff) decline to use a covered countermeasure when it arguably ought to have been used. There is no debate that some types of conduct are not immunized. Death or serious physical injury proximately caused by willful misconduct of a covered person is a statutory exception to immunity under the PREP Act. HHS also agrees that failing to act purposefully or failing to make any decision whatsoever in connection with failing to provide a covered countermeasure is not necessarily protected. But disagreement is sharp over whether purposefully failing to inoculate is protected.

#### **Holland & Knight Webinars:**

- [U.S. & Israeli Innovations in the Life Sciences: Part 2 \(Recorded\)](#)

Date/Time: March 2

Israel Practice co-chair Meital Stavinsky moderated a webinar hosted by the Jewish National Fund titled "U.S. & Israeli Innovations in the Life Sciences: Part 2." The panel included industry professionals from the BioTech and Pharmaceutical sectors of Israel and Miami. Participants learned about the potential COVID-19 "cure" Allocetra developed by Enlivex Therapeutics from Chief Scientific & Medical Officer Dror Mevorach. The program also included a discussion with a Miami & Israeli BioTech Panel featuring Isaac Litman, Founder & CEO of Neteera Technologies, Dr. Osnat Sela Tavor, CTO of Nanose Medical, and Andrew Satz, CEO of EVQLV.

- [COVID-19 Vaccine: Exploring Risks, Liabilities and Mitigation Strategies for Higher Education](#)

Date/Time: March 17 2pm ET

Education Partner Nathan Adams will join a webinar titled "COVID-19 Vaccine: Exploring Risks, Liabilities and Mitigation Strategies for Higher Education." Hosted by the Gallagher Higher Education team, this

webinar will discuss how institutions acting as a distribution point for the COVID-19 vaccine can implement effective risk management strategies to mitigate exposure on campus. The panel will evaluate the applicability of the PREP Act for higher education and share valuable insight to help institutions prepare for emerging risk.

### **About Our Israel Practice:**

Holland & Knight is a U.S.-based global law firm with a strong commitment to the state of Israel. With an intimate understanding of the Israeli economic, political and social environment, members of Holland & Knight's **Israel Practice Team** provide a wide array of legal services to both Israeli clients operating abroad and companies and investors doing business in Israel. With more than 1,400 professionals in 28 offices, we are highly experienced in all the interdisciplinary areas necessary to guide entrepreneurs, investors, and startup or established companies through the opportunities and challenges that arise throughout the business or investment life cycles. Areas of legal guidance that are typically provided to our Israel Practice clients include real estate, mergers and acquisitions, private equity, international tax, cross border and customs, Internet privacy and cybersecurity, intellectual property, government lobbying, regulations and compliance, U.S. Foreign Corrupt Practices Act (FCPA), U.S. Foreign Account Tax Compliance Act (FATCA), and litigation and dispute resolution.

**DISCLAIMER:** Please note that the situation surrounding COVID-19 is evolving and that the subject matter discussed in these publications may change on a daily basis. Please contact your responsible Holland & Knight lawyer or the authors of these alerts for timely advice.

The information provided herein presents general information and should not be relied on as legal advice when analyzing and resolving a specific legal issue. If you have specific questions regarding a particular fact situation, please consult with competent legal counsel about the facts and laws that apply.

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Holland & Knight LLP | Operations Center | 524 Grand Regency Blvd. | Brandon, FL 33510-3931 | [www.hklaw.com](http://www.hklaw.com)