



Pentagon Urges the Defense Industry to Keep Working During COVID-19 Pandemic

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In recent days, all levels of government, local, state and federal, have issued orders to slow the spread of the coronavirus. These include restrictions on social gatherings, elective medical procedures, as well as shelter-in-place and [stay-at-home](#) orders issued in several states across the country. Many of these orders have exemptions for essential businesses whose operations need to continue to support vital public interest needs, including the provision of healthcare services, utilities, transportation, and defense.

The Pentagon's chief weapons buyer Ellen Lord, who serves as Undersecretary of Defense for Acquisition and Sustainment, recently issued a memo to the nation's industrial base declaring the "Defense Industrial Base" to be an essential critical infrastructure sector. Pursuant to this memo, defense contractors and their suppliers are directed to continue working during the COVID-19 pandemic to ensure the fulfillment of the nation's national security mission. The memo states that, consistent with President Trump's and the Centers for Disease Control and Prevention's (CDC) guidelines, defense contractors have a special responsibility to maintain their normal work schedules during the pandemic because they are essential critical infrastructure industries..

This means that even in states that have issued stay-at-home orders or orders to shelter-in-place, such as California, Ohio and others, defense contractors are exempt from those restrictions, and their employees are expected to report to work as normal while adhering to the various CDC and other guidelines. Telecommuting is encouraged to the maximum extent possible, but due to the nature of certain functions – manufacturing, for example – employees are allowed to continue working.

The memo lists specific workers to whom the direction applies but is careful to state that the list is not exhaustive. Examples include, but are not limited to, aerospace, mechanical and software

engineers, manufacturing/production workers, IT support, security staff, security personnel, intelligence support, aircraft and weapon systems mechanics and maintainers, suppliers of medical supplies and pharmaceuticals, and critical transportation workers.

Defense Undersecretary Lord states that the Defense Department is dedicated to working closely with the defense industrial base to ensure the safety of the workforce and to ensure the security of the United States. Businesses should follow guidance from the CDC as well as state and local government officials regarding strategies to limit the spread of the virus.

[A full and complete copy of the memo can be found here.](#)

Frost Brown Todd's [Government Contracting](#) team stands ready to answer any questions you may have related to these alerts, COVID-19 impacts to your business, or any U.S. government contracting concern. Please contact one of Frost Brown Todd's experienced [government contract attorneys](#) to assist you during this unprecedented time.

To provide guidance and support to clients as this global public-health crisis unfolds, Frost Brown Todd has created a [Coronavirus Response Team](#). Our attorneys are on hand to answer your questions and provide guidance on how to proactively prepare for and manage any coronavirus-related threats to your business operations and workforce.

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