

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

THE STATE OF OKLAHOMA et al.,

Plaintiffs,

v.

JOSEPH R. BIDEN et al.,

Defendants.

No. CIV-21-1069-G

**STATUS REPORT**

In light of the Court's October 5, 2022 Order, Defendants respectfully notify the Court that the Safer Federal Workforce Task Force has recently issued guidance directing agencies to take no action to enforce contract clauses implementing Executive Order 14042, even after October 18.<sup>1</sup> The guidance is posted online at <https://www.saferfederalworkforce.gov/contractors/>.

As the new guidance notes, first, the Office of Management & Budget (OMB) will notify Federal agencies about compliance with applicable injunctions and whether they should include clauses implementing EO 14042 in any new solicitations and contracts. Second, the Task Force will update its COVID-19 safety protocols for covered contractor and subcontractor workplace locations. Once the Task Force issues its updated protocols, the OMB Director will determine whether compliance with the updated protocols would promote economy and efficiency in Federal contracting. If the OMB Director in fact determines that compliance would promote economy and efficiency, she will publish her determination in the

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<sup>1</sup> A nationwide preliminary injunction blocking enforcement of the vaccine-related provisions of Executive Order 14042 remains in effect until the Eleventh Circuit's mandate in *Georgia v. President of the United States* issues on October 18, 2022. *See* 46 F.4th 1283 (11th Cir. 2022). No party sought rehearing of the panel's decision under Federal Rule of Appellate Procedure 40(a) or has moved to stay the mandate pending a petition for writ of certiorari pursuant to Federal Rule of Appellate Procedure 41(d).

Federal Register. Third, if the OMB Director makes such a determination, OMB will provide additional guidance to agencies on the timing and considerations for provision of written notice from agencies to contractors regarding enforcement of contract clauses implementing EO 14042, except as barred by any applicable injunctions. The new guidance explicitly states that, “[u]ntil OMB issues the third guidance document described above, agencies should not (1) take any steps to require covered contractors and subcontractors to come into compliance with previously issued Task Force guidance; or (2) enforce any contract clauses implementing Executive Order 14042.” *Id.* (emphasis in original).

Dated: October 18, 2022

Respectfully submitted,

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/s/ Madeline M. McMahon  
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**CERTIFICATE OF SERVICE**

On October 18, 2022, I electronically submitted this document to the clerk of court of the U.S. District Court for the Western District of Oklahoma using the court's electronic case filing system. I certify that I have served all parties electronically or by another manner authorized by Federal Rule of Civil Procedure 5(b)(2).

/s/ Madeline M. McMahon  
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