WASHINGTON—Democratic presidential candidate Joe Biden’s coronavirus response plan would expand the federal government’s role in managing the pandemic, renewing a debate about the proper balance of responsibilities between local, state and federal officials in responding to public health emergencies.

Joe Biden would encourage state and local officials to require masks in public places, his campaign said.

PHOTO: MARK HUMPHREY/ASSOCIATED PRESS

By Byron Tau and Rachael Levy
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In a plan released this week, Mr. Biden outlined a robust response from Washington, including the hiring of 100,000 contact tracers, additional mandates on the production of needed equipment, the creation of new federal entities to oversee the distribution of supplies and manage testing, as well as additional economic support for Americans.

In addition, if elected president, Mr. Biden would seek to use his executive authority to require masks for public interstate travel, such as transit by air or train, his campaign said. He would also encourage state and local officials to require masks in public places—wading into a culture war battle that has emerged over the role of face coverings in controlling the outbreak.

The plan presents a contrast with President Trump’s approach to the pandemic, which has largely allowed states to set their own responses, with the federal government providing some funds and equipment. Mr. Trump has sometimes played down the severity of the virus and didn’t encourage people to wear masks until this week.

The program announced this week wasn’t the first time Mr. Biden has laid out measures he would take to address the pandemic but it was far more detailed than his earlier comments.

Historically, states have taken the lead in enforcing quarantines and mandating public health measures. Legal experts say the federal government has significant public health and emergency authority of its own but historically has mainly played the role of providing leadership, funding, resources and scientific advice, while leaving the states to administrate and implement their own emergency responses.

Mr. Biden’s proposal would increase the direct federal role in matters like contact tracing and regulation of behavior and “could dictate and change the scope of public health interventions for the next century,” said James Hodge, a law professor at Arizona State University, who also serves as director at the university’s Center for Public Health Law and Policy.

“What Biden proposes is more of a federalization of these types of response efforts—and that would change the face of public health in the United States on these types of emerging events quite extensively,” said Mr. Hodge. “If we federalize it, it does require strong federal leadership to pull it off. And a lot of Americans are very leery of that facet, especially when you implicate civil liberties.”
Historically, states have taken the lead in enforcing quarantines. Here, people walk along the pier at Huntington Beach, Calif. on Wednesday.

PHOTO: MIKE BLAKE/REUTERS

Courts have repeatedly affirmed that state governments have extensive powers to manage public health emergencies—including the power to quarantine and isolate infected individuals, as well as mandate public health measures like vaccinations. The federal government can also isolate and quarantine individuals, as well as prevent entry to infected individuals into the U.S. and prevent transmission between states.

In addition, the federal government maintains significant powers over interstate commerce—with the ability to write laws or issue regulations on the movement of goods and people across state lines. Mr. Biden’s campaign said the former vice president would use that authority to mandate mask-wearing in certain circumstances.

There are limits to its power, however. The federal government can’t force state governments to enforce its policies, for instance, a doctrine known as “anti-commandeering.”

The federal government has the power of the purse—with resources dwarfing even the largest state governments. A Biden administration could use the threat of putting conditions or restrictions on federal funding as leverage to force recalcitrant states to pursue its policies, though that would be a measure of last resort, said Juliette Kayyem, a former assistant secretary at the Department of Homeland Security who has followed the proposals.
President Trump’s willingness to leave much of the handling of the pandemic to the states has resulted in a patchwork of responses, with many Democratic-led states adopting stricter public-health measures than GOP-led ones, some of whose leaders have worried more about the impact on the economy and jobs. Some of the places that had begun to open up have seen a new surge of coronavirus infections.

In a press conference on Thursday, Treasury Secretary Steven Mnuchin said the White House didn’t regret pushing some states to reopen their economies, even as coronavirus cases reached new highs this week.

“I think we’ve had a very careful plan working with the states—this is primarily the states’ responsibility,” Mr. Mnuchin told reporters.

The result has been major regional differences in the timing, severity and scope of the outbreak, with many state governments complaining about the allocation of resources by Washington as well the lack of leadership from the Trump administration.

The Federal Emergency Management Agency was put in charge of coordinating the response from mid-March onward—weeks late, some critics in emergency management say. FEMA’s subsequent approach has also been critiqued for months.

Medical companies received no guidance from the federal government in the first months of the pandemic when they tried to deliver protective equipment such as masks and gowns for health-care workers, according to a memo from the Democratic-led House Committee on Oversight and Reform, which said it interviewed company officials. The companies also warned of a continuing shortage of protective gear, despite months of efforts working with the administration, according to the memo.

Nursing homes have complained that equipment sent by FEMA is unusable and in some cases not up to their safety standards, The Wall Street Journal reported.

Elaine Kamarck, a Brookings Institution senior fellow who has researched FEMA, said the agency already has the powers to coordinate a response and move supplies to states.

But, she said, FEMA is currently lacking effective leadership and a coherent strategy, from the president who appointed the heads of FEMA and the Department of Homeland Security, which houses the agency, on down.
“It’s not rocket science but it does require someone who knows something about the government” to properly set FEMA in March, she said.

FEMA has defended its efforts throughout the pandemic. An agency spokeswoman said the president “has provided FEMA with the necessary resources” to properly respond with “an unprecedented level of coordination.”

—Sabrina Saddiqui contributed to this article.

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