

White House Announces New Measures to Fight COVID-19 Pandemic

September 10, 2021

On September 9, 2021, the White House announced a COVID-19 Plan that contains a comprehensive national strategy to address the rise in COVID-19 cases caused by the delta variant. The strategy employs six detailed points of focus:

1. **Vaccinating the Unvaccinated** through:

- Requiring all employers with 100 or more employees to ensure workers are vaccinated or tested weekly, via a rule that will be promulgated by the Department of Labor's Occupational Safety and Health Administration (OSHA);
- Extending vaccination requirements to federal contractors;
- Requiring vaccinations for health care workers at Medicare and Medicaid participating hospitals and other health care settings;
- Encouraging large entertainment venues to require proof of vaccination or testing for entry; and
- Requiring employers with 100 or more employees to provide paid time off for employees to get vaccinated, in accordance with a rule soon to be issued by OSHA.

2. **Further Protecting the Vaccinated** by:

- Providing booster shots for all eligible Americans as early as September 20, 2021; and
- Ensuring Americans know where to get booster shots through a website ([vaccines.gov](https://www.vaccines.gov)), toll-free number (1-800-232-0233), by texting (to 438829), and WhatsApp.

3. **Keeping Schools Safely Open** by:

- Requiring staff in Head Start Programs, Department of Defense Schools, and Bureau of Indian Education-Operated schools to be vaccinated;
- Calling on states to adopt vaccine requirements for school employees;
- Providing additional funding to school districts for safe reopening, including backfilling pay and restoring funding withheld by states for implementing COVID-19 safety measures;
- Using the Department of Education's legal authority to protect students' access to full-time, in-person instruction by launching investigations in states that have prohibited mask mandates to determine whether such a prohibition discriminates against students with disabilities who are at heightened risk for severe illness from COVID-19;
- Calling on schools to set up regular testing for students and staff consistent with CDC guidance; and
- Supporting the FDA's review of vaccines for children under the age of 12.

4. **Increasing Testing and Requiring Masking** by:

- Mobilizing industry to accelerate and prioritize the production of rapid COVID-19 tests, including at-home tests;
- Making at-home tests more affordable;

Continued

- Sending free rapid, at-home tests to food banks and community health centers;
- Expanding free pharmacy testing;
- Continuing to require masking for interstate travel and doubling fines for those who are not in compliance; and
- Continuing to require masking on federal property.

5. **Protecting Our Economic Recovery** by:

- Providing new support for small businesses impacted by COVID-19;
- Streamlining the Paycheck Protection Program loan forgiveness process; and
- Launching a new SBA Community Navigator program to connect businesses to the help they need.

6. **Improving Care for Those With COVID-19 Cases** by:

- Providing additional support for hospitals facing capacity issues due to COVID-19;
- Getting life-saving monoclonal antibody treatment to those who need it; and
- Launching monoclonal antibody strike teams to expand the pool of health care professionals providing lifesaving COVID-19 therapeutics treatment.

On the same day, President Biden also signed two related executive orders:

1. **Executive Order on Requiring Coronavirus Disease 2019 Vaccination for Federal Employees**, requiring federal agencies to implement programs requiring COVID-19 vaccination for all employees.
2. **Executive Order on Ensuring Adequate COVID Safety Protocols for Federal Contractors**, requiring the Safer Federal Workforce Task Force to issue COVID-19 workplace safety protocol guidance and compliance with such guidance by federal contractors and subcontractors.

Additional rules and guidance are expected to be issued in the coming weeks, and we will continue to follow these developments. If you have any questions about this new development or how it may impact your workplace, please contact the authors of this alert or your Miller Canfield attorney.

This information is based on the facts and guidance available at the time of publication and may change.