VACCINES & SAFETY

# IN DEPTH: Federal COVID-19 Vaccine Mandates End, Prompting Relief



President Joe Biden in Washington on May 9, 2023. (Anna Moneymaker/Getty Images)

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COMMENTS

President Joe Biden's remaining COVID-19 vaccine mandates have been rescinded, marking the end of requirements supporters say saved lives but critics say were unsupported by science.

The U.S. government's mandates for federal workers, federal contractors, and many foreign travelers ended at 12:01 a.m. on May 12.

"I feel a lot of relief and peace, not wondering about my career and my livelihood," a Department of Defense civilian employee, who is not being identified because he fears repercussions for speaking out, told The Epoch Times.

The employee filed for medical and religious exemptions to the federal worker mandate but was in limbo because neither had been adjudicated before U.S. courts blocked the mandate.

Groups fighting the mandates filed several successful challenges that resulted in mandates being struck down or blocked. The groups will seek to continue the litigation to try to ensure the government can't impose similar requirements in the future.

Ending the mandates "is a step in the right direction," Marcus Thornton, president of Feds for Medical Freedom, one of the groups, told The Epoch Times. "But we still have a long way to go."

Biden said in an order this week that the plunge in COVID-19 cases, hospitalizations, and deaths led to the mandates ending.

"We no longer need a government-wide vaccination requirement for federal employees or federally specified safety protocols for federal contractors. Vaccination remains an important tool to protect individuals from serious illness, but we are now able to move beyond these federal requirements," the president said.

The White House said the mandates "bolstered vaccination across the nation, and our broader vaccination campaign has saved millions of lives." Many workers covered by the mandates received a vaccine. As far as the claim about saving so many lives, a White House spokesperson pointed to a modeling study that simulated how the pandemic would have unfolded without vaccination.

The mandates, though, meant that many younger people were forced to get vaccinated without a clear benefit-risk calculus, Martin Kulldorff, a professor of medicine on leave from Harvard Medical School, told The Epoch Times. That meant fewer doses available to the elderly.

"By mandating the vaccines to younger people and those with natural immunity from having had COVID, older people in the U.S. and other countries did not have access to them, and many people might have died because of that," Kulldorff said.

## Mandates Imposed

The mandates were imposed by Biden or under his direction in 2021. He cited data from the U.S. Centers for Disease Control and Prevention (CDC) that suggested the vaccines reduced the risk of infection, hospitalization, and death. The observational data is largely published without peer review and has been criticized by some experts as insufficient to support mandates because they do not show that vaccines prevent transmission.

The sweeping mandates affected wide swaths of the population, including some 2.9 million federal workers and more than 10 million people who work at health care facilities certified by the Centers for Medicare & Medicaid Services (CMS).

"This is a pandemic of the unvaccinated. And it's caused by the fact that despite America having an unprecedented and successful vaccination program ... we still have nearly 80 million Americans who have failed to get the shot," Biden told America in a prepared speech on Sept. 9, 2021. The president had said previously he would not mandate vaccination.

People who objected to vaccination for religious or medical reasons could apply for exceptions, though many were denied. No exceptions were available for people with robust post-COVID protection, known as natural immunity.

Critics said the mandates didn't make sense in light of how vaccinated people still get sick and spread the virus that causes COVID-19, especially for the naturally immune, who had similar or better protection.

"The idea that they were requiring those folks who already had the high antibody levels to get a mandatory vaccine was contrary to science," Mark Chenoweth, president of the New Civil Liberties Alliance, told The Epoch Times.

Some federal workers were terminated over their refusal to get vaccinated, according to Feds for Medical Freedom, including workers with the Department of Veterans Affairs, which is [keeping its mandate in place](#). The White House did not respond to a request for how many workers were fired in total.

The mandates were not rescinded even as a growing amount of data, including data from the CDC, identified shortcomings in the vaccines as Omicron and its subvariants emerged in late 2021. The latest CDC data indicate vaccines bestow transient protection against [symptomatic infection](#) and [hospitalization](#), and some studies have found that vaccinated people [are more likely](#) to become infected over time.

The CDC also [advised in 2022](#) that COVID-19 prevention recommendations should "no longer differentiate based on a person's vaccination status because breakthrough infections occur, though they are generally mild, and persons who have had COVID-19 but are not vaccinated have some degree of protection against severe illness from their previous infection."

Biden said this week that when he issued the mandates he was relying on "the best available data and guidance from our public health experts." That group includes Walensky, the CDC director told Congress this month.

Biden attributed high vaccination rates among covered workers—98 percent of federal workers either received at least one dose of a vaccine or had a pending or approved exemption request—to the requirements.

Syringes containing the Moderna COVID-19 vaccine in Needham, Mass., in a 2022 file photograph. (Joseph Prezioso/AFP via Getty Images)

## Blocked by Courts

Biden's mandates originally affected some 100 million people, but the most consequential one that targeted private businesses was [struck down](#) by the U.S. Supreme Court.

Justices said the Department of Labor had not been authorized by Congress to impose a vaccine-or-test requirement on private businesses. That mandate covered some 80 million people.

The nation's top court also upheld the health care worker mandate. That mandate was originally said to affect more than 17 million workers at facilities that get paid by Medicare or Medicaid, but the estimate was revised down to 10.7 million by CMS.

A different court blocked the federal employee mandate, ruling in favor of Feds for Medical Freedom, a coalition of more than 8,000 government workers. Biden "was without statutory authority to issue the federal worker mandate," a federal judge said. That ruling has been upheld twice.

Biden also lacked the authority to issue the federal contractor mandate, a different judge ruled as he entered an injunction. An appeals court panel lifted the injunction for parts of the country, but the full court reinstated the block.

"To allow this mandate to remain in place would be to ratify an 'enormous and transformative expansion in' the president's power under the Procurement Act," the majority said. "Under Supreme Court precedent, this court cannot permit such a mandate to remain in place absent a clear statement by Congress that it wishes to endow the presidency with such power."

## Foreign Traveler Mandate

One mandate, promulgated under Biden's direction, was never blocked.

The mandate, issued by the U.S. Centers for Disease Control and Prevention (CDC) on Nov. 8, 2021, required that foreigners provide proof of being fully vaccinated against COVID-19 to travel to the United States.

"I have determined that it is in the interests of the United States to move away from the country-by-country restrictions previously applied during the COVID-19 pandemic and to adopt an air travel policy that relies primarily on vaccination to advance the safe resumption of international air travel to the United States," Biden said at the time.

The restrictions applied to nonimmigrant noncitizens, with exceptions available for certain groups, including children.

Fully vaccinated meant two shots of certain vaccines and one shot of others, with the requirements being eased in April.

When implementing the order, the CDC cited its own, non-peer-reviewed data as it said that "Studies so far show that vaccinated people are five times less likely to be infected and more than 10 times less likely to experience hospitalization or death than people who are not fully vaccinated against COVID-19."

The agency also claimed that vaccination reduces the risk of COVID-19 virus transmission but provided no citations. When asked for evidence the vaccines fully prevented transmission, as CDC Director Dr. Rochelle Walensky has claimed, the CDC pointed to a study in which researchers said the vaccines might reduce transmission.

The clinical trials of the vaccines did not measure efficacy against transmission. The vaccines were authorized to prevent infection, but were never 100 percent effective.

Jessica Rose, an immunologist based outside the United States, was prevented by the mandate from traveling to America for events to which she was invited, including a panel discussion on Capitol Hill in Washington. She also wanted to go see her closest friend, who lives in Texas, but has been unable due to the requirements.

Rose plans to travel to the United States after the mandate is dropped.

"I need to do a tour," Rose told The Epoch Times, "and just make my way through the people whose invitations I had to turn down."

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