



## Two More Biden Vax Mandates Blocked in Court

The Biden administration was blocked on Tuesday from enforcing two COVID-19 vaccination mandates for healthcare workers at Medicare- and Medicaid-affiliated facilities and for federal contractors.

### CMS Mandate

U.S. District Judge Terry Doughty in Monroe, Louisiana, temporarily [blocked](#) the Centers for Medicare and Medicaid Services (CMS) from enforcing its vaccine mandate, saying that the government agencies — CMS and HHS, which developed the rule — have exceeded their authority.



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None of the numerous regulations and statutes cited by the government defendants have “given them the ‘superpowers’ they claim,” per the ruling. It continued, “Not only do the statutes not specify such superpowers, but principles of separation of powers weigh heavily against such powerful authority being transferred to a government agency by general authority.”

Doughty further specified that the “major questions doctrine” requires that Congress must “speak clearly if it wishes to assign to an agency, decisions of vast economic and political significance,” such as mandating 10.3 million healthcare workers to get vaccinated.

“There is no question that mandating a vaccine to 10.3 million healthcare workers is something that should be done by Congress, not a government agency,” Doughty added, “It is not clear that even an Act of Congress mandating a vaccine would be constitutional. Certainly, CMS does not have this authority by a general authorization statute.”

The plaintiff claims that the CMS mandate is unlawful since it violates some of the Social Security Act provisions, per the ruling.

The mandate is also “arbitrary and capricious,” which also makes it unlawful.

For example, the mandate “ignores the Social Security Act’s focus on patient wellbeing and instead focuses on the health of healthcare providers.” If the goal of the rule is to increase individual vaccine rates, then it will likely harm patient well-being due to staff shortages of providers and suppliers. And if the government elects to punish the providers who do not fire unvaccinated workers by withholding the fundings, then their facilities would have to shut down or severely cut back on healthcare services, which, in turn, would yet again hurt the patients.

In addition to that, the CMS did not provide any alternative options for the vaccinations, such as regular COVID testing, wearing masks or shields, natural immunity and/or social distancing.

Doughty also touched on the questionable efficacy of the COVID vaccinations, writing,

Although CMS spent pages and pages attempting to explain the need for mandatory COVID-19 vaccines, when infection and hospitalizations rates are dropping, millions of people have already been infected, developing some form of natural immunity, and when



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people who have been fully vaccinated still become infected, mandatory vaccines as the only method of prevention make no sense.

And also,

The CMS Mandate does not yet require boosters to the COVID-19 vaccines. However, the CDC recently recommended boosters. If boosters are needed six months after being “fully vaccinated,” then how good are the COVID-19 vaccines, and why is it necessary to mandate them?

The lawsuit Doughty ruled on was filed by 14 states, but the judge expanded it nationwide:

Due to the nationwide scope of the CMS mandate, a nationwide injunction is necessary due to the need for uniformity. Although this Court considered limiting the injunction to the fourteen plaintiff states, there are unvaccinated healthcare workers in other states who also need protection. Therefore, the scope of this injunction will be nationwide, except for the states of Alaska, Arkansas, Iowa, Kansas, Missouri, New Hampshire, Nebraska, Wyoming, North Dakota, [and] South Dakota,

since those 10 states were already covered by the other preliminary injunction issued a day earlier. *The New American* covered it [here](#).

### **Federal Contractors**

Separately, U.S. District Judge Gregory Van Tatenhove in Frankfort, Kentucky, [blocked](#) the mandate that requires federal contractors to receive COVID jabs by January 4. Per the ruling,

Can the president use congressionally delegated authority to manage the federal procurement of goods and services to impose vaccines on the employees of federal contractors and subcontractors? In all likelihood, the answer to that question is no.

Much like the preliminary injunctions issued by other courts on the matter, the ruling stated that not only did the president exceed his authority under the Federal Property and Administrative Services Act, but the respective government agencies also failed to follow the proper administrative procedures in implementing and enforcing the mandate.

The lawsuit was [filed](#) by the Kentucky attorney general in November alongside his counterparts in Ohio and Tennessee, meaning the halt is in effect for those three states.

[Reportedly](#), the White House is already encountering issues with the vaccination deadline for federal workers and contractors, since on Monday it directed federal agencies to halt suspending or firing any employees over not receiving the COVID shot at least by January and “educate” them on importance of the vaccinations instead.

Both Tuesday decisions are the latest in a string of rulings against Biden’s vaccination mandates.

As mentioned above, on Monday, Judge Matthew Schelp of the Eastern District of Missouri blocked the CMS mandate for workers at Medicare- and Medicaid-certified medical facilities in 10 states.



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[Another ruling](#) from the Fifth Circuit Court of Appeals on November 12 froze the mandate requiring businesses with at least 100 employees to get vaccinated or tested weekly.

President Biden announced his sweeping COVID vaccination mandates for federal workers and contractors, large employers, and medical workers at Medicare- and Medicaid-affiliated facilities on September 9, [arguing](#) the measure would help “protect vaccinated workers from unvaccinated coworkers.”





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