

Biden Boosts Vaccine Requirements for Large Employers, Federal Workers to Combat Covid-19



Stephanie Armour *and* Sabrina Siddiqui
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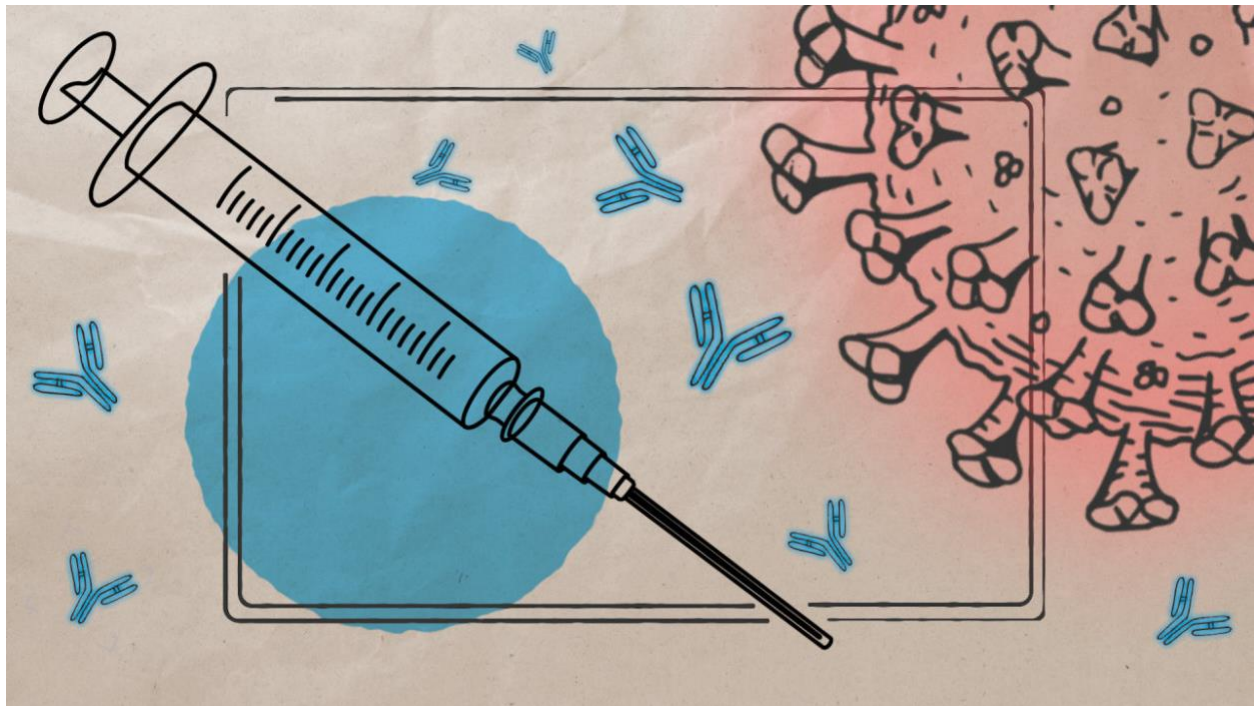
All employers with 100 or more employees would have to require that [their workers be vaccinated](#) or undergo at least weekly Covid-19 testing under a new plan announced by President Biden to curb the [spread of the pandemic](#).

The Labor Department's Occupational Safety and Health Administration in the coming weeks plans to issue an emergency temporary standard implementing the new requirement, which will cover 80 million private-sector workers. Businesses that don't comply can face fines of up to \$14,000 per violation.

The employers will also have to give workers paid time off to get vaccinated or to recover from any side effects of getting vaccinated.

“My message to unvaccinated Americans is this, what more is there to wait for? What more do you need to see?” Mr. Biden said. “We’ve made vaccinations free, safe and convenient. The vaccine is FDA-approved. Over 200 million Americans have gotten at least one shot. We’ve been patient, but our patience is wearing thin.”

The new requirement, announced by Mr. Biden in a speech Thursday, is part of a six-point initiative to boost vaccinations, improve access to testing and make Covid-19 treatments more widely available. The heightened push to combat the pandemic comes amid a surge in infections and increase in hospitalizations and deaths.



The president also said the administration plans to require vaccinations for workers in most healthcare settings that receive Medicare or Medicaid reimbursement. The mandate applies to about 50,000 health providers.

The Biden administration will also require federal employees in the executive branch and government contractors to be vaccinated against Covid-19, stepping up the requirements for

these workers after Mr. Biden earlier said federal workers and contractors who work on-site must be vaccinated or face regular testing and other measures.

The new mandates will cover about 100 million workers, or two-thirds of all workers in the U.S., administration officials said.

Montana is the only state that has banned private employers from requiring their workers to get the Covid-19 vaccine, according to research by the National Academy for State Health Policy. Other Republican-led states could take steps to fight federal efforts to require employers to have their employees get vaccinated.

“My legal team is standing by ready to file our lawsuit the minute @joebiden files his unconstitutional rule. This gross example of federal intrusion will not stand,” tweeted South Dakota Republican Gov. Kristi Noem.

The Biden administration is relying on its powers under OSHA’s Emergency Temporary Standards code, which allows it to immediately enact a rule if “workers are in grave danger due to exposure to toxic substances or agents determined to be toxic or physically harmful or to new hazards.”

That regulation is enacted for six months until a final rule that goes through usual rulemaking procedures can be approved. In the past, the agency has faced litigation over some of its emergency temporary standards.

Some employers also said Mr. Biden’s plan went too far. “I don’t think he has the constitutional authority,” said Guy T. Williams, chief executive of Gulf Coast Bank & Trust, a regional bank based in Louisiana. “Does the president of the United States get to dictate vaccinations?”

Gulf Coast Bank has encouraged employees to get vaccinated, and Mr. Williams said executives have been talking about whether to offer employees on-site Covid-19 booster shots this fall. Mr. Williams said his legal team would review the executive order, but he didn’t plan to make any immediate changes to policies.

Chad Farley, president of market development for Zters Inc., a Houston-based provider of portable toilets and other temporary site services, said he welcomes Mr. Biden’s new

requirements. “We have been struggling as a company with hiring enough people lately,” he added. “If we were to mandate it ourselves, we would lose some employees. The fact that it is coming from the government takes some of the heat off of us.”

Some public health leaders praised Mr. Biden’s efforts, though some said that more steps, such as mandating vaccination for airline travel, are necessary.

“Big picture, this is good,” said Dr. Celine Gounder, an epidemiologist who advised the Biden administration. “It’s going to make the most of the possible tools we have, and that’s what it’s going to take.”

Labor unions’ views on vaccination requirements have been mixed. Some have said requirements should be part of contract negotiations, like other work rules. [Tyson Foods](#) Inc. [reached a deal with its largest labor union](#). Other unions, such as the Association of Flight Attendants-CWA and [American Federation of Teachers](#), have been more supportive and are encouraging members to get vaccinated. Companies including [United Airlines Holdings](#) Inc. and Tyson are requiring all employees to be vaccinated.

Others, such as [Walmart](#) Inc., [McDonald’s](#) Corp. and [Walt Disney](#) Co. , have said certain groups, such as managers or white-collar workers, need to take the shot. Many hospital groups and colleges and universities have also moved to require vaccinations.

Cases and hospitalizations have been rising in many states, data show, and public-health experts said the return of unvaccinated schoolchildren to classrooms and other factors could give the virus new opportunities to spread. About half of the nation is fully vaccinated.

Mr. Biden’s plan will also tackle Covid-19 prevention and vaccinations in schools, where outbreaks in some places already have led buildings to shut down or children to be quarantined. All of the almost 300,000 educators who work in Head Start, a federal program providing early childhood education and other services, will have to be vaccinated under Mr. Biden’s plan. A requirement will also apply to schools operated by the Department of Defense and Bureau of Indian Education.

The Department of Education will make additional funding available to schools if they have funding jeopardized or pulled by state leaders who have prohibited Covid-19 measures such as testing and masks. Mr. Biden on Thursday urged governors to call for vaccinations of all schoolteachers and staff.

The plan calls for using the Defense Production Act to accelerate the production of rapid at-home tests for Covid-19. The administration is procuring about \$2 billion in rapid point-of-care and over-the-counter at-home Covid tests.

Twenty-five million free tests are expected to be shipped to 1,400 community health centers and hundreds of food banks.

[Walmart](#) Inc., [Amazon.com](#) Inc. and [Kroger](#) Co. will sell rapid Covid-19 tests at cost for the next three months, according to the plan. The push aims to alleviate the difficulties some people are having obtaining or buying tests that have been in higher demand as cases have surged.

To reinforce masking during travel, the Transportation Security Administration will double fines on travelers who refuse to wear masks.

“If you break the rules, be prepared to pay,” Mr. Biden said. “And by the way, show some respect. The anger you see on television toward flight attendants and others doing their job is wrong, it’s ugly.”

The administration also will increase shipments of monoclonal antibody treatments by 50%, surge federal strike teams to help beleaguered hospitals, and amend the Public Readiness and Emergency Preparedness Act so that pharmacists can provide the treatments for people with Covid-19, according to the administration’s plan.

For executive-branch employees, the beefed-up mandate will likely give workers about 75 days to be fully vaccinated, with limited exceptions such as religious or medical reasons, administration officials said. Employees who don’t comply face progressive disciplinary action.

Some federal agencies had already issued requirements that went beyond the president’s July directive to federal workers to get vaccinated or face regular testing. The Department of Health

and Human Services is requiring more than 25,000 of its healthcare workers to be vaccinated against the coronavirus. The Department of Veterans Affairs and the military [have also issued mandates](#).

White House officials have said the president won't mandate vaccinations for every American, and Mr. Biden had previously encouraged private businesses to require vaccines for workers. Mr. Biden said last month that his administration [would require nursing homes to vaccinate their staff against Covid-19](#) or risk losing Medicare and Medicaid funding.

Workers will be considered vaccinated if they receive a single Johnson & Johnson dose or two doses of the vaccines from Moderna Inc. or Pfizer Inc. and partner [BioNTech SE](#), officials said. A plan for boosters is under way if approved by federal regulators.

Biden announces sweeping new vaccine mandates for businesses, federal workers

[Annie Linskey](#)

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Washington Post

President Biden announced sweeping new coronavirus vaccine mandates Thursday designed to affect tens of millions of Americans, ordering all businesses with more than 100 employees to require their workers to be immunized or face weekly testing.

Biden also said that he would require most health-care facilities that accept Medicare or Medicaid funding to vaccinate their employees, which the White House believes will cover 50,000 locations.

And the president signed an executive order compelling all federal employees to get vaccinated — without an option for those who prefer to be regularly tested instead — in an effort to create a model he hopes state governments will embrace. He is also ordering all staffers in Head Start programs, along with Defense Department and federally operated schools for Native Americans, to be vaccinated.

“We’re in a tough stretch, and it could last for a while,” Biden said in an address from the White House. He added, “What makes it incredibly more frustrating is we have the tools to combat covid-19, and a distinct minority of Americans, supported by a distinct minority of elected officials, are keeping us from turning the corner.”

Taken together, the moves represent a major escalation by Biden of the pressure against those who have resisted vaccination. The announcement comes amid growing signs that the highly contagious delta variant, and the persistence of vaccine resistance, are combining to drag out the pandemic, slow the economic recovery and prevent Biden from turning his focus to other matters.

Biden adopted a newly antagonistic tone toward the unvaccinated Thursday, underlining his shift from cajoling to coercion as he placed blame on those still refusing to get shots for harming other Americans. “We’ve been patient, but our patience is wearing thin,” Biden said. “And your refusal has cost all of us.”

The delta variant has upended calculations on the virus, sending new infections [surging to more than 150,000 a day](#) and daily deaths to 1,500. At the same time, Biden’s approval rating has fallen in recent weeks, with Americans less supportive of his handling of the pandemic. Defeating the pandemic was among his central promises, and White House aides believe that his ability to deliver on it will be critical to the success of his presidency.

Biden’s announcement thrusts his administration into new territory, and it’s not entirely clear how the new rules — which still have to be written — will work. The most far-reaching is likely to be a regulation requiring all businesses with more than 100 employees to mandate vaccinations for all their workers or require them to take weekly coronavirus tests.

The White House estimates that the policy will affect about 80 million workers, or two-thirds of the country’s workforce. Businesses that ignore the mandate could face up to \$14,000 per violation.

The Labor Department has the authority to order companies to take specific actions to protect their workers if the secretary determines they face a grave danger, said an official who briefed reporters before the president’s speech.

But critics such as Georgia Gov. Brian Kemp (R) signaled court challenges even before Biden had finished speaking. “I will pursue every legal option available to the state of Georgia to stop this blatantly unlawful overreach by the Biden administration,” Kemp [tweeted](#).

Businesses also will be required to give workers paid time off to get vaccinated.

Some business leaders offered initial support for Biden’s plan. Joshua Bolten, president of the Business Roundtable, said the group “welcomes the Biden administration’s fight against covid,” adding that “America’s business leaders know how critical vaccination and testing are in defeating the pandemic.”

Many in the administration, and elsewhere, have been taken aback at the extent to which the coronavirus vaccines have become a heated cultural issue rather than solely a public health measure, with right-leaning media hosts, Republican governors and many rank-and-file conservatives casting Biden’s vaccine drive as a violation of their personal freedom.

The president voiced exasperation with that attitude Thursday. “These ‘pandemic politics,’ as I refer to it, are making people sick, causing unvaccinated people to die,” Biden said. “We cannot allow these actions to stand in the way of protecting a large majority of Americans who have done their part.”

How the new mandates will fare in such a polarized environment is unclear. Just half of Americans in [a recent Washington Post-ABC News poll](#) supported the idea of businesses requiring employees to be vaccinated, and the split was highly partisan. Roughly 8 in 10 Democrats supported such mandates, while more than 6 in 10 Republicans opposed them.

About three-quarters of U.S. workers have received at least one vaccine dose. But in a possible sign of what is to come, roughly 7 in 10 of those who are not vaccinated said they would probably quit if their employer required them to get a shot.

Even so, administration officials predicted the new approach would make a big difference. “I’m very much in favor of making and encouraging mandates,” Anthony S. Fauci, the White House’s chief medical adviser, said in a brief interview after Biden’s speech. “This was not just superficial stuff. This is going to have a significant impact.”

Biden also called on states to enact vaccine mandates for school staffers, although he did not propose any penalty for states that do not heed his call. According to the White House, nine states, along with D.C. and Puerto Rico, already mandate that staffers be vaccinated.

The American Federation of Teachers, the country’s second-largest teachers union, applauded the effort. “We stand in complete support of this plan and of the administration’s effort to protect as many people as possible,” said AFT President Randi Weingarten. Biden said he was making funds available to local schools facing financial retribution for implementing coronavirus protections.

“Right now local school officials are trying to keep children safe in a pandemic, while their governor picks a fight with them and even threatens their salaries or their jobs,” Biden said, in a veiled reference to Florida Gov. Ron DeSantis (R), who has sought to withhold funds from school administrators who issue mask mandates. “Talk about bullying in schools.”

The new vaccine requirement for federal workers will apply not just to roughly 2.1 million government employees but also to the millions of contractors that do business with the government. In August, the Defense Department [announced](#) it was making coronavirus vaccinations mandatory for military personnel.

White House press secretary Jen Psaki, speaking before Biden’s remarks Thursday, said federal workers will have roughly 75 days to get fully vaccinated. If employees do not comply, she said, they will undergo the standard disciplinary process for federal workers.

There will be exemptions from the mandate for people with disabilities or those who decline for religious reasons. “We would like to be a model to what we think other businesses and organizations should do around the country,” Psaki said.

The largest union representing federal workers quickly pushed back against the new policy, or at least the specifics of its implementation.

“Changes like this should be negotiated with our bargaining units where appropriate,” said Everett Kelley, president of the American Federation of Government Employees. “Put simply, workers deserve a voice in their working conditions.”

Biden also said he would invoke the Defense Production Act to spur the manufacture of additional rapid coronavirus tests, adding that the administration had struck a deal with Kroger, Walmart and Amazon to sell those tests at cost. (Amazon founder Jeff Bezos owns The Washington Post.)

Even with the new policies, Biden is not using all of the tools available to him, public health experts said. For instance, the new rules stop short of mandating vaccinations for anyone traveling between states on planes or trains, a step that Biden could take, said Lawrence Gostin, director of the O’Neill Institute for National and Global Health Law at Georgetown Law School.

Still, Gostin praised Biden’s approach, saying that the president has “done more than any other president has for a vaccination campaign and mandates in the history of America — so we have to give him credit for that.”

Another step that Biden has avoided is setting up a federal verification system for people to prove they are vaccinated. This has confounded many public health experts.

“These measures have the potential to have a big impact on where we are,” said Richard Besser, president and chief executive of the Robert Wood Johnson Foundation. But he added, “There’s nothing in there about how you verify vaccination. . . . If you’re moving towards mandates, having something that is truly secure and trusted could be very helpful.”

Until now, Biden had used mandates only in limited circumstances, hoping instead that state and local governments, along with private companies, would follow suit when the government instituted particular vaccine policies.

He has seen some limited success. The Los Angeles Unified School District board on Thursday voted to [mandate vaccinations](#) for those 12 and up to be able to attend school.

Several large businesses, including Walmart, McDonald’s and Delta Air Lines, issued vaccine mandates of their own shortly after Biden announced in late July that federal workers had to get immunized or be tested twice a week (Thursday’s announcement eliminated the testing option.) At the same time, some Republican governors, such as DeSantis and [Texas’s Greg Abbott](#), have loudly defied calls for mandates.

But as the delta variant has surged, the political landscape has appeared to shift — vaccinations started ticking back up after stagnating for several weeks, with many hesitant Americans driven by fear of the delta variant’s lethality or compelled to get shots because of workplace mandates.

The Food and Drug Administration also granted the Pfizer-BioNTech vaccine full approval recently, moving beyond the initial emergency authorization and making it easier for the government and businesses to impose mandates. The agency is expected to grant full approval to vaccines from Moderna and Johnson & Johnson in the coming months.

Biden Mandates Vaccines for Workers, Saying, ‘Our Patience Is Wearing Thin’

Katie Rogers and Sheryl Gay Stolberg

New York Times

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WASHINGTON — President Biden on Thursday used the full force of his presidency to push two-thirds of American workers to be vaccinated against the coronavirus, reaching into the private sector to mandate that all companies with more than 100 workers require vaccination or weekly testing.

Mr. Biden also moved to [mandate shots](#) for health care workers, federal contractors and the vast majority of federal workers, who could face disciplinary measures if they refuse.

The sweeping actions, which the president [announced in a White House speech](#), are the most expansive he has taken to control the pandemic and will affect almost every aspect of society. They also reflect Mr. Biden’s deep frustration with the roughly 80 million Americans who are eligible for shots but have not gotten them.

“We’ve been patient,” Mr. Biden said in a sharp message to those who refuse to be vaccinated. “But our patience is wearing thin. And your refusal has cost all of us.”

Initially reluctant to enact mandates, Mr. Biden is now moving more aggressively than any other president in modern history to require vaccination, experts say. In his remarks, he promised to “protect vaccinated workers from the unvaccinated.”

“We can and we will turn the tide on Covid-19,” he said.

Even so, Mr. Biden conceded that the mandates would take time to “have full impact.” They are also all but certain to be the subject of legal challenges; already, the largest union representing federal workers has raised questions. It is also unclear how many workers subject to the new mandates have already been vaccinated.

Mr. Biden is acting through a combination of executive orders and new federal rules. Under his plan, private-sector [businesses that have 100 or more employees will have to require vaccination](#), or mandatory weekly testing, after the Occupational Safety and Health Administration drafts a rule. Roughly 17 million health care workers employed by hospitals and other institutions that

accept Medicare and Medicaid reimbursement will also face strict new vaccination requirements, as will federal contractors and most federal workers.



Experts say Mr. Biden has the legal authority to impose vaccine requirements on the private sector, through laws that require businesses to comply with evidence-based federal health safety standards. OSHA, which enforces workplace safety, has already imposed other pandemic precautions, such as [a rule in June](#) requiring health care employers to provide protective equipment and adequate ventilation and ensure social distancing, among other measures. Robert I. Field, a law professor at Drexel University, said that OSHA had the authority to protect workers' safety, keeping them from being exposed to a potentially deadly virus, by requiring vaccinations.

Lawrence O. Gostin, a Georgetown University law professor who specializes in public health, added: "The president's plan is bold, audacious and unprecedented. But I do think it's entirely lawful. He's on extremely strong legal ground."

The moves, which Mr. Biden said would cover 100 million people, are part of a broader White House effort to curb the pandemic, which began to spin out of control in July even as Mr. Biden and his top aides were forecasting a "summer of joy" and declaring independence from the virus. Since then, the highly infectious Delta variant has spread rapidly, fueling a spike in cases and deaths.

Also on Thursday, Mr. Biden ordered mandatory vaccination for nearly 300,000 educators in the federal Head Start Program and at more than 200 federally run schools. He announced that he would use the Defense Production Act to increase the production of rapid testing kits and would work with retailers, including Amazon and Walmart, to expand their availability. And he said the

Transportation Security Administration would now double fines on passengers who refuse to wear masks.

“If you break the rules, be prepared to pay — and by the way, show some respect,” Mr. Biden said, in a salty reference to angry airline passengers who refuse to mask up. “The anger you see on television toward flight attendants and others doing their jobs is wrong. It’s ugly.”

Experts say vaccine mandates are highly effective at preventing the spread of infectious disease; that is why schools require vaccination against measles, mumps and other childhood ailments. Since the announcement on Aug. 25 that the Pentagon would require active duty military personnel to be vaccinated against Covid-19, the percentage of military members with at least one shot rose from 76.22 percent to 82.96 percent, according to Pentagon data.

But Mr. Biden is unveiling his plan in a deeply polarized environment around Covid-19 vaccination, and experts seemed split on how effective it will be.

Dr. Georges C. Benjamin, executive director of the American Public Health Association, said the actions might be “too little, too late,” and warned that Americans opposed to vaccination might dig in and bristle at being told what to do. The American Hospital Association was cautious, warning that the moves “may result in exacerbating the severe work force shortage problems that currently exist.”

But Dr. William Schaffner, an infectious disease expert at Vanderbilt University, said the policy was necessary, and likened it to military service in a time of war.

“To date we have relied on a volunteer army,” Dr. Schaffner said. “But particularly with the Delta variant, the enemy has been reinforced, and now a volunteer army is not sufficient. We need to institute a draft.”

Slightly more than half of Americans, 53 percent, are fully vaccinated. The number of people seeking shots ticked up considerably in August, as Delta pushed the country’s daily average caseload over 150,000 for the first time since late January, overwhelming hospitals in hard-hit areas and killing roughly 1,500 people a day.



But the vaccination rate has yet to help the nation cross the threshold of “herd immunity” — the tipping point that occurs when widespread vaccination, coupled with natural immunity, slows the spread of a virus. If it continues to spread, officials fear that it will mutate into another, even more dangerous variant that could evade vaccines.

“When you have 75 to 80 million people who are eligible to be vaccinated, who don’t get vaccinated, you’re going to have a dynamic of continual smoldering spread of the infection,” Mr. Biden’s top medical adviser for the coronavirus pandemic, Dr. Anthony S. Fauci, warned in an interview, adding, “It’s very frustrating, because we have the wherewithal within our power to be able to actually suppress it.”

The mandate for federal workers is an especially assertive move by the president. Jen Psaki, the White House press secretary, told reporters on Thursday that aside from some religious and disability exemptions, most would be subject to a 75-day grace period for receiving a vaccine.

If workers decline to receive shots in that time frame, Ms. Psaki said, they will “go through the standard H.R. process,” which she said would include progressive disciplinary action. At least one major labor union challenged the mandate even before Mr. Biden delivered his speech.

Cathie McQuiston, a deputy general counsel for the American Federation of Government Employees, a union representing some 700,000 federal workers, said in an interview that her

organization would be working with agencies to “not skip over procedures and make sure employees have due process” if they are disciplined.

The federal employee mandate will apply to employees of the [executive branch](#), including the White House and all federal agencies and members of the armed services — a work force that numbers more than four million — but not to those who work for Congress or the federal court system, according to White House officials.

The mandate for health care workers will apply to those employed by most institutions that accept Medicare and Medicaid reimbursement, including hospitals, dialysis centers and nursing homes, according to the officials. It will be enforced by the Centers for Medicare and Medicaid Services, which regulates the health care industry.

“We would like to be a model for what we think other business and organizations should do around the country,” Ms. Psaki added.

The mandates are a marked shift for a president who, mindful of the contentious political climate around vaccination, initially steered away from any talk of requiring vaccines. In late July, he took one step closer to mandates by [announcing that federal workers](#) who refused to be vaccinated would have to undergo regular coronavirus testing. But [last month’s decision](#) by the Food and Drug Administration to grant full approval to the Pfizer-BioNTech vaccine to those 16 and older — which also prompted the Pentagon to require its employees to be vaccinated — has strengthened Mr. Biden’s hand.

[Companies had put off the question](#) of whether to mandate for months, worried about potential litigation and employee pushback. But stalling vaccination rates and the rise of the Delta variant put new pressure on executives. They were [provided cover to go forward](#) with requirements after [earlier mandate moves](#) by the Biden administration.

Soon after, Walmart, Walt Disney Company, Google and others said they would adopt mandates. When the Pfizer vaccine received full federal approval late last month, Goldman Sachs, Chevron and others followed suit as Mr. Biden encouraged corporate mandates.

Still, Mr. Gostin said there was much more the president could do. He has already exercised his executive authority to require masks on airplanes and interstate trains and buses, and could similarly mandate vaccination for international or interstate travel — a step that Mr. Gostin described as “low-hanging fruit.”

One thing Mr. Biden cannot do is require all Americans to be vaccinated; in the United States, vaccinations are the province of the states. But Mr. Gostin said the president could also dangle the prospect of federal funding to prod states to require their own workers to be vaccinated, and his administration could offer technical guidance to states that want to develop so-called [vaccine passports](#) for people to provide digital proof of vaccination.

But the president made it clear on Thursday that he would do what he could to “require more Americans to be vaccinated to combat those blocking public health,” a reference to Republican governors who have blocked attempts to mandate masks or require vaccines.

“If they will not help,” Mr. Biden said, “if those governors won’t help us beat the pandemic, I’ll use my power as president to get them out of the way.”