

# Does Biden's vaccination mandate actually need to be enforced?

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## FULL TEXT

In September, President Joe Biden announced a COVID-19 vaccination mandate that affects 100 million workers across the public and private sectors. The mandate requires all federal employees and federal contractors to receive a COVID-19 vaccine. It also applies to private sector companies with at least 100 employees. For this latter group, exemptions are possible, which then require weekly testing in lieu of vaccination.

The response to the mandate has mostly fallen along political lines.

Many welcomed the mandate, including the Business Roundtable and the National Association of Manufacturers, as the pathway to an end to the pandemic, providing community protection for all. These organizations consider vaccination as good business policy to keep the economy moving and growing, and people employed.

Others have been outraged, believing that the government has overstepped their authority to require a vaccine that they believe is unnecessary, and perhaps even unsafe. Several states, all with Republican governors, are pushing back on the mandate through executive orders or bills.

A Louisiana-based federal appeals court issued a stay, deeming that the mandate has "grave statutory and constitutional issues," which means that it may need to reach the Supreme Court to be enforced. Given the legal, ethical, and practical implementation issues raised surrounding the mandate, the administration continues to push the compliance deadline date further into the future; it's now set for Jan. 4.

As the controversy surrounding the mandate continues to escalate, the constantly evolving situation raises the question: Will a final date for compliance and enforcement ever be set? Does it need to be?

The purpose of the mandate was to encourage vaccination. By this measure, it has already succeeded in doing this, even if it is never enforced.

Numerous companies across multiple sectors, including Walgreens, Walmart, Google and Delta Air Lines, all proactively set vaccination deadlines for their employees. As a result, the share of the adult population now fully vaccinated exceeds 70%. It is reasonable that this would not have occurred without the private sector responding to the vaccine mandate long before it was required to go into effect.

Supply chain disruptions and the approaching holiday shopping season may also have contributed to the most recent mandate delay. This will serve to remove any additional barriers for retail and e-commerce outlets to secure ample inventory, as well as fill staffing needs. However, with each passing week, hundreds of thousands of people are receiving the vaccines, even without the mandate enforced.

What the Biden administration has learned is that the threat of a mandate is as effective as the mandate itself. Companies that receive federal funds could not risk losing them by not complying with the mandate. Every large company had to plan for the possibility of a mandate deadline, or risk significant financial losses and penalties. Does this mean that the mandate can quietly drift away?

The answer is no.

With booster shots now recommended, and likely periodically needed for the foreseeable future to keep people protected, a veiled threat of a vaccination mandate may not be sufficient to keep people up-to-date on their vaccination status. This is particularly true for people who were uncertain about the vaccines, but still went ahead and were vaccinated.

As the virus transitions from pandemic to endemic, people will require the best available protections, and the vaccines continue to offer it at this time. With new treatments under development, the pathway to a safe society for all lay before us. However, it requires everyone's cooperation, working together toward a common goal. Despite all the challenges and criticisms levied, Biden's announcement of a vaccine mandate achieved a desired objective. For it to continue to be effective, efforts must continue to enact and enforce it, or we risk moving backward toward greater personal risk for all. Unfortunately, the legal issues will make it exceedingly difficult for the mandate to ever be enforced.

With the light at the end of the tunnel waning and waxing, yet within sight, it would be unfortunate to lose ground against the virus and slip backward.

In an ideal world, mandates would be unnecessary. In the real world, they save lives and livelihoods, sometimes even if they never are enforced.

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CAPTION: Photo: President Joe Biden talks about COVID-19 vaccinations in Elk Grove Village on Oct. 7. SUSAN WALSH/AP

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