



Written by [Veronika Kyrylenko](#) on December 8, 2021

Judge Blocks Biden's Vax Mandate for Federal Contractors Nationwide

A federal district court in Georgia halted enforcement of President Biden's mandate for millions of federal contractors to get vaccinated against COVID-19, arguing that the president exceeded his power in issuing such an order.

While the order came in response to a lawsuit filed by several federal contractors and seven states — Alabama, Georgia, Idaho, Kansas, South Carolina, Utah and West Virginia, and also various state agencies, it applies to the whole United States because one of the parties challenging the mandate is the trade group Associated Builders and Contractors Inc., which operates nationwide.

In the order, judge Stan Baker acknowledged “the tragic toll that the COVID-19 pandemic has wrought throughout the nation and the globe,” while noting that

Even in times of crisis this Court must preserve the rule of law and ensure that all branches of government act within the bounds of their constitutionally granted authorities.

The order further cited the ruling of the U.S. Supreme Court in the *Alabama Association of Realtors v. HHS* [case](#) that the public interest in “combating the spread of COVID” does not allow the government to “act unlawfully even in pursuit of desirable ends.”

The judge said he believed that the plaintiffs “will likely succeed in their claim that the President exceeded the authorization given to him by Congress through the Federal Property and Administrative Services Act” when issuing a vaccine mandate for federal contractors ([Executive Order 14042](#)).

The order noted that states and state universities have billions of dollars in federal contracts and also have a sizable number of unvaccinated employees or those who did not verify their status. For example, Georgia Tech has 16,000 employees who work on a range of federal grants, including the Department of Defense, the Department of Commerce, the CDC, and NASA. That school alone has \$664 million in federal contracts that would be affected by the mandate since one-fifth of its employees have not attested to their vaccination status. The school can not afford losing so many valuable employees, per its testimony earlier this month. Other Georgia universities have reported even larger portions of their staff not verifying their vaccination status. Therefore, the threat of financial injury is “neither remote nor speculative, but actual and imminent” if the mandate is not stopped.

Baker stressed that only Congress is authorized to decide on matters of “vast economic and political significance” such as vaccine mandates. The court also showed that the plaintiffs have suffered and will continue to suffer the “extreme economic burden” in endeavoring to comply with the mandate. The



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requirement “will also have a major impact on the economy at large, as it limits contractors’ and members of the workforce’s ability to perform work on federal contracts,” Baker wrote as he decided that a stay of the order “is firmly in the public interest.”

A week earlier, U.S. District Judge Gregory Van Tatenhove in Frankfort, Kentucky, issued a [preliminary injunction](#) against the mandate last week, but it applied only to contractors in three states that had sued together — Kentucky, Ohio, and Tennessee.

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.

Van Tatenhove, much like Baker, did not question the effectiveness of the vaccines in preventing COVID-19 transmission, instead stressing that the president exceeded his authority under the Federal Property and Administrative Services Act. In addition to that, the respective government agencies failed to follow the proper administrative procedures in implementing and enforcing the mandate.

The government contractor mandate was met with a series of federal lawsuits from states and private companies who serve the government, including the one before Baker. The states of [Arizona](#), [Florida](#), [Oklahoma](#), and [Texas](#) and are also challenging Biden’s order, arguing that it is unconstitutional.

White House Press Secretary Jen Psaki [responded](#) to the recent court decision by stating that the administration is “confident in [its] ability legally to make these happen across the country” and that the mandate “will protect their workforce, protect their customers, and protect our communities.” That statement contradicts the findings of an official [CDC study](#) published in November that showed no statistically significant difference in COVID transmission between vaccinated persons and persons who were not fully vaccinated.

The Tuesday decision is the latest in a string of rulings against Biden’s vaccination mandates.

Last Tuesday, the same day Van Tatenhove issued the stay on vax mandates for the contractors, U.S. District Judge Terry Doughty in Monroe, Louisiana, temporarily [blocked](#) the Centers for Medicare and Medicaid Services (CMS) from enforcing its vaccine mandate.

In late November, Judge Matthew Schelp of the Eastern District of Missouri also [blocked](#) the CMS mandate in 10 states.

[Another ruling](#) from the Fifth Circuit Court of Appeals on November 12 froze the mandate requiring businesses with at least 100 employees to require their workers 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, [claiming](#) the measure would help “protect vaccinated workers from unvaccinated coworkers.”



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