

November 15, 2021

The Honorable Joseph R. Biden  
President of the United States of America  
1600 Pennsylvania Avenue  
Washington, D.C. 20500

Dear President Biden:

I am writing today to express grave concerns with the Centers for Medicare and Medicaid Services (CMS) emergency regulation issued on November 4, 2021, requiring COVID-19 vaccination for health care workers. While I am pro-vaccine and encourage all Montanans to discuss getting the vaccine with their doctor, I do not believe top-down federal mandates are the right approach, especially as our nation continues to face historic labor shortages.

As a chemical engineer and a participant of the Pfizer COVID-19 vaccine trial, I welcome the opportunity to discuss the science behind the vaccine and encourage folks in Montana to get vaccinated. Thanks to Operation Warp Speed and American innovation, safe and effective COVID-19 vaccines were developed in record time, allowing us to more aggressively combat the virus and save lives. This type of ingenuity should be celebrated in the same vein that we celebrate the freedoms that we enjoy every day as Americans, including making our own health care decisions. Unfortunately, your administration's federal vaccine mandate not only undermines these personal decisions, but also threatens the ability of our health care facilities to meet the needs of the ongoing pandemic and provide routine care into the future.

Since CMS unveiled its emergency mandate, I have heard from medical providers across Montana that have been on the frontlines of this pandemic, including in our rural communities, who are bracing for an unprecedented workforce crisis due to the mandate. Like so many states across the nation, Montana is already facing labor shortages, especially in the health care industry, which severely threatens Montanans' access to life saving medical care. I am deeply troubled that your Administration's actions will only further exacerbate the workforce issues currently affecting the health care industry in Montana and throughout the nation. Both our urban and rural providers may be irreparably harmed by the emergency mandate, and these providers – along with many of our state leaders – feel that their concerns about the regulation's imminent and dire impact on the health care workforce were not heard by your administration. Montana simply cannot afford to lose health care workers due to a COVID-19 vaccine mandate when facilities can implement proven measures, such as masking and testing, to protect the safety and health of employees, patients, and visitors from communicable disease.

I believe both the CMS and Occupational Safety and Health Administration (OSHA) vaccine mandates are misguided, and I will continue working with my colleagues in the Senate to pursue all avenues to prevent implementation of them. Today, I urge you to fully consider the impact of CMS' regulation on patient access to care and to rescind CMS's emergency regulation immediately.

Thank you for your attention to this important matter. I look forward to your response.

Sincerely,



STEVE DAINES  
United States Senator