

United States Senate

WASHINGTON, DC 20510

October 21, 2021

President Joseph R. Biden
The White House
1600 Pennsylvania Avenue, NW
Washington, DC 20500

Dear Mr. President,

We write to express our significant concerns regarding your expansive vaccine mandates on hardworking Americans. As you know, Executive Order 14042 requires employees of federal contractors and subcontractors to be vaccinated or face termination, and the forthcoming Occupational Safety and Health Administration (OSHA) rule forces private employers of over 100 employees to require their workers be vaccinated or tested weekly. The Executive Branch does not have the constitutional authority to take these invasive actions and your mandates will threaten the livelihoods, earned benefits, and financial health of untold numbers of hardworking Americans and their families. We strongly urge you to change course.

While the Supreme Court has upheld the ability of states to mandate vaccines during a pandemic, there is no precedent for the federal government to mandate vaccines for contractors, private employers, or individual Americans. Vaccines are important in slowing the spread of the coronavirus, however, the decision on whether or not to get vaccinated is a personal choice and should not be unilaterally decided by the President. These unconstitutional actions are not only unprecedented, but they are also a vast federal overreach into individual liberties, personal health decisions, and private enterprise.

The COVID-19 pandemic has been extremely challenging for individuals, families, and businesses. The resulting economic uncertainty from various restrictive public health orders in 2020 could have destroyed the American economy, but Congress stepped in on a broad, bipartisan basis, providing trillions to support maintaining the employees of American businesses through actions like the Paycheck Protection Program, Employee Retention Tax Credits, and the Payroll Support Program for airline workers, among many others. This support saved the jobs of millions of hardworking Americans. Now, many of the direct beneficiaries of that federal aid may lose their jobs over your unlawful federal vaccine mandates at the same time we are trying to get workers off the sidelines and back into the workforce.

Firing hardworking Americans who choose not to get vaccinated not only undermines the significant work Congress and the Trump Administration did to save millions of jobs, it also exacerbates the workforce shortages employers are already facing. The disappointing economic data released by your own Administration outlines the serious nature of this issue. The demand for workers is strong, but there are simply not enough workers to fill positions. Forcing employers to terminate loyal employees who are willing to work when businesses are facing significant challenges in hiring—and after Congress has invested trillions to save their jobs—is nonsensical.

Your actions have put businesses and hardworking Americans in an unnecessary bind. Both your Executive Order and the OSHA rule disregard public input and instead use coercion to force implementation of the vaccine mandate. In particular, Executive Order 14402 side steps the public rulemaking process required under the Administrative Procedures Act in favor of using agency guidance. Similarly, OSHA is releasing an Emergency Temporary Standard, which bypasses the public process. Both mandates are an extreme abuse of power, and those who are most negatively impacted have not even been afforded an opportunity to provide comment.

Beyond sidestepping public input, the mandate on contractors does not include an option for testing in lieu of a vaccine, making it particularly onerous and discriminatory. Instead, businesses who receive federal contracts will be required to submit to an even higher standard than OSHA is expected to require for other private sector employers. In addition, neither mandate considers natural immunity.

We all want to put this pandemic behind us for the benefit of our health, our families, and our economy, but we cannot lose sight of the massive, negative impacts that your mandates will have on hardworking Americans and their families. We urge you to change course for the sake of hardworking Americans and their families.

Sincerely,



Dan Sullivan
United States Senate



Tommy Tuberville
United States Senate



Mike Braun
United States Senator



Cynthia Lummis
United States Senator



Deb Fischer
United States Senator



Steve Daines
United States Senator



Rodger F. Wicker
United States Senator



John Barrasso
United States Senator



Michael S. Lee
United states Senator



Marsha Blackburn
United States Senator