

U.S. Rep. Fitzgerald: Joins colleagues in opposition to Biden vaccine mandate in upcoming Supreme Court case

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WASHINGTON, DC – Last week, Congressman Fitzgerald joined 178 of his Senate and U.S. House of Representatives Republican colleagues in filing an amicus brief to the U.S. Supreme Court in opposition to the Biden Administration’s vaccine mandate requiring private employers with over 100 employees to mandate the COVID-19 vaccine or weekly testing.

“President Biden is plowing ahead with his one-size-fits-all vaccine mandate in the workplace in an attempt to deflect responsibility and escape his pandemic problems. No American should ever be forced to decide between vaccination or termination. This is an unlawful overreach of executive power, and I am proud to join my colleagues in filing an amicus brief to the Supreme Court for this imperative case,” **said Congressman Fitzgerald.**

The Members wrote in the brief, *“Congressional members have an interest in the powers they delegate to agencies not being abused—the legislative authority vested in the federal government belongs to Congress, not the Executive branch. In this case, the promulgation by the Occupational Health and Safety Administration (OSHA) of a sweeping, nationwide vaccine mandate on businesses intrudes into an area of legislative concern far beyond the authority of the agency. And it does so with a Mandate enacted through OSHA’s seldom-used ‘emergency temporary standard’ (ETS) provision that allows for bypass of notice and comment rulemaking under certain circumstances. That OSHA exceeded its authority in enacting the ETS Mandate is not a ‘particularly hard’ question...”*

BACKGROUND:

On **December 17, 2021**, the US Court of Appeals for the Sixth Circuit lifted the Fifth Circuit's stay of the Biden Administration's vaccine mandate for large employers. The Department of Labor has stated it will begin enforcing the mandate on **January 10, 2022**.

Several parties have filed petitions for review, and SCOTUS is set to hear oral arguments on **January 7, 2022**, on whether to issue an emergency stay of the vaccine mandate.

Read the full text of the brief and list of signatories [here](#).