

U.S. Sen. Johnson: Joins colleagues in opposing Biden vaccine mandate in upcoming SCOTUS case

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OSHKOSH - U.S. Sen. Ron Johnson (R-Wis.) joined 46 of his Republican colleagues in filing an amicus brief to the Supreme Court of the United States (SCOTUS) in the upcoming case considering the Biden Administration's Occupational Safety and Health Administration (OSHA) Emergency Temporary Standard (ETS) requiring private employers with over 100 employees to mandate the COVID-19 vaccine or weekly testing. The brief supports the lawsuit filed by 26 industry associations challenging the mandates and urges SCOTUS to stay the mandate. The members argue that Congress did not give OSHA the authority to impose a vaccine mandate.

“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 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' 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,” the members wrote.

“Moreover, congressional members—as representatives of the people of their

States and districts—have an interest in the citizens they represent being able to craft local solutions to problems facing their States and districts. Federalism concerns should be addressed before requiring federally-imposed solutions. And this is especially true when the question at issue involves an area typically reserved to the States (such as vaccine mandates). At the least, Congress should be forced to make clear any delegations of authority into areas of State control,” continued the members.

Senator Johnson is joined on the brief by Senators Mitch McConnell (R-Ky.), John Barrasso (R-Wyo.), Marsha Blackburn (R-Tenn.), Roy Blunt (R-Mo.), John Boozman (R-Ark.), Mike Braun (R-Ind.), Richard Burr (R-N.C.), Shelley Moore Capito (R-W.Va.), Bill Cassidy (R-La.), Tom Cotton (R-Ark.), John Cornyn (R-Texas), Kevin Cramer (R-N.D.), Mike Crapo (R-Idaho), Ted Cruz (R-Texas), Steven Daines (R-Mont.), Joni Ernst (R-Iowa), Deb Fischer (R-Neb.), Lindsey Graham (R-S.C.), Chuck Grassley (R-Iowa), Bill Hagerty (R-Tenn.), Josh Hawley (R-Mo.), John Hoeven (R-N.D.), Cindy Hyde-Smith (R-Miss.), Jim Inhofe (R-Okla.), John Kennedy (R-La.), James Lankford (R-Okla.), Cynthia Lummis (R-Wyo.), Michael Lee (R-Utah), Roger Marshall (R-Kan.), Jerry Moran (R-Kan.), Lisa Murkowski (R-Alaska), Rand Paul (R-Ky.), Rob Portman (R-Ohio), James Risch (R-Idaho), Mike Rounds (R-S.D.), Marco Rubio (R-Fla.), Ben Sasse (R-Neb.), Rick Scott (R-Fla.), Tim Scott (R-S.C.), Richard Shelby (R-Ala.), Dan Sullivan (R-Alaska), John Thune (R-S.D.), Thom Tillis (R-N.C.), Patrick Toomey (R-Pa.), Roger Wicker (R-Miss.), Todd Young (R-Ind.), and 139 members of the House of Representatives.

Click to read the full text of the brief [here](#).