



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

December 7, 2021
(Senate)

STATEMENT OF ADMINISTRATION POLICY

S.J. Res. 29 – Joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Department of Labor relating to "COVID-19 Vaccination and Testing; Emergency Temporary Standard"

(Sen. Braun, R-IN, and 50 cosponsors)

The Administration strongly opposes Senate passage of Senate Joint Resolution 29 to nullify the Department of Labor's COVID-19 Vaccination and Testing Emergency Temporary Standard (ETS), which became effective on November 5, 2021. If Congress were to pass this resolution of disapproval, the President's advisors would strongly recommend that he veto the resolution.

The COVID-19 Vaccination and Testing ETS is necessary to protect workers from the grave danger that they face in their workplace during the devastating COVID-19 pandemic. The President wants to see Americans back on the job, and Americans back at work should not face risk from those who are not vaccinated and who refuse to be tested.

In 1970, President Nixon signed the Occupational Safety and Health Act to give the Department of Labor's Occupational Safety and Health Administration (OSHA) the responsibility to issue an emergency standard when workers are faced with a grave danger such as COVID-19. Relying on the latest science, OSHA's ETS, once fully implemented, would give large employers the choice between adopting either: 1) a mandatory COVID-19 vaccination policy; or 2) a policy requiring employees to get vaccinated or take a COVID-19 test on at least a weekly basis and wear a face covering at work.

The vast majority of adults are fully vaccinated, and thus face no burden from implementation of the OSHA rule. The rule exempts small businesses, which likewise face no burden from the rule. What the rule does do is provide a common-sense protection for workers at large firms. At a time when COVID is on the rise, a new variant is on the loose, and more Americans are choosing to be vaccinated, it makes no sense for Congress to reverse this much-needed protection of our workforce. It puts our recovery in danger, and a vote for this resolution risks a return to shutdowns, layoffs, and closures that result from allowing COVID to spread more easily in the workplace. In a time of crisis, Congress should support workers' safety and protect our recovery, rather than blocking OSHA's standard.

* * * * *