



Written by [Veronika Kyrylenko](#) on December 9, 2021

Senate Votes to Nix Biden's COVID Vax-or-Test Mandate for Private Businesses

The U.S. Senate voted to repeal President Joe Biden's vaccine-or-test mandate for larger businesses, which is one of the key components of the president's push to get as many Americans vaccinated with experimental gene therapeutics (aka COVID vaccines) as possible.

The measure, which needed a simple majority to advance, passed in a [52-48 vote](#) on Wednesday. The Republicans were joined by two Democrats, Joe Manchin of West Virginia, and Jon Tester of Montana, who crossed party lines to support the resolution. The rest of the Democrats and two Independents, Bernie Sanders of Vermont, and Angus King of Maine, voted against it.

Per [the text](#),



AP Images
Senator Mike Braun (R-Ind.)

[C]ongress disapproves the rule submitted by the Department of Labor relating to "COVID-19 Vaccination and Testing; Emergency Temporary Standard" (86 Fed. Reg. 61402 (November 5, 2021)), and such rule shall have no force or effect.

Senator Mike Braun of Indiana, who led the effort, [said](#) after the vote,

"No one should be forced to choose between getting a vaccine and losing their job. The bipartisan Senate passage of my challenge to President Biden's vaccine mandate on private businesses sends a crystal clear message to the White House: Back off, and stop this crazy federal overreach."

The Senator expressed his hope in the Democratic Representatives "standing up" with the businesses and their constituents in pushing back against that "big government-gone-wild mandate."

Senator Manchin argued in a [statement](#) that while he supported the vaccine mandate for federal employees and the military, he opposed the requirement for the private businesses. The government "should incentivize, not penalize, private employers whose responsibility it is to protect their employees from COVID-19," he added.

Senator Tester [told](#) NBC News this week that he was not "crazy about mandates."

On November 17, Representative Fred Keller (R-Pa.) [introduced](#) the same resolution in the House. "The last thing businesses need right now is an unconstitutional vaccine mandate that drives a wedge between workers and job creators," Keller [said](#).



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Senator [Ted Cruz](#) of Texas did not mince words on Biden's mandate: "It needs to be killed for good. The vaccine mandate is illegal, it's unconstitutional, and it's a grotesque abuse of power." He added that the U.S. Speaker of the House Nancy Pelosi, knowing how extreme the mandate is, will try to avoid responsibility and try not to vote on the issue. Still, when the House will have to vote, and if "even a handful of Democrats in the House that have the courage to stand up" against Pelosi pass the measure, President Biden "will probably veto it," Cruz said.

The White House has signaled that President Biden would veto the measure in the unlikely chance that it passes the House, once again taking a chance to vilify those who oppose the arguably illegal mandates as "anti-vaxxers."

"[W]e certainly hope the Senate — Congress — will stand up to the anti-vaccine and testing crowd, and we're going to continue to work to implement these. If it comes to the President's desk, he will veto it," White House press secretary Jen Psaki said during the [press briefing](#) on Tuesday as she cited the Omicron new variant making it to America and leading to rising COVID cases. "The President has been clear [that] we'll use every tool to protect the American people, and we hope others will join us in that effort," she added.

Senate Majority Leader Chuck Schumer (D-N.Y.) harshly [criticized](#) the vote, accusing Republicans of being "anti-vaxxers" and comparing them to people who believed the "Earth was flat" and that "the sun revolved around the Earth."

"If their plans go into effect, COVID will linger longer and the chance of new variants and new more dangerous variants occurring increases," Schumer reportedly [added](#), "It is anti-science, anti-common sense, it makes no sense."

What does not make any sense, however, is the Emergency Temporary Standard (ETS) enacted by the Occupational Safety and Health Administration that proclaimed COVID a "grave danger" for every single workplace in America that hires 100 and more people.

"If one accepts the stated ETS objective of worker protection from COVID transmission, the details of the standard do not add up. If the vaccinated — and we know this to be true — can become infected by and transmit the SARS-CoV-2 virus, do they not present a danger to their vaccinated and unvaccinated co-workers?" [wrote](#) Cathy Spigarelli in one of the latest issues of *The New American*. She also noted, "In addition, the ETS, not surprisingly, neglects to offer exemption to those with natural immunity ... something that has been shown to create robust protection from COVID infection."

The move in the U.S. Senate was made under the Congressional Review [Act](#) (codified at 5 U.S.C. §§801-808), which grants Congress the power to block or eliminate certain federal agency actions. The Act also provides that a rule blocked in such a manner "may not be reissued in substantially the same form," unless Congress authorizes the federal agency to do so. For that to happen, however, both legislative chambers must first agree to oppose the rule, which in the OSHA mandate case would arguably be impossible with the Democrat-controlled House.

Nonetheless, the opposition to the Biden administration's sweeping mandates is palpable. The legal evidence suggests the executive orders issued on September 9 that force federal employees, contractors, employees of the larger businesses, and healthcare workers at the Medicaid- and Medicare- affiliated facilities to get a COVID shot or get fired are unconstitutional. That notion is specifically underlined in the numerous arguments made by the U.S. federal judges who halted the corresponding mandates. *The New American* has covered the cases [here](#), [here](#), [here](#), [here](#), and [here](#).



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Therefore, the fate of the mandate will lie in the hands of the U.S. judges and will likely make its way up to the U.S. Supreme Court.

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