



## Attorney General Steve Marshall Continues Fight to Permanently Block Biden's Federal-Contractor Vaccine Mandate

(MONTGOMERY) – Attorney General Steve Marshall has filed a brief in support of a lawsuit led by Kentucky seeking a permanent end to President Biden's mandate that federal contractors and their employees receive the COVID-19 vaccine.

"On [December 7](#), a federal district court granted the State of Alabama's motion to enjoin President Biden's federal-contractor vaccine mandate," said Attorney General Marshall. "Meanwhile, the Biden administration continues to fight in court to lift the injunction and force this ill-conceived and unlawful mandate on millions of federal contractors and their employees. In response, I've joined with other attorneys general in supporting Kentucky's lawsuit to permanently block Biden's mandate."

Attorney General Marshall and his colleagues from 20 other states filed an amicus brief in the U.S. Court of Appeals for the Sixth Circuit on March 9. The brief highlights the fact that President Biden's executive order mandating vaccines for federal contractors represents an unauthorized exercise of regulatory power. The president's authority in this case is limited to "prescribing policies and directives" – he may not issue procurement regulations. In the executive order, President Biden unlawfully delegated authority to the director of the Office of Management and Budget and a White House Task Force, away from the entity created by Congress to establish such procurement regulations.

In addition, the brief argues that the president failed to show that the mandate promotes economy and efficiency. The brief states: "Neither the Executive Order nor any subsequent agency actions 'identify any instance in which absenteeism attributable to COVID-19 among contractor employees resulted in delayed procurement or increased costs.' . . . Moreover, a vague interest in preventing 'absenteeism' in federal contractors in and of itself is not sufficiently related to the government's general procurement policies to justify such a 'sweeping, invasive, and unprecedented public health requirement imposed unilaterally by President Biden.'"

Finally, the brief argues that "the challenged actions seek to regulate public health, not improve the efficiency of contracting, rendering the actions blatantly pretextual."

Attorney General Marshall joined attorneys general from Alaska, Arizona, Arkansas, Florida, Georgia, Idaho, Indiana, Iowa, Kansas, Louisiana, Mississippi, Missouri, Montana, Nebraska, Oklahoma, South Carolina, South Dakota, Texas, Utah and West Virginia in filing the [amicus brief](#).

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