

January 26, 2023

For press inquiries only, contact:

Cameron Mixon (334) 242-7491

Steve Marshall
Alabama Attorney General



Page 1 of 2

Attorney General Steve Marshall Calls on Congress to Rein In The Biden Administration’s Emergency COVID Powers

(MONTGOMERY) – Attorney General Steve Marshall today led a coalition of 16 state attorneys general who are calling on Congressional leaders to end the Biden Administration’s continued use of pandemic emergency powers. Though President Biden himself has declared that “the pandemic is over,” his Department of Health and Human Services (HHS) and Food and Drug Administration (FDA) continue to rely on emergency use authorizations to press novel COVID vaccines on young people.

“HHS and FDA continue to misuse the authority granted to the agencies for times of emergency,” the attorney generals wrote in the letter. “In particular, they continue to rely on emergency powers to justify numerous uses of novel vaccines that are not only failing to halt the transmission of COVID, but are also exposing young people (who are least likely to be harmed by COVID) to unnecessary risks.”

“When emergency authorization was granted two years ago to get the first vaccines distributed, that authorization inherently considered the voluntary nature of the vaccine and the understanding that though the potential risks were not fully known, the benefits were believed to outweigh the risks for those most vulnerable to COVID.” But much has changed: “The idea that we are still in the midst of a medical emergency flies in the face of the facts on the ground. Yet, HHS and FDA continue to perpetrate the myth that an emergency exists to aggrandize their power at the expense of people’s freedom.”

The letter details concerns over the FDA’s continued reliance on emergency powers to authorize new COVID vaccine uses, especially for children. “[T]he vaccines, if considered today, likely would not pass the threshold question of whether the HHS Secretary could authorize them for emergency use.” Yet, “shockingly, as recently as *last month*, FDA is still invoking its emergency use authorization authority to push vaccines out to *infants*.”

The attorneys general also call on Congress to consider reforming the PREP Act, which provides “exceptionally broad liability protections” related to vaccines and other “covered countermeasures” under emergency declarations by the HHS Secretary.



“Federal agencies cannot be allowed to usurp Congress’ authority and implement backdoor vaccine approvals (or other policies) by simply claiming an emergency,” the attorneys general conclude their letter. “We encourage the new Congress to move quickly to limit HHS’ and FDA’s ability to unilaterally declare an emergency and approve unproven drugs that could cause harm to Americans, override any remaining emergency use authorizations for COVID vaccines, consider reforms to the sweeping liability shield created in 2005, and ensure that our liberties and system of government are robustly protected against any such future attempts at medical tyranny.”

Attorney General Marshall was joined in sending the letter by the attorneys general of the states of Alaska, Arkansas, Idaho, Indiana, Iowa, Kansas, Kentucky, Louisiana, Mississippi, Montana, Nebraska, South Carolina, Tennessee, Texas, and Utah.

The full letter sent by the attorneys general can be viewed online [here](#).