

United States Senate

October 27, 2021

The Honorable Benjamin Cardin
Chair
Committee on Small Business
United States Senate
Washington, D.C. 20510

The Honorable Rand Paul
Ranking Member
Committee on Small Business
United States Senate
Washington, D.C. 20510

Dear Chairman Cardin and Ranking Member Paul:

I write today to request an urgent and immediate hearing in the Small Business Committee on President Biden's Executive Order on Ensuring Adequate COVID Safety Protocols for Federal Contractors, as well as the forthcoming Emergency Temporary Standard (ETS) from the Occupational Safety and Health Administration (OSHA). The impact of these mandates on our workforce, economic recovery, and the broader supply chain have wide-reaching implications, especially for our small businesses. It should be discussed and debated in Congress before being allowed to advance. Furthermore, I would like to suggest a broad labor panel consisting of rank-and-file union members be invited to testify so that the full and diverse impacts of these mandates can be best understood. These voices must be heard regarding the impact the mandate will have not only on individual freedoms but also on broader disruptions on Main Street.

Since the September 9 Executive Orders were issued, I have held a series of town halls and roundtable meetings on vaccine mandates to inform my efforts in Washington. Last week, I held a roundtable featuring multiple labor associations representing law enforcement, bakers, electrical workers, machinists, and more, as well as a roundtable with business leaders. Prior to that, I held a roundtable with aviation-related labor associations, representing employees working in one of the largest industries in my state. Based on input from these Kansans, as well as from the numerous small business owners, contractors, and manufacturers, I can say with certainty that if both the federal contractor mandates as well as the ETS from OSHA go into effect, it will have dire consequences on our workforce, economic recovery, and trust in the federal government.

President Biden's September 9 Executive Order, and the subsequent guidance from the Safer Federal Workforce Task Force, requires all parties that contract or subcontract with the federal government be vaccinated against COVID-19. The forthcoming ETS from OSHA similarly has not gone through the traditional notice and comment period due to the nature of the ETS rulemaking process. From my understanding, the millions of contractors, subcontractors, and their employees have had little to no ability to comment on these rules, nor have they been able to have their most basic questions regarding these mandates answered by the Administration. The consequences of these mandates hit small businesses two-fold, saddling small employers with fewer workers amidst an already challenging labor shortage, while increasing compliance and operating costs for many if they have over 100 workers. For those small businesses looking to contract or subcontract with the federal government, this adds another layer of bureaucratic challenge in order to compete for federal business.

For nearly two years, small businesses up and down Main Street have struggled to stay open amidst the stay-at-home orders, forced closures, and other policies put in place to curb the spread of COVID-19. Despite those challenges, small businesses persevered, innovating throughout the crisis and contributing to their local economies. Now, many small businesses face the new challenge of navigating federal vaccine mandates that could have a huge impact on their ability to do business. Following President Biden's announcement of multiple new vaccination mandates, many Kansas businesses have told me that their employees will walk off the job over this new requirement. This concern is felt nationwide for employers, especially small employers.

Therefore, I urgently request the Committee hold a public hearing so that Congress can hear the full impact of these mandates. Many Kansas small businesses as well as labor union rank-and-file members have specifically expressed interest in an opportunity to share their thoughts and concerns with Members of this Committee. With that in mind, I hope you will give Kansans the ability to share their concerns, and for the Committee to take swift action. I look forward to your timely response to this request.

Sincerely,

A handwritten signature in blue ink that reads "R. W. Marshall". The signature is fluid and cursive, with the first letters of each name being capitalized and prominent.

Roger Marshall, M.D.
U.S. Senator