

IN THE HOUSE OF REPRESENTATIVES

HOUSE CONCURRENT RESOLUTION NO. 24

BY WAYS AND MEANS COMMITTEE

A CONCURRENT RESOLUTION

1 STATING FINDINGS OF THE LEGISLATURE AND AUTHORIZING THE SPEAKER OF THE IDAHO
2 HOUSE OF REPRESENTATIVES AND THE PRESIDENT PRO TEMPORE OF THE IDAHO SEN-
3 ATE TO ENGAGE COUNSEL TO SUE THE FEDERAL GOVERNMENT TO HAVE A FEDERAL
4 COURT DECLARE THE COVID-19 VACCINATION MANDATES UNLAWFUL.
5

6 Be It Resolved by the Legislature of the State of Idaho:

7 WHEREAS, on September 9, 2021, President Biden announced that his pa-
8 tience was "wearing thin" with Americans who are not vaccinated against
9 COVID-19; and

10 WHEREAS, on that date, President Biden issued two executive orders set-
11 ting out his "Action Plan" that included, among other things, a directive
12 to the United States Department of Labor's Occupational Safety and Health
13 Administration (OSHA) to develop a federal regulation requiring all United
14 States employers with 100 or more employees to ensure their workforce is
15 fully vaccinated or require any workers who remain unvaccinated to produce
16 a negative test result on at least a weekly basis before coming to work or be
17 fired; and

18 WHEREAS, the Speaker of the Idaho House of Representatives, the Presi-
19 dent Pro Tempore of the Idaho Senate, Governor Little, and the Idaho Attor-
20 ney General jointly responded to the President by letter dated September 17,
21 2021, objecting to the proposed regulation because it has no legal basis and
22 asking the President to rescind his directive to the Department of Labor; and

23 WHEREAS, the Idaho constitutional and legislative officers strongly
24 opposed the mandates because: (1) the power to promulgate and enforce vac-
25 cination policies in Idaho belongs to the state; (2) the Department of Labor
26 lacks the requisite legal authority to issue the President's vaccination
27 mandates; and (3) cooperative federalism requires the Department of Labor
28 not to issue the workplace vaccination mandates; and

29 WHEREAS, the OSHA regulation as envisioned by the President will have
30 serious legal flaws that will be foisted on Idaho unless remedied by a fed-
31 eral court.

32 NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Ses-
33 sion of the Sixty-sixth Idaho Legislature, the House of Representatives and
34 the Senate concurring therein, that the Legislature authorizes the Speaker
35 of the House of Representatives and the President Pro Tempore of the Senate
36 to engage counsel to sue the federal government on behalf of their offices
37 and the Legislature to have a federal court declare the federal vaccine man-
38 dates unlawful and to enjoin the mandates or otherwise prevent them from hav-
39 ing any effect on Idaho employers and employees.