

Congress of the United States
Washington, DC 20515

March 17, 2022

The Honorable Joseph R. Biden
President of the United States
The White House
1600 Pennsylvania Avenue NW
Washington, D.C. 20500

Dear Mr. President:

We write today to express our frustration with your Administration's decision to extend the Federal transportation mask mandate and to urge you to reverse this ill-advised, arbitrary decision.¹ It is far past time that we relieve both the traveling public and frontline transportation workforce of this unnecessary burden and get our Nation's transportation system back to normal.

Like most Americans, we are bewildered by the Transportation Security Administration's (TSA) March 10, 2022, announcement to extend the expiration date of the transportation mask mandate from March 18, 2022, to April 18, 2022.² To add to the absurdity, this extension was issued the same day that the Centers for Disease Control and Prevention (CDC) announced that "more than 98% of the U.S. population is in a location with low or medium COVID-19 Community Level."³ That means that 98% of the population now lives in an area where the CDC advises that indoor masking is not a necessary preventative measure. TSA's March 10, 2022, statement is more perplexing, given it makes clear that the extension of the Federal transportation mask mandate was issued at the behest of the CDC.⁴ It is apparent that your Administration is applying a two-tiered system of COVID-19 mask guidance on the American people: one grounded in science and the other twisted by politics.

As you referenced in your State of the Union address (an event with no mask mandate), the Federal government must use all tools at its disposal to facilitate, rather than hamper, the complete reopening of our Nation's economy.⁵ However, your Administration's decision to extend the Federal transportation mask mandate comes at a time when not only have our Nation's leading public health experts relaxed mask guidance recommendations, but also while all states and many localities have moved to lift mask mandates.⁶

¹ Press Release, TSA, Statement regarding face mask use on public transportation (Mar. 10, 2022), *available at* <https://www.tsa.gov/news/press/statements/2022/03/10/statement-regarding-face-mask-use-public-transportation> [hereinafter TSA Statement].

² *Id.*

³ Press Release, CDC, CDC Updates COVID-19 Community Levels (Mar. 10, 2022), *available at* <https://www.cdc.gov/media/releases/2022/s0311-COVID-19-Communit-Levels.html>.

⁴ TSA Statement, *supra* note 1.

⁵ President Joe Biden, State of the Union Address (Mar. 1, 2022), *available at* <https://www.whitehouse.gov/briefing-room/speeches-remarks/2022/03/01/remarks-of-president-joe-biden-state-of-the-union-address-as-delivered/>.

⁶ Jennifer Kelleher, Hawaii to lift last US state mask mandate by March 26, ASSOCIATED PRESS, Mar. 8, 2022, *available at* <https://apnews.com/article/covid-health-hawaii-david-ige-1d41dba1b322af8f7458fbb98c22549c>.

All around the country masks are coming off. After realizing that Americans were fed up with conflicting, outdated, and nonsensical public health mandates, even state governments, controlled by both the Democratic and Republican parties, began announcing plans in early February 2022 to relax mask guidance, prompting the CDC to quickly shift its plans.⁷ Whether Americans are dining at a restaurant, going to a concert, riding a school bus, attending the Super Bowl, or visiting Philadelphia for a political retreat, the CDC has finally recognized that masking is not required. Against that backdrop, it is unconscionable that your Administration believes that it is acceptable to continue to threaten airline passengers and public transportation users with fines and removal if they take off their mask for longer than it takes to sip a cup of coffee.

Operators across all modes of our Nation's transportation system are looking to return to normal operations and capacity levels in 2022. Commercial airlines, for instance, are clawing their way towards a full recovery, but your Administration's policies, from doubling down on the mask mandate to a failure to rein in record inflation and sky-high fuel prices, continue to stymie their rate of recovery at a time when they are trying to welcome back an eager traveling public.

This policy continues to frustrate and damage an airline industry that has taken extraordinary measures to keep passengers safe. Studies have shown that between effective High Efficiency Particulate Air (HEPA) filtration systems on board commercial aircraft and strong disinfection practices and policies, the risk of transmission of the virus among passengers is significantly reduced.⁸ In fact, one study revealed that the rate of ventilation of cabin air onboard a particular aircraft "removed particulate 15 times faster than a home, and 5 to 6 times faster than recommended design specifications for modern hospital operating or patient isolation rooms."⁹

Your Administration should have ensured that consistent Federal mask policies were applied to all Americans between the CDC's February 25, 2022, announcement of its new Community Level framework and TSA's March 10, 2022, extension of the Federal transportation mask mandate.¹⁰ Rather than doing the work necessary to revise masking guidance for our Nation's transportation sector—guidance that the CDC has already stated will align with its recently rolled out Community Level framework—your Administration chose to baselessly extend the Federal transportation mask mandate. Americans finally realize that the CDC's policies, which pretend that COVID-19 only exists on airplanes and public transportation, are little more than science fiction. In extending the mandate, your Administration has not only chosen to further exacerbate the ongoing and concerning issue of unruly passengers on board

⁷ Jimmy Vielkind & Allison Prang, *Several States Lift Mask Mandates*, WALL ST. J., Feb. 7, 2022, available at https://www.wsj.com/articles/new-jersey-to-lift-school-mask-mandate-next-month-11644246532?mod=Searchresults_pos9&page=4.

⁸ DEPARTMENT OF DEFENSE, TRANSCOM, AMC COMMERCIAL AIRCRAFT CABIN AEROSOL DISPERSION TESTS (2021), available at <https://www.ustranscom.mil/cmd/docs/TRANSCOM%20Report%20Final.pdf> [hereinafter DOD Aircraft Report]; see also HARVARD T.H. CHAN SCH. OF PUB. HEALTH, ASSESSMENT OF RISKS OF SARS-COV-2 TRANSMISSION DURING AIR TRAVEL AND NON-PHARMACEUTICAL INTERVENTIONS TO REDUCE RISK (2020), available at <https://cdn1.sph.harvard.edu/wp-content/uploads/sites/2443/2020/10/Phase-I-Report-Highlights.pdf>.

⁹ DOD Aircraft Report, *supra* note 8 at 29-30.

¹⁰ See CDC, Use of Care of Masks (Feb. 25, 2022), available at https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/about-face-coverings.html?s_cid=11721:covid%20variant%20mask:sem.ga:p:RG:GM:gen:PTN:FY22.

commercial aircraft, but also has further degraded the CDC's reputation as our Nation's leading public health agency.

To that end, we urge you to immediately reverse your Administration's decision to extend the transportation mask mandate through April 18, 2022, and to instead implement reasonable policies that support our transportation operators and workforce as they work diligently to get our Nation moving again.

Sincerely,



Sam Graves
Ranking Member
Committee on Transportation and
Infrastructure




Garret Graves
Ranking Member
Subcommittee on Aviation



Kevin McCarthy
Republican Leader



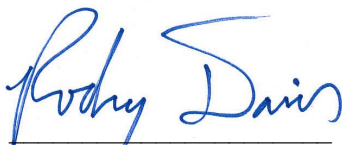
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Republican Whip



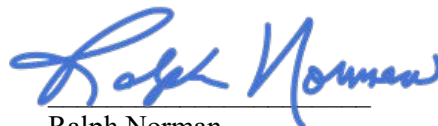
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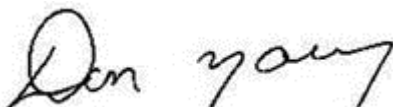
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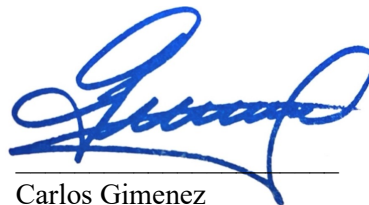
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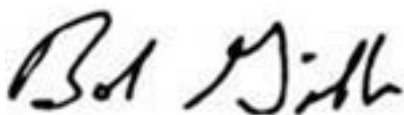
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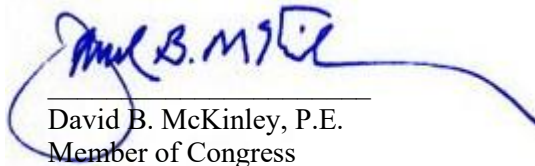
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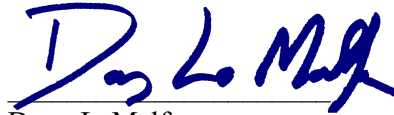
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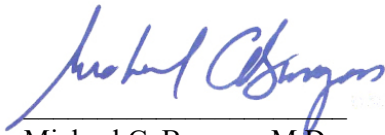
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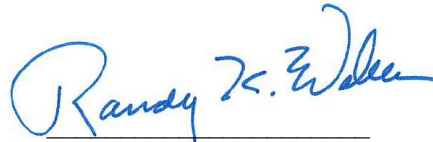
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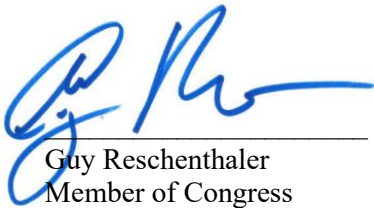
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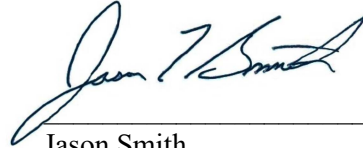
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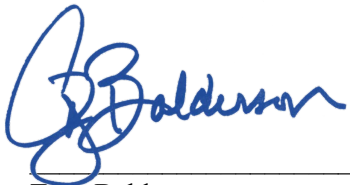
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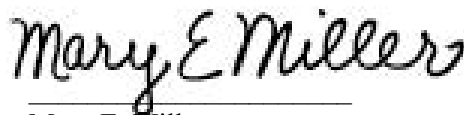
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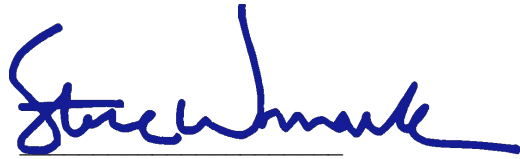
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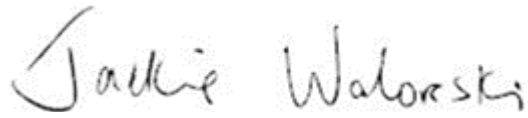
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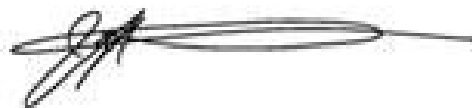
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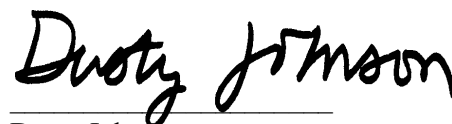
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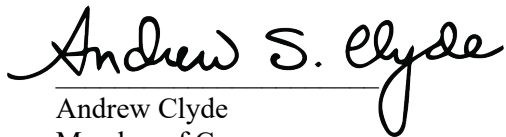
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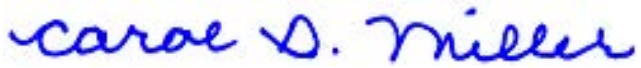
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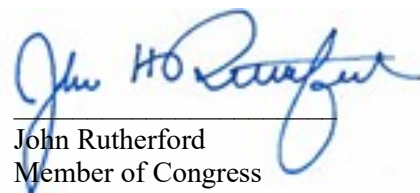
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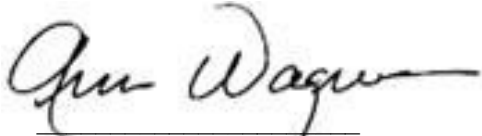
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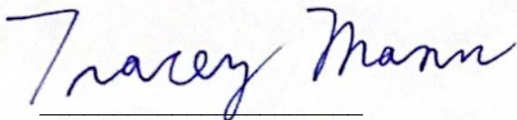
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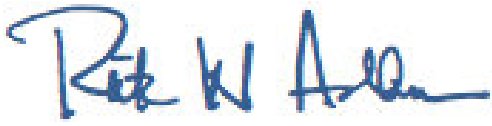
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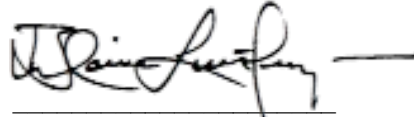
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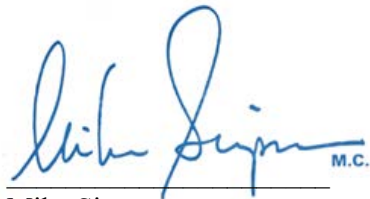
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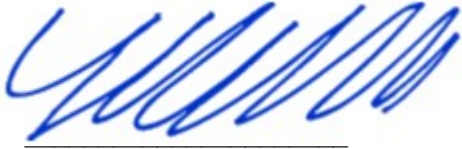
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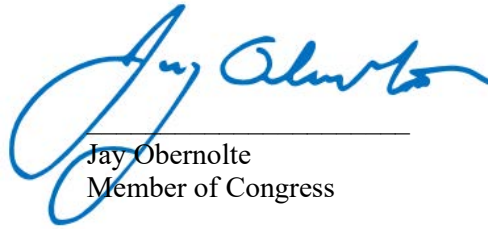
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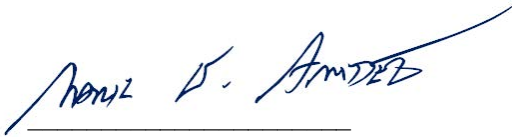
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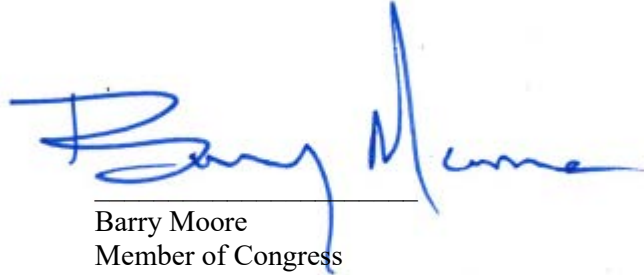
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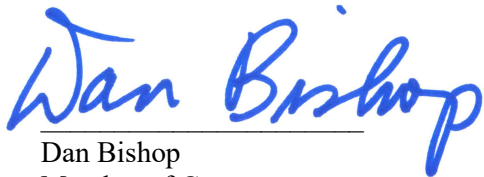
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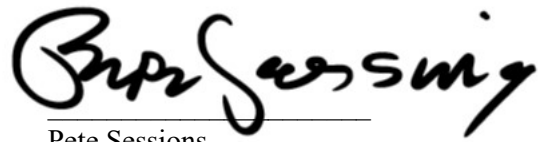
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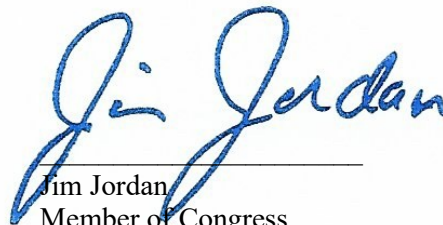
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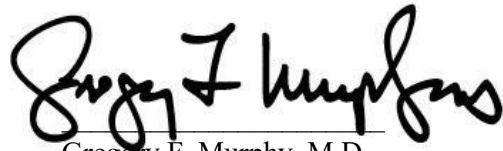
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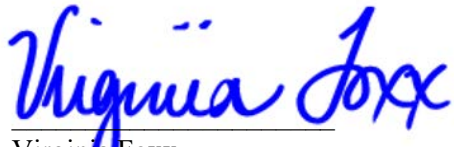
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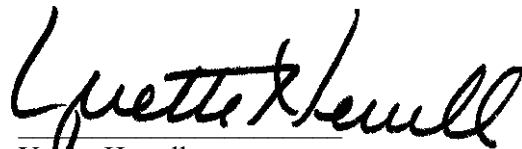
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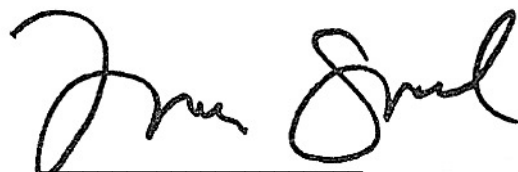
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Blake Moore
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Cc:

Dr. Rochelle Walensky, Director, Centers for Disease Control and Prevention
David Pekoske, Administrator, Transportation Security Administration