



Committee on Transportation and Infrastructure  
U.S. House of Representatives  
Washington DC 20515

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November 8, 2021

The Honorable Stephen Dickson  
Administrator  
Federal Aviation Administration  
800 Independence Ave, S.W.  
Washington, D.C. 20591

Dear Administrator Dickson:

We are writing today regarding President Biden's executive order (EO) mandating that all Federal employees receive a COVID-19 vaccination and the very real cumulative and disruptive impacts this mandate could have during the upcoming busy holiday travel season.<sup>1</sup> Given the central role Federal Aviation Administration (FAA) employees, air traffic controllers in particular, have in ensuring the safe movement of aircraft, we are requesting that you provide us with assurance that the vaccine mandate will not impact air travel during the upcoming, busy holiday travel season.

As you know, on September 9, 2021, President Biden signed an EO requiring all Federal employees be *fully* vaccinated for COVID-19 by November 22, 2021, with limited exceptions.<sup>2</sup> Pursuant to Office of Personnel Management (OPM) guidance, "...employees who refuse to be vaccinated or provide proof of vaccination are subject to disciplinary measures, up to and including removal or termination from Federal service."<sup>3</sup> In order to meet the timeline and be considered fully vaccinated, OPM guidance states that employees should complete their vaccination doses by today, November 8, 2021.<sup>4</sup> Federal agencies are advised that they can initiate enforcement processes beginning tomorrow.<sup>5</sup>

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<sup>1</sup> Exec. Order No. 14043, *Requiring Coronavirus Disease 2019 Vaccination for Federal Employees*, (Sept. 9, 2021), available at <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/09/09/executive-order-on-requiring-coronavirus-disease-2019-vaccination-for-federal-employees/>.

<sup>2</sup>*Id.*; see also OPM, SAFER FEDERAL WORKFORCE: VACCINATIONS (2021), available at <https://www.saferfederalworkforce.gov/faq/vaccinations/> [hereinafter OPM Safer Workforce] (citing that "Federal employees must be fully vaccinated other than in limited circumstances where the law requires an exception. In particular, an agency may be required to provide a reasonable accommodation to employees who communicate to the agency that they are not vaccinated against COVID-19 because of a disability or because of a sincerely held religious belief, practice, or observance.")

<sup>3</sup> KIRAN A. AHUJA, DIRECTOR, OPM, MEMORANDUM FOR HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES, *Guidance on Enforcing Coronavirus Disease 2019 Vaccination Requirement for Federal Employees – Executive Order 14043* (Oct. 1, 2021), available at [https://chcoc.gov/sites/default/files/Director-Memo-on-Enforcement-of-Vaccine-Requirements\\_0.pdf](https://chcoc.gov/sites/default/files/Director-Memo-on-Enforcement-of-Vaccine-Requirements_0.pdf); see also OPM Safer Workforce, *supra* note 2.

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

Airlines and other government contractors are also subject to a Federal vaccination mandate.<sup>6</sup> Many airline employees, including airline pilots, are considering retiring or quitting over the mandate, while some have even sued.<sup>7</sup> Recent large scale airline operational disruptions have demonstrated our aviation system is operating with very little slack, meaning that even minor issues with worker shortages or equipment and crew availability can spiral quickly out of control. We are very concerned that even a small number of terminations at the FAA and the airlines due to the vaccine mandate will stretch our fragile aviation system to the breaking point during the traditionally busy travel season.<sup>8</sup>

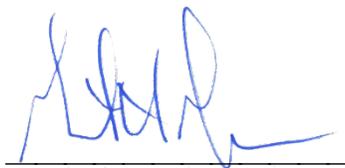
At the October 21, 2021, hearing of the Subcommittee on Aviation, you stated that the FAA has contingency plans in place to prevent the COVID-19 vaccine mandate from causing disruptions in the FAA's provision of air traffic control services.<sup>9</sup> We request that the FAA provide a briefing on these contingency plans to Committee staff as soon as possible. We also request that you assess the cumulative effects that the various vaccine mandates may have on the aviation industry and whether there are adequate contingency plans in place to prevent widespread operational disruptions this holiday season.

We are concerned that vaccine mandates combined with a pre-existing worker shortage and anticipated return of holiday air travel demands are compounding and creating a perfect storm. We are extremely concerned about what the vaccine mandate and potential firings might do to a National air transportation system already stretched to its limits. We urge you to do everything in your power to ensure that air travelers will not suffer through operational disruptions, missed flights, or cancelled trips due to a shortage of fully vaccinated FAA air traffic controllers.

Sincerely,



Sam Graves  
Ranking Member



Garret Graves  
Ranking Member  
Subcommittee on Aviation

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<sup>6</sup> Exec. Order, No. 14042, *Ensuring Adequate COVID Safety Protocols for Federal Contractors*, (Sept. 9, 2021), available at <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/09/09/executive-order-on-ensuring-adequate-covid-safety-protocols-for-federal-contractors/>.

<sup>7</sup> Dawn Gilbertson, *Could Holiday Travel be Affected by Airlines' Employee Vaccine Mandate? What Travelers Need to Know*, USA TODAY, Oct. 21, 2021, available at <https://www.usatoday.com/story/travel/airline-news/2021/10/21/thanksgiving-christmas-flights-united-american-southwest-vaccine-mandate-deadline/6105495001/>; see also: *Employees Sue United Airlines Over COVID Vaccine Mandate*, ABC NEWS 7, Sept. 28, 2021, available at <https://abc7chicago.com/united-airlines-employee-sue-sued-over-covid-vaccine-mandate-coronavirus/11054722/>.

<sup>8</sup> Miranda Parnell, *Plan ahead: Airline worker shortages could impact you holiday travel*, CBS NEW 10 TAMPA BAY, Sept. 29, 2021, available at <https://www.wtsp.com/article/travel/airline-worker-shortages-impact-holiday-travel/67-5a13f033-28dc-4428-8d91-40003a8c3c3e>.

<sup>9</sup> *Three Years After Lion Air 610: FAA Implementation of the 2020 Aircraft Certification, Safety, and Accountability Act Before the Subcomm. Of Aviation of the H. Comm. On Transportation and Infrastructure*, 117th Cong. (Oct. 21, 2021) (statement of the Hon. Stephen Dickson, Administrator, FAA).