



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

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November 8, 2021

The Honorable David Pekoske  
Administrator  
Transportation Security Administration  
6595 Springfield Center Drive  
Springfield, VA 22150

Dear Administrator Pekoske:

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 Transportation Security Administration (TSA) employees, screeners in particular, have in processing air travelers through security and allowing them to access their terminal gates, 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

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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.

considered fully vaccinated, OPM guidance states that employees should complete their vaccination doses by November 8, 2021.<sup>4</sup> Federal agencies are advised that they can initiate enforcement processes on November 9, 2021.<sup>5</sup>

As of October 20, 2021, news reports indicate that only about 60% of TSA employees are at least partially vaccinated.<sup>6</sup> That means as many as 40%, or 20,000 screeners, are not yet fully vaccinated as of today's deadline.<sup>7</sup> Airlines and other government contractors are also subject to a Federal vaccination mandate.<sup>8</sup> Many airline employees, including airline pilots, are upset by the mandate and some have even sued.<sup>9</sup> Given the worker shortages and lack of available back-up crews, airline employees becoming unavailable due to non-compliance with the vaccine mandate will be particularly troublesome during the busy travel season.<sup>10</sup> The vaccine mandates combined with a pre-existing worker shortage and anticipated return of holiday air travel demands are compounding and creating the 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 long lines, huge wait times, missed flights, or cancelled trips due to a shortage of fully vaccinated TSA screeners.

Sincerely,



Sam Graves  
Ranking Member



Garret Graves  
Ranking Member  
Subcommittee on Aviation

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

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

<sup>6</sup> Hugo Martin, *Can TSA vaccinate enough screeners before the Thanksgiving travel rush?*, LOS ANGELES TIMES, Oct. 20, 2021.

<sup>7</sup> Press Release, TSA, *TSA by the Numbers*, (last updated May 19, 2021), available at <https://www.tsa.gov/news/press/factsheets/tsa-numbers>.

<sup>8</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>9</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>10</sup> Miranda Parnell, *Plan ahead: Airline worker shortages could impact your 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>.