One Hundred Sixteenth Congress
Committee on Homeland Security
U.S. House of Representatives
Washington, DC 20515

July 6, 2020

The Honorable David Pekoske
Administrator
Transportation Security Administration
601 South 12th Street
Arlington, VA 20598-6001

Dear Administrator Pekoske:

We write again to request that you issue a requirement for airline passengers to wear masks in order to go through Transportation Security Administration (TSA) security checkpoints.

We previously wrote you on May 1, 2020, requesting that you issue requirements for both passengers and TSA employees to wear masks at TSA checkpoints. We were pleased to see you fulfill part of that request when you announced on May 7th a requirement for TSA employees to wear masks. However, it is difficult to understand your hesitation to issue a national requirement for passenger masks to ensure that all frontline workers and passengers are equally protected across the aviation system.

Last week, the Departments of Homeland Security, Transportation, and Health and Human Services issued joint guidance to the air travel industry. Although we are glad the Administration is finally beginning the interagency work we called for two months ago, the guidance unfortunately fails to provide the Federal leadership and mandates needed to help stabilize the industry and keep people safe. The guidance places on industry partners certain responsibilities that should fall to the government. For example, it states, "Airlines and airports are strongly encouraged to require that everyone correctly wear a mask or cloth face covering in shared spaces" unless they meet certain exceptions—even though the government could issue such requirements itself.[1] This document represents yet another failure of the Trump Administration to step up to the plate in the way needed to fight the spread of COVID-19.

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[1] "Runway to Recovery: The United States Framework for Airlines and Airports to Mitigate the Public Health Risks of Coronavirus" (July 2020), Guidance Jointly Issued by the U.S. Departments of Transportation, Homeland Security, and Health and Human Services, https://www.transportation.gov/sites/dot.gov/files/2020-07/Runway_to_Recovery_07022020.pdf.

The impact of the COVID-19 pandemic on Transportation Security Officers (TSOs) has recently skyrocketed, with over 100 employees testing positive for coronavirus in the last week alone. Due to the government's limited contact tracing capabilities, we cannot know how many passengers have been infected due to their contact with infected frontline employees, further exacerbating the effects of the pandemic at a time when COVID-19 cases in the U.S. are surging. Given continually rising passenger volume, we can only expect the situation to worsen.

The Administration continues to consider implementing a complex system to check passenger temperatures to increase confidence in air travel and ensure the health and safety of travelers. As we have noted previously, the prospect of such a system raises significant concerns over legal authorities, passenger privacy, civil rights, costs, and effectiveness. Centers for Disease Control and Prevention (CDC) scientists have recommended against the temperature check proposal, calling it a "poorly designed control and detection strategy."[2] In contrast, the CDC has endorsed wearing masks and other face coverings as a simple, effective measure to curb the spread of COVID-19. The CDC website states, "Everyone should wear a cloth face cover when they have to go out in public."[3] Even the Administration's joint guidance on air travel states, "Social distancing and the universal use of masks or cloth face coverings are the most effective mitigations available for preventing the spread of COVID-19."[4] "Universal use of masks or cloth face coverings" would certainly include at TSA checkpoints. It makes no sense that the Administration would devote so much time and energy to pursuing such a questionably effective endeavor as temperature checks while refusing to take the simple, inexpensive, effective step of requiring passengers to wear masks.

In your June 4th response to our May 1st letter, you implied that one reason you have not required passengers to wear masks is that the CDC's travel and prevention guidance has only recommended—not required—that masks be worn in public. We understand that the CDC has not mandated that masks be worn in every corner of this country. Surely, though, TSA is able to clearly delineate its authority and responsibility over security checkpoints, where abiding by CDC recommendations for appropriate social distancing is not always possible. TSA often touts its "layers of security" approach to protecting aviation passengers. Without mandating one of the most fundamental and scientifically proven methods of reducing the spread of COVID-19, it is unclear what other measures or layers are mitigating the risk of transmission when people come in close contact with each other. It is your responsibility as Administrator to ensure security at TSA checkpoints and protect the TSA workforce. Shifting the blame to the CDC for not instituting nationwide mask requirements simply does not cut it.

In discussing your consideration of a passenger mask requirement, you have expressed that you do not wish to place TSA employees in the middle of a controversy. To be clear, the only controversy surrounding masks is a dangerous political one manufactured by President Trump and his enablers. There is a clear consensus among public health officials that masks are effective in curbing the spread of COVID-19. We are concerned that your priority appears to be to stay in line with the partisan rhetoric of those that consider support for or use of facial coverings a betrayal of President Trump.

[2] Murphy, Brett, and Letitia Stein, "CDC scientists overruled in White House push to restart airport fever screenings for COVID-19" (May 9, 2020), *USA Today*, https://www.usatoday.com/story/news/investigations/2020/05/09/white-house-push-airport-fever-screenings-overrules-cdc-scientists/3097158001/.
[3] Centers for Disease Control and Prevention, "How to Protect Yourself & Others" (updated April 24, 2020), https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/prevention.html.
[4] "Runway to Recovery."

TSA has not historically shied away from controversy. TSA employees routinely enforce a number of requirements that are unpopular with the public, such as conducting invasive patdowns and confiscating liquids, which you and your predecessors have deemed necessary to protect passengers.

Although travel volume remains low compared to last year's numbers, more than 700,000 passengers are now flying each day, even as the volume of COVID-19 cases nationwide has reached a new peak. Nearly 1,000 TSA employees have tested positive for COVID-19, and seven employees and contractors have died. When will TSA begin making decisions on mask requirements based on the scientific, expert advice of public health officials? What will it take?

It is necessary that you immediately require travelers to wear masks at security checkpoints. This is a basic measure that should have been taken months ago. Further delays will exacerbate the spread of this pandemic and endanger the safety, security, and health of employees and passengers. The public's confidence in air travel will not be restored by neglecting to take action.

Thank you for your prompt attention to this matter.

Sincerely,

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BENNIE G. THOMPSON
Chairman

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J. LUIS CORREA
Chairman
Subcommittee on Transportation and
Maritime Security