

Congress of the United States
Washington, DC 20510

November 2, 2021

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

Dear Administrator Pekoske:

As the ranking members of the congressional committees charged with oversight of the Transportation Security Administration (TSA), we are concerned about the potential for staffing challenges that could disrupt the transportation sector and related industries as a result of President Biden's recent federal vaccine mandate.

On September 9, 2021, President Biden signed Executive Order (EO) 14043, titled, "Requiring Coronavirus Disease 2019 Vaccination for Federal Employees." As stated in Section 1 of the EO, the President has determined that in order to promote the health and safety of the workforce and the efficiency of the civil service, it is necessary for all agencies to require COVID-19 vaccination for federal employees, subject only to such exceptions as are required by law. The EO's requirements apply to all employees of the Department of Homeland Security (DHS), including TSA's frontline Transportation Security Officer (TSO) workforce. Federal employees who ignore the mandate face discipline up to and including being fired, according to the U.S. Office of Personnel Management.¹ However, the Administration has not been clear in communicating these potential consequences. Jeffrey Zients, the White House COVID-19 Response Coordinator, recently said that federal employees will not be fired for refusing the vaccine but will first undergo "education and counseling."² We are concerned that this inconsistent messaging may confuse federal employees about the potential consequences for noncompliance with the EO.

In a recent media interview, you noted that about 60 percent of the TSA workforce has received at least one dose of a COVID-19 vaccine. You also said you were "very hopeful" the agency will not have an employee shortage. Unfortunately, it appears TSA is headed toward a scenario in which up to 40 percent of its workforce may not be compliant with the President's EO by the November 8 deadline. Such a scenario could have severe impacts on transportation security and

¹ Guidance on Enforcing Coronavirus Disease 2019 Vaccination Requirement for Federal Employees – Executive Order 14043, Kiran A. Ahuja, Office of Personnel Management, October 1, 2021, <https://chcoc.gov/content/guidance-enforcing-coronavirus-disease-2019-vaccination-requirement-federal-employees-%E2%80%93>

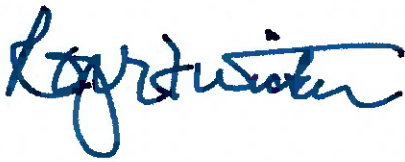
² Business group warns of mass layoffs and 'catastrophic' supply chain disruptions from Biden's vaccine mandate, Matt Egan, CNN Business, October 22, 2021, http://lite.cnn.com/en/article/h_e59b20340de458321dadd151a41b2049

the aviation, travel, and tourism industries. A steep decline in the number of available TSOs to screen passengers during the upcoming holiday season could have severe impacts on our economy, including small and rural communities such as the ones we represent.

Being vaccinated against COVID-19 is the best way for TSA employees to protect themselves, their coworkers, their families, and their communities against the virus. We hope all TSA employees will get vaccinated. However, based on the current percentage of vaccination amongst the TSA workforce, we are concerned about the potential disruptions significant non-compliance with the President's EO could have on the agency's operations. We request that you update us as soon as possible on the agency's contingency plans considering the potential for a sizable reduction in its workforce resulting from the President's EO.

We look forward to your response and to continuing our work together to enhance transportation security.

Sincerely,



Roger F. Wicker
Ranking Member



John M. Katko
Ranking Member