

United States Senate

WASHINGTON, DC 20510

January 20, 2022

Secretary Xavier Becerra
U.S. Department of Health & Human Services
200 Independence Avenue, Southwest
Washington, D.C. 20201

Dear Secretary Becerra:

On November 30, 2021, an interim final rule (IFR) went into effect that established vaccine and mask mandates on all Head Start and Early Head Start programs across the nation¹. We write to raise concerns with this IFR, which U.S. district court judges have granted preliminary injunctions against².

Under this IFR, Head Start staff and volunteers are mandated to be vaccinated by January 31, 2022, though there are a very limited set of exemptions. The IFR also requires these individuals wear masks, which extends to the students, including all children two years of age and older.

Since the onset of the COVID-19 pandemic, individual Head Start programs have been afforded the flexibility to make decisions about their specific program and the extent to which masking, social distancing, and other COVID-19 precautionary measures and mitigation strategies are necessary, consistent with state and local laws where their programs are located. According to a December 2020 report from the Centers for Disease Control and Prevention (CDC), this flexibility has proven to be effective. The report stated that, “Head Start and Early Head Start programs successfully implemented CDC-recommended mitigation strategies and applied other innovative approaches to limit [COVID-19] transmission among children, teachers, and other staff members [...]”³.

Head Start programs throughout the country have demonstrated that, since the start of the COVID-19 pandemic, they are capable of complying with CDC recommendations and state and local health requirements to keep their facilities open and ensure children can safely continue to learn in-person, as well as ensure staff members and volunteers remain healthy. That is why the publication of this IFR, without any input from Head Start staff and parents of Head Start children, is all the more puzzling. Layering inflexible federal mandates onto individual Head Start programs that are experiencing varying COVID-19 transmission levels and that are already complying with guidance from their state and local public health officials, in our view, does not make sense. In addition, this IFR could potentially create conflicts with mandates already established by state and local governments or their prohibition of such mandates.

¹ <https://www.federalregister.gov/documents/2021/11/30/2021-25869/vaccine-and-mask-requirements-to-mitigate-the-spread-of-covid-19-in-head-start-programs>

² <https://apnews.com/article/coronavirus-pandemic-joe-biden-health-donald-trump-alabama-ed63879a112e106557332e321250d6c6>


³ <https://www.cdc.gov/mmwr/volumes/69/wr/pdfs/mm6949e3-H.pdf>

Beyond the federal overreach, another aspect of this IFR that is equally, if not more disturbing, is the fact that Washington bureaucrats are slapping mask mandates on toddlers. This even applies when these young children are outside on the playground, which defies all logic. For context, even the World Health Organization advises against mask mandates for children five years of age and younger⁴.

Given the concerns outlined above, we request that this IFR be immediately withdrawn. We fear that any enforcement of these mandates could result in Head Start staff quitting their jobs and parents and other individuals choosing not to volunteer. Of even greater concern is that this IFR could also result in families removing their children from these programs, which would leave families with very limited, if any, affordable alternatives.

Thank you for your prompt attention to this urgent request. We believe it deserves your immediate attention and are hopeful that you consider our concerns and rescind this IFR.


Sincerely,



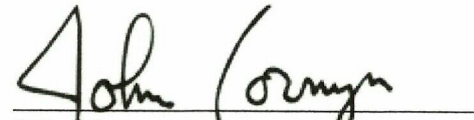
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United States Senator




John Barrasso, M.D.
United States Senator



Mike Braun
United States Senator




John Cornyn
United States Senator




Kevin Cramer
United States Senator



Mike Crapo
United States Senator

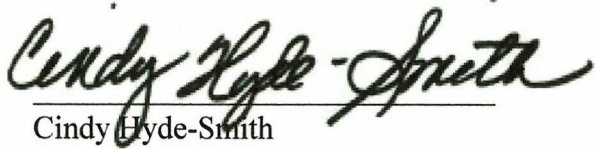


Josh Hawley
United States Senator

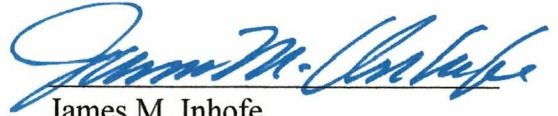


John Hoeven
United States Senator

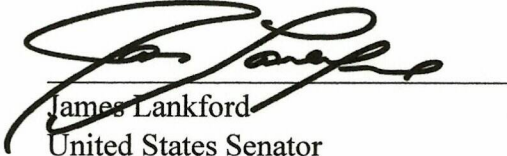
⁴ <https://www.who.int/news-room/questions-and-answers/item/q-a-children-and-masks-related-to-covid-19>



Cindy Hyde-Smith
United States Senator



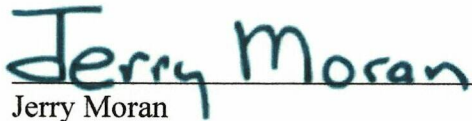
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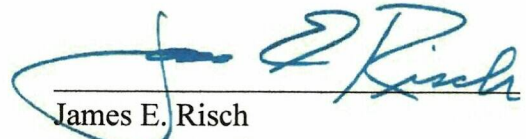
James Lankford
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Cynthia Lummis
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Jerry Moran
United States Senator



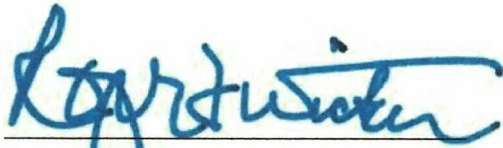
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