

United States Senate

WASHINGTON, DC 20510

September 13, 2022

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

Dear Secretary Becerra:

Since November 2021, vaccine and mask mandates on Head Start and Early Head Start programs have been in effect as a result of a U.S. Health and Human Services (HHS) interim final rule (IFR).¹ We write to highlight how unnecessary these mandates continue to be and request that this IFR be rescinded immediately.

As you know, as of January 31, 2022, this IFR requires Head Start staff and volunteers to be vaccinated against COVID-19. It also requires Head Start staff and volunteers to wear masks. But beyond these mandates, the IFR also requires students two years of age and older to wear masks despite the World Health Organization advising against mask mandates for children five years of age and younger.²

Up until the publication of this IFR in late 2021 – more than 18 months after the onset of the COVID-19 pandemic – individual Head Start programs across the nation had the flexibility to implement their own precautions that effectively protected staff, volunteers, and students in these facilities. This flexibility afforded each individual program the opportunity to establish health and safety protocols and other mitigation strategies that were consistent with state and local laws and recommendations that worked best for their staff, volunteers, and students. In fact, according to a December 2020 report from the Centers for Disease Control and Prevention (CDC), this flexibility was effective, as the CDC found that individual programs successfully implemented recommendations that limited the transmission of COVID-19 in their facilities.³

The application of inflexible federal rules on individual Head Start programs through this IFR and the forcing of toddlers enrolled in these programs to wear masks even caught the attention of Congress. On May 3, 2022, the U.S. Senate passed a joint resolution providing for congressional disapproval of this IFR by a bipartisan vote of 55 to 41, with seven Democrats supporting the resolution and opposing the IFR.⁴

Prior to Senate consideration of the resolution, President Biden unfortunately committed to vetoing it.⁵ A primary reason for his opposition was because, at the time of Senate consideration, the CDC had not yet approved children five years of age and younger to be vaccinated against COVID-19. However, on June 18, 2022, the CDC approved certain COVID-

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

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

⁴ https://www.senate.gov/legislative/LIS/roll_call_votes/vote1172/vote_117_2_00147.htm

⁵ <https://www.whitehouse.gov/wp-content/uploads/2022/05/SJRes-39-SAP.pdf>


19 vaccines for children six months through five years of age.⁶ Head Start-aged children are now eligible to receive the COVID-19 vaccine if their families so choose.


This IFR continues to be an overly rigid, inflexible rule that complicates individual Head Start programs' ability to operate and attract staff and volunteers – though there is a preliminary injunction against the IFR in multiple states – and we request that you immediately rescind it.⁷ The nation must continue to transition toward treating COVID-19 as an endemic condition and return to a sense of normalcy, and it is past time for Washington bureaucrats to allow Head Start programs to do the same.

Thank you for your prompt attention to this request.


Sincerely,


John Thune
United States Senator


Richard Burr
United States Senator



John Barrasso, M.D.
United States Senator


Marsha Blackburn
United States Senator


John Boozman
United States Senator


Mike Braun
United States Senator


Shelley Moore Capito
United States Senator

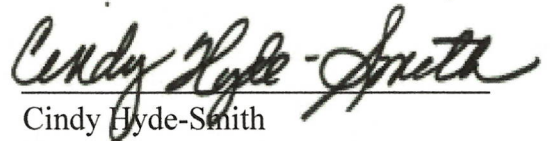

Kevin Cramer
United States Senator

⁶ <https://www.cdc.gov/media/releases/2022/s0618-children-vaccine.html#:~:text=Today%2C%20CDC%20Director%20Rochelle%20P,receive%20a%20COVID%2D19%20vaccine.>

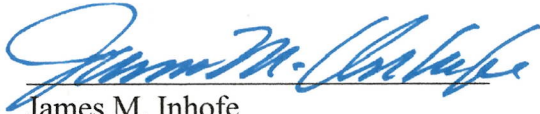
⁷ <https://apnews.com/article/coronavirus-pandemic-joe-biden-health-donald-trump-alabama-ed63879a112e106557332e321250d6c6>



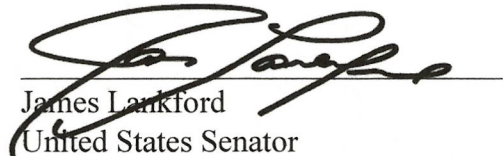
Mike Crapo
United States Senator



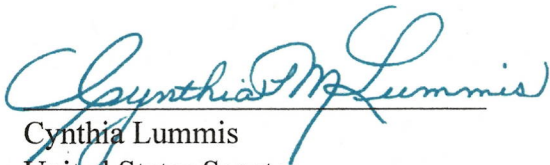
Cindy Hyde-Smith
United States Senator



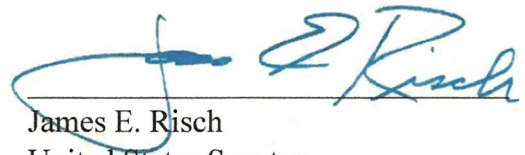
James M. Inhofe
United States Senator



James Lankford
United States Senator



Cynthia Lummis
United States Senator



James E. Risch
United States Senator



Marco Rubio
United States Senator



Dan Sullivan
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