



DEPARTMENT OF HOMELAND SECURITY

[Docket No. DHS-2021-0006]

Determination of a National Emergency Requiring Actions to Protect the Safety of Americans Using and Employed by the Transportation System

AGENCY: Office of the Secretary, DHS.

ACTION: Notice.

SUMMARY: In consultation with public health officials and consistent with the January 21, 2021 *Executive Order on Promoting COVID-19 Safety in Domestic and International Travel* and the January 29, 2021 Order by the U.S. Centers for Disease Control and Prevention announcing a requirement for persons to wear masks while on conveyances and at transportation hubs, the Acting Secretary of Homeland Security on January 27, 2021, issued a *Declaration of a National Emergency Requiring Actions to Protect the Safety of Americans Using and Employed by the Transportation System* (“declaration”). The declaration finds that a national emergency exists and directs the Transportation Security Administration to take certain actions to promote safety in and to secure the transportation system and to mitigate the spread of COVID-19 through the transportation system. The text of the declaration is set out below.

Christina E. McDonald,
Federal Register Liaison,
U.S. Department of Homeland Security.

**Determination of a National Emergency Requiring Actions to Protect the Safety of
Americans Using and Employed by the Transportation System**

As reflected in numerous determinations by the Executive Branch, including the President's March 13, 2020 determination that the outbreak of Coronavirus Disease 2019 (COVID-19) constitutes a "national emergency" under the National Emergencies Act and the nationwide public health emergency declared by the Secretary of Health and Human Services on January 31, 2020, the COVID-19 pandemic continues to pose a threat to our health and security. On January 15, 2021, the Centers for Disease Control and Prevention (CDC) updated their information to account for several new strains of COVID-19, including variant B.1.1.7 from the United Kingdom, variant B.1.351 from South Africa, and variant B.1.1.28.1 from Brazil. As of January 20, 2021, the United States has experienced more than 24 million confirmed COVID-19 cases and more than 400,000 COVID-19 deaths. The CDC, the Surgeon General, and the National Institutes of Health have concluded that mask-wearing, physical distancing, appropriate ventilation, and timely testing can mitigate the risk of travelers spreading COVID-19. On January 21, 2021, the President issued the *Executive Order on Promoting COVID-19 Safety in Domestic and International Travel*. The purpose of this Executive Order is to save lives and allow all Americans, including the millions of people employed in the transportation industry, to travel and work safely. Further, on January 25, 2021 the President issued a *Proclamation on the Suspension of Entry as Immigrants and Non-Immigrants of Certain Additional Persons Who Pose a Risk of Transmitting Coronavirus Disease* whereby he reinstated travel restriction for individuals traveling to the United States from the United Kingdom, Ireland, the Schengen Area, and instituted restrictions for South Africa.

In the light of these circumstances and direction from the President, and after consultation with public health officials, I, David P. Pekoske, Acting Secretary of Homeland Security, pursuant to the authority vested in me under section 101 of the Aviation and Transportation Security Act (ATSA), as codified at section 114(g) of title 49, United States Code (U.S.C.) do hereby determine that a national emergency exists and am directing the Transportation Security Administration to take actions consistent with the authorities in ATSA as codified at 49 U.S.C. sections 106(m) and 114(f), (g), (l), and (m) to implement the Executive Order to promote safety in and secure the transportation system. This includes supporting the CDC in the enforcement of any orders or other requirements necessary to protect the transportation system, including

passengers and employees, from COVID-19 and to mitigate the spread of COVID-19 through the transportation system, to the extent appropriate and consistent with applicable law. I specifically direct the Transportation Security Administration to use its authority to accept the services of, provide services to, or otherwise cooperate with other federal agencies, including through the implementation of countermeasures with appropriate departments, agencies, and instrumentalities of the United States in order to address a threat to transportation, recognizing that such threat may involve passenger and employee safety.

 1/27/2021

David P. Pekoske

Acting Secretary

Department of Homeland Security