

September 15, 2022

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

Dear Secretary Becerra:

I write to urge you to reconsider and rescind the Health and Human Services' (HHS) interim final rule (IFR) mandating masking and COVID-19 vaccination at Head Start and Early Head Start Programs. I understand that several of my colleagues in the Senate, led by Senators John Thune and Health, Education, Labor & Pensions Committee Ranking Member Richard Burr, recently sent you a letter making this same request, and I wish to associate myself with their comments. As such, like my colleagues, I urge you to take action to immediately eliminate these overreaching mandates.

As you know, Head Start and Early Head Start programs provide important services for families who have lower incomes and are seeking early childhood educational opportunities and child care for their children. In North Dakota, parents utilize Head Start and Early Head Start in order to further school preparedness for their children and make sure that they are ready to enter school and succeed. Head Start serves as a vital community program throughout my home state, and for many lower-income families, it is also their only feasible child care option. For example, like many states, North Dakota is experiencing greater workforce shortages this year than last, and for those who live in rural communities with few or no child care provider options other than Head Start, their opportunities to join the workforce are diminished by the uncertainty the IFR has created.

Head Start can play a positive role in meeting our workforce needs in North Dakota as well as preparing children for early childhood learning. That's why I remain concerned with the impact of the IFR's vaccine and mask mandates. The IFR's mandates increase compliance costs for Head Start programs, make it more difficult to find Head Start workers, and limit the capacity of these providers to serve families our communities. In fact, one Head Start provider in North Dakota estimated that it would lose the staffing capacity for 200 children if workers left because of the vaccine mandate. Further, continuing to impose these overreaching mandates, such as requiring children to remain masked even when they play outside, is detrimental to child development and does little to lower the risk of contracting COVID-19.

Accordingly, earlier this year, I joined my Senate colleagues, led by Senator Thune, in introducing a Congressional Review Act resolution of disapproval (S.J.Res.39) to rescind the IFR. S.J.Res.39 was supported by a bipartisan majority of my Senate colleagues, passing by a vote of 55 to 41. Unfortunately, the House of Representatives has not taken further action on this bipartisan, common-sense legislation.

While there remains a preliminary injunction against the IFR in multiple states – including North Dakota – uncertainty remains for many Head Start providers, parents, and children. Therefore, I once again urge you to immediately rescind the IFR so that families can have access to the important early childhood development and child care services offered through Head Start. Thank you for your consideration of this request.

Sincerely,

A handwritten signature in black ink that reads "John Hoeven". The signature is written in a cursive, flowing style with a large initial "J" and "H".

John Hoeven  
United States Senator