

AMERICAN PUBLIC TRANSPORTATION ASSOCIATION
FACT SHEET
EXECUTIVE ORDER ON PROMOTING COVID-19 SAFETY
IN DOMESTIC AND INTERNATIONAL TRAVEL
January 21, 2021

On January 21, 2021, President Joseph R. Biden, Jr. signed the *Executive Order on Promoting COVID-19 Safety in Domestic and International Travel* (Order). According to the Order, the Centers for Disease Control and Prevention (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.

The Order includes the following key provisions:

- Requires the Secretary of Transportation (Secretary) and other Secretaries to immediately take action, to the extent appropriate and consistent with applicable law, to require masks to be worn in compliance with CDC guidelines in or on *all forms of public transportation as defined in section 5302 of title 49, United States Code*, trains, and intercity buses. The mandate also applies to other modes of transportation.
- Requires the Secretary to consult, as appropriate, with interested parties, including industry and union representatives from the transportation sector.
- Authorizes categorical or case-by-case exceptions to the mask policy to the extent that doing so is necessary or required by law. If the Secretary makes exceptions, the Order requires alternative and appropriate safeguards. All exceptions must be documented in writing.
- Requires the Secretary to ensure that any action taken to implement this policy does not preempt State, local, Tribal, or territorial laws or rules imposing public health measures that are more protective of public health than those required under the Order.
- Requires the Secretary to report to the White House COVID-19 Response Coordinator on implementation of this Order within seven days of issuance and regularly thereafter.
- Requires the Secretary, in consultation with the CDC, to provide to the COVID-19 Response Coordinator recommendations on how the U.S. Department of Transportation may impose *additional* public health measures for domestic travel. The Secretary shall engage with interested parties, including industry and union representatives from the transportation sector on any additional measures.
- Requires the COVID-19 Response Coordinator, in coordination with the Secretary, to identify and inform agencies of options to incentivize, support, and encourage widespread mask-wearing and physical distancing on public modes of transportation, consistent with CDC guidelines and applicable law.