

# Federal Judge Throws Out Biden's Mask Mandate for Public Transportation, Deeming It Unlawful

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The Biden administration's mask mandate for public transportation requiring travelers in the U.S. to wear a mask when in planes, trains, taxis, buses and other forms of travel was thrown out today by a federal judge in Florida, who ruled that the mandate exceeded the authority granted to the Centers for Disease Control and Prevention.

U.S. District Judge Kathryn Kimball Mizelle in Tampa said Congress had not given the CDC such power to issue blanket, population-wide preventative public-health measures such as the mask mandate. To that end, she said in her [59-page opinion](#) that the CDC acted beyond its authority and that the court "therefore must hold unlawful and set aside the mask mandate as an agency action that is not in accordance with law."

The ruling came days after the Biden administration extended the transportation mask mandate through May 3, as it was set to expire today.

The ruling was issued as part of a case brought by the Health Freedom Defense Fund, an Idaho-based nonprofit legal group that advocates against mask and vaccine mandates, and two Florida residents, according to the Wall Street Journal.

The CDC maintains that wearing masks on public transit minimizes the spread of Covid-19. The Biden administration has supported this view by invoking a federal statute dating from the 1940s that authorizes the surgeon general “to make and enforce such regulations as in his judgment are necessary to prevent the introduction, transmission, or spread of communicable diseases” from abroad or between the states, according to WSJ.

The Biden administration has said the local indoor mask mandate will continue in schools, nursing homes, health facilities and at the territory's ports of entry. He also said the USVI Travel Portal would remain active [through at least June](#).

Covid-19 infections in the U.S. Virgin Islands have been [on the rise](#) in the past few weeks following sustained decreases. Health officials have said the Omicron BA.2 subvariant — which is more contagious in nature but similar to the original Omicron when it comes to the risk of hospitalizations and developing severe disease — [has been identified in the USVI](#).