

Congress of the United States
Washington, DC 20510

March 11, 2021

Hon. Alejandro Mayorkas
Secretary of Homeland Security
Department of Homeland Security
2707 Martin Luther King Jr. Ave SE
Washington, DC 20528-0525

Dear Secretary Mayorkas:

We write to inquire about efforts at the Department of Homeland Security (DHS) to vaccinate and protect its law enforcement agents and officers against COVID-19. Although DHS has formed a partnership with the Veterans Health Administration (VHA), we understand that officers continue to face hurdles accessing the vaccine. Therefore, we request that DHS take immediate action to better protect these frontline responders against COVID-19.

As you know, DHS's law enforcement officers are at significant risk of contracting COVID-19 due to their work with detained and vulnerable populations. The recent growing surge in migrants crossing the southwest border has only amplified that risk. Since the beginning of pandemic, more than 8,000 CBP employees have tested positive for COVID, and 27 have died.¹ A total of 9,686 ICE detainees have tested positive for COVID in the past year.² In September, the DHS Office of Inspector General reported that proper social distancing at Border Patrol stations and ports of entry remained a challenge, and facilities rarely had the capacity to test detained individuals on site.³

Given the significant risk to these critical frontline workers, particularly at this time with increased activity along the border, it is imperative that DHS quickly take action to vaccinate all DHS law enforcement officers and agents. We understand that DHS has set up a vaccination program—known as “Operation Vaccinate Our Workforce”—and has established a partnership with the VHA to distribute the vaccine. However, media reports and our own conversations with

¹ U.S. Customs and Border Protection, *CBP COVID-19 Updates and Announcements* (Mar 7, 2021), <https://www.cbp.gov/newsroom/coronavirus>.

² U.S. Immigration and Customs Enforcement, *ICE Guidance on COVID* (Mar. 4, 2021), <https://www.ice.gov/coronavirus#citations>.

³ DHS Office of Inspector General, *Early Experiences with COVID-19 at CBP Border Patrol Stations and OFO Ports of Entry*, OIG-20-69, at 4-5 (Sept. 4, 2020), <https://www.oig.dhs.gov/sites/default/files/assets/2020-09/OIG-20-69-Sep20.pdf>.

officers and agents indicate that access to the vaccine continues to be an issue.⁴ Officers and agents stationed far away from Veterans Administration (VA) vaccination sites miss many duty hours traveling long distances to obtain their vaccines. In some cases, the VA has refused to make appointments available to these officers and agents because they are stationed outside the VA's geographic service area. Moreover, some officers and agents have been directed to make appointments with their local public health authorities, but the local health authorities have not received additional vaccine allotments to deal with this increase.

The CDC has recognized the danger that that COVID-19 poses to federal law enforcement officers, and recommends that first responders and police officers be included in Phase 1b of the COVID-19 vaccination programs.⁵ On his first day in office, President Biden signed an executive order directing the Safer Federal Workforce Task Force to address, among other things, vaccine prioritization, distribution, and administration for federal employees.⁶ While we are grateful for the efforts DHS has made thus far, we encourage DHS to take heed of the CDC guidelines and President Biden's directive to ensure that DHS law enforcement personnel, as frontline responders to an emerging crisis on our southwestern border, receive immediate access to the COVID-19 vaccine. We also ask that you respond to the following questions:

- How many vaccine doses have been allocated to DHS to inoculate its officers and agents? Does the allocation cover 100 percent of DHS's law enforcement officer ranks, and does it account for imperfect utilization rates?
- Can you detail the efforts DHS has established with the VHA to distribute vaccines and what metrics DHS is using to judge the success of this partnership?
- How many officers and agents have received all required doses of the vaccine? If DHS is using a vaccine that requires two doses, how many officers and agents have received only one of the required doses? Please break out figures by component, and within CBP, please provide details by Border Patrol Sector and land Port of Entry.
- Are officers and agents who are responding to the surge in migrant border crossings on the southwestern border prioritized for vaccination? If not, what barriers have prevented these frontline responders from being vaccinated?
- Has DHS asked officers and agents to request access to the vaccine from local public health authorities? If so, why? Additionally, what actions has DHS taken to help border counties with high percentages of DHS agents and officers receive sufficient vaccine doses to meet this demand?

⁴ See, e.g., Eric Katz, *Employees, Lawmakers Frustrated by Homeland Security's Slow COVID-19 Vaccination Efforts*, GOVERNMENT EXECUTIVE (Feb. 3, 2021), <https://www.govexec.com/workforce/2021/02/employees-lawmakers-frustrated-homeland-securitys-slow-covid-19-vaccination-efforts/171834/>.

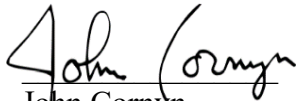
⁵ Centers for Disease Control and Prevention, *Morbidity and Mortality Weekly Report: The Advisory Committee on Immunization Practices' Updated Interim Recommendation for Allocation of COVID-19 Vaccine* (Jan. 1, 2021), https://www.cdc.gov/mmwr/volumes/69/wr/mm695152e2.htm?s_cid=mm695152e2_w.

⁶ Executive Order 13991, *Protecting the Federal Workforce and Requiring Mask-Wearing* (Jan. 20, 2021), <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/20/executive-order-protecting-the-federal-workforce-and-requiring-mask-wearing/>.


- Is DHS considering the use of mobile units to administer the vaccine to officers and agents who are not stationed within reasonable proximity to a VA facility? Are there additional measures that DHS could adopt—such as partnering with other Departments to gain access to additional facilities—that would allow officers and agents to receive the vaccine in a manner that would minimize impact on staffing?
- What efforts is DHS taking to distribute information about “Operation Vaccinate Our Workforce” with employees and the general public?

Thank you for your work to combat the COVID-19 pandemic. We look forward to collaborating with you to improve vaccine distribution amongst our critical frontline responders and to ensure that we protect DHS’s officers and agents, and local communities, by containing the spread of COVID.

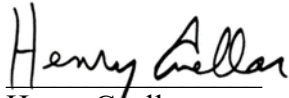
Sincerely,



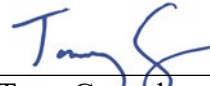
John Cornyn
United States Senator



Kyrsten Sinema
United States Senator



Henry Cuellar
Member of Congress



Tony Gonzales
Member of Congress