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United States Senate

COMMITTEE ON HEALTH, EDUCATION,
LABOR, AND PENSIONS

WASHINGTON, DC 20510-6300

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<http://help.senate.gov>

April 5, 2022

The Honorable Rochelle Walensky, MD, MPH
Director
Centers for Disease Control and Prevention
1600 Clifton Road
Atlanta, GA 30333

Dear Rochelle,

I write with grave concern about the decision to terminate the Title 42 order “suspending the right to introduce certain persons into the United States from countries where a quarantinable communicable disease exists”¹ on May 23, 2022. The Title 42 order was an important tool put into place to address concerns related to the introduction and spread of COVID-19 into the United States, including new variants. With the number of people attempting to cross the border illegally expected to increase to up to 170,000 individuals each month following the termination of this policy, I am concerned about the effect this decision will place on public health and health care systems in the United States.

I think that I understand the Administration’s misguided progressive politics driving the decision, but I do not believe that there is adequate science that would allow such a decision to be made.

In the announcement, CDC noted, “97.1% of the U.S. population lives in a county identified as having ‘low’ COVID-19 Community Level.”² However, as of today, CDC assesses the risk of COVID-19 transmission in Mexico to be Level 3, or high, and all other countries in Central America are at or above Level 3, except for those that CDC recommends U.S. travelers entirely avoid due to lack of information about COVID-19 transmission levels.³

CDC also cites the importance of vaccination in preventing severe disease during the Omicron surge, which CDC uses as evidence to support the decision to terminate the previous order.⁴ However, the durability of immunity among the U.S. population over the coming months remains to be seen, as much of the population continues to be ineligible for a fourth dose. This could, in turn, lead to increases in

¹ <https://www.cdc.gov/coronavirus/2019-ncov/cdcresponse/Final-CDC-Order-Prohibiting-Introduction-of-Persons.pdf>

² <https://www.cdc.gov/media/releases/2022/s0401-title-42.html>

³ <https://www.cdc.gov/coronavirus/2019-ncov/travelers/map-and-travel-notice.html>

⁴ <https://www.cdc.gov/coronavirus/2019-ncov/cdcresponse/Final-CDC-Order-Prohibiting-Introduction-of-Persons.pdf>, p. 17.

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severe disease during future waves and will be exacerbated by the introduction of additional cases and likely undetected variants through illegal border crossings.

Access to treatments is similarly cited as a mitigating factor.⁵ However, it is my understanding that the administration is unable to procure sufficient doses of these products for American citizens without additional funding from Congress.

Given these clear inconsistencies, I request a response to the following questions by COB April 6, 2022:

1. How did CDC weigh the risk of introduction of COVID-19 into the United States at the southwestern border, given CDC's COVID-19 risk level for countries within Central America?
2. How did CDC rationalize stagnating vaccination rates, the lack of availability of a fourth dose for the general public, and constraints on the procurement of additional therapeutics when making this decision?
3. What policies are being put into place to protect against COVID-19 in detention centers and other congregate settings in which individuals will be held?
4. Is HHS contributing any funds to support COVID-19 mitigation activities at the border? If yes, from what accounts, and how will these funds be used?
5. Has CDC received any estimates from the Department of Homeland Security related to the number of additional individuals that may enter the United States illegally as a result of this policy change? If yes, what were those estimates?
6. What steps is CDC taking to work with public health departments located both in border states and other states the Administration plans to send illegal immigrants to reside to prepare for potential increases in cases of COVID-19?
7. If the CDC can lift the Title 42 order, why isn't the CDC using the same understanding to lift other travel-related COVID-19 mitigation policies, such as the requirement to wear masks on planes and trains and other conveyances?

Thank you for your time and attention to this matter.

Sincerely,



Richard Burr

⁵ Ibid, p. 18.