

Congress of the United States

Washington, DC 20515

April 30, 2009

President Barack Obama
The White House
1600 Pennsylvania Ave, NW
Washington, D.C. 20500

Secretary Janet Napolitano
Department of Homeland Security
3801 Nebraska Avenue NW
Washington, DC 20528

Dear President Obama and Secretary Napolitano:

It has been brought to our attention that Customs and Border Protection Officers are currently prohibited from wearing protective masks by a policy of the Department of Homeland Security. Many Customs and Border Protection Officers are stressed because they are unable to protect themselves. Customs and Border Protection Officers at all our nation's ports of entry come in close contact with travelers that can be contagious with disease. Officers working at these ports have a reasonable fear of exposure to Swine Flu (H1N1).

The U.S. Office of Personnel Management and the Centers for Disease Control and Prevention have said that at this point travelers can be contagious with Swine Flu without showing symptoms. Without question, any restriction that does not allow employees to wear a protective mask (N-95) significantly heightens their potential exposure to serious disease. This exposure could well cause serious illness, not only to the employee, but to their family, friends, and the community as a whole. Consequently, the agency's restriction on the use of protective gear has resulted in an understandably high level of stress. Many employees have gone to the media in seeking answers and help.

Use of protective masks by Customs and Border Protection Officers is not unprecedented. In 2007, the Department of Homeland Security provided the N-95 mask to all employees, when California was struck with wild fires that damaged homes and caused the death of many. More importantly, no one should have to be infected by a contagious disease before they are allowed to use a life saving device at their immediate disposal.

Last night, the World Health Organization (WHO) raised its pandemic threat alert level for Swine Flu, as the infection spread to more locations across the country and around the world and U.S. health officials reported the first confirmed death in the United States from the illness. The WHO raised the alert level to "Phase 5," its second-highest level, which means that human-to-human spread of the virus has been found in at least two countries in one WHO region.

Secretary Napolitano testified before Congress that federal border agents at unspecified land ports of entry have so far referred 49 travelers entering through U.S. border checkpoints to federal, state or local health officials because they displayed suspicious flu-like symptoms. According to testimony, 41 of the travelers were subsequently cleared and eight others remain under investigation, with diagnostic tests not yet completed.

We insist that our nation's front line of defense, the brave men and women of Customs and Border Protection, be allowed to wear a protective mask if they so wish. We look forward to working with you to ensure the safety and security of our borders and Customs and Border

Protection Officers. With approximately 1.1 million border crossings a day, this policy must be revoked immediately.

Sincerely,

Brian P. Gilley

Walter B. Jones

Lamar Hunt

Dana Rohrabacher

Garry Brown-White

Patrick Mahoney

Bob Casey, FLIS

Artis

Jeff Miller

Sue Myrick

Scott Garrett

W. C. Coker

Earl Blumenauer

Ed Whitfield

Howard Coble

John Boozman

Nathan Deal

Steve Chaffetz

Mike Ryan (me)

Jack Kingston

