

Federal Vaccination Program Does Not Provide Funding for Black, Brown, Asian and Low-income Communities That Are Underserved by Private Healthcare Facilities

Program Requires State Governments to Execute a Data Sharing Agreement Which Could Dissuade Undocumented Immigrants from Taking Vaccine

Governor Andrew M. Cuomo and a coalition of groups today issued a letter to Department for Health and Human Services Secretary Alex Azar urging the federal administration to support underserved communities and protect undocumented immigrants in the federal COVID-19 vaccination program. The current federal program lacks funding to bolster states' efforts to distribute the vaccine to Black, Brown, Asian and low-income communities which are underserved by private healthcare facilities. It also requires states to execute a data sharing agreement which includes providing identification data that could be shared with multiple federal agencies, including immigration agencies, which could dissuade undocumented immigrants from taking the vaccine. Under the leadership of Governor Cuomo, New York State has proposed a modified system which would protect residents' personal information and help ensure confidence in the vaccine and its distribution program.

"We are quickly moving toward a COVID-19 vaccine, which is good news. However, the federal government's current plan to vaccinate Americans neglects key priorities that we need to effectively distribute the vaccine to millions of New Yorkers," **Governor Cuomo said.** "We need to focus on Black, Brown, Asian and low-income communities that are historically underserved by the healthcare institutions that are key to the federal government's plan. I'm also concerned that by asking for personal information, undocumented immigrants could be dissuaded from taking the vaccine. Time is of the essence as we get closer to the distribution date and I urge the administration to address these issues quickly."

The full text of the letter is below:

December 1, 2020

Dear Secretary Azar:

We write to bring attention to a very important issue concerning the upcoming vaccination process.

Obviously, a successful program administering the vaccine is critical to the national health. But for the vaccination program to be successful, it must have the full participation of all the people in the United States. To that end, we join with Governor Cuomo in raising concerns about the fairness and effectiveness of the current federal vaccination program.

First, we are deeply troubled by the failure of the federal vaccination program to provide the states with adequate funding to undertake effective vaccination plans for the Black, Brown, Asian and lower-income communities that are underserved by private healthcare facilities. The COVID infection and death rates are significantly higher in these communities, and failure to provide these communities with an adequate vaccination program, whether by intent or effect, will further discriminate against these communities. We join with national civil rights groups such as the National Urban League and the NAACP in calling for a federally funded fair and equal vaccination program.

Second, the federal government requires that a Data Sharing Agreement be executed by state governments before commencing the vaccination program. The current Data Sharing Agreement provided by the federal government requires identification of each person who is vaccinated - the

federal government suggests that states use Social Security numbers, driver's license identification numbers, or passport numbers to fulfill this requirement.

This provision obviously raises concerns, as the proposed criteria are all proxies for proof of citizenship. The concern is exacerbated by an additional federal provision in the Data Sharing Agreement specifically providing that the information could be shared with other federal agencies, i.e. the Department of Homeland Security and Immigration and Customs Enforcement (ICE). If undocumented Americans are dissuaded from participating in the vaccination program, it would jeopardize both their health and the efficacy of the entire vaccination program.

New York State has proposed two clarifications or modifications to address the issue. First, New York will provide an identification system to effectively track vaccinated individuals and the required dosages that does not identify to the Federal government an individual's Social Security number, passport number, or driver's license number. The state will provide aggregate data. In addition, the Federal government must agree to keep vaccination identification information private as with any other health matter, and agree not to share it with any non-health agency for any other purpose.

It is in everyone's interest for all of us to work together to encourage our respective constituents to participate in the vaccination program. Outreach efforts to Black, Brown, Asian and low-income communities is essential. Further, it is certainly not in the national interest for individuals to have valid concerns preventing such participation, and the undocumented community has specific and valid cause for concern in providing unnecessary, irrelevant, and sensitive information to federal agencies.

We look forward to working together to organize a fast and effective vaccine program to ensure the national health. Thank you for your consideration, cooperation, and courtesy.

Sincerely,

Governor Andrew M. Cuomo

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cc: President-Elect Joseph R. Biden, Jr.

New York State Congressional Delegation

Members of the Congressional Black Caucus

Members of the Congressional Hispanic Caucus

Members of the Congressional Asian Pacific American Caucus