



One Hundred Sixteenth Congress
Committee on Homeland Security
U.S. House of Representatives
Washington, DC 20515

May 28, 2020

The Honorable Alex M. Azar, II
Secretary
Department of Health and Human Services
200 Independence Avenue, S.W.
Washington, D.C. 20201

Dear Secretary Azar:

I write today to express my profound disappointment in the ongoing failure of the Department of Health and Human Services (HHS) to provide the documents and information the Committee has requested regarding the Federal response to the coronavirus pandemic.

The United States faces an unprecedented global pandemic that has now killed more than 100,000 Americans and that will continue to spread until we have an effective vaccine.¹ Recognizing that the pandemic is straining Federal resources, the Committee has sought only the most essential information regarding our nation's response—including state requests for and Federal distributions of personal protective equipment (PPE) and testing supplies—and yet HHS has not provided a single document in response to the Committee's requests.

As a result of the failure of HHS to provide the documents and information the Committee has requested, the Committee lacks critical information on most aspects of the Federal response to the coronavirus pandemic months into the most profound public health crisis our nation has faced in a century. The Committee also lacks key information about the Federal government's projections of possible caseloads in the coming months, and thus we do not know what metrics are appropriate to measure the adequacy of Federal preparations for any possible second peak or wave. This is wholly unacceptable.

¹ NBC News, *With 100,000 dead from coronavirus, U.S. sees its promise and flaws far more clearly* (May 27, 2020) (www.nbcnews.com/news/us-news/100-000-dead-coronavirus-u-s-sees-its-promise-flaws-n1214956).

Outstanding requests from the Committee include the following:

1. March 12, 2020: Letter to Acting Secretary Chad Wolf, Department of Homeland Security (DHS), Secretary Azar, and Director Robert Redfield of the Centers for Disease Control and Prevention (CDC) seeking documents and information on the ban on travel to the United States from Europe;
2. April 17, 2020: Letter to Secretary Azar and Administrator Peter T. Gaynor, Federal Emergency Management Agency (FEMA), seeking documents regarding the provision of PPE to long-term care and nursing facilities; and
3. May 6, 2020: Letter to Acting Secretary Wolf and Secretary Azar seeking current and past modeled projections of likely caseloads and mortality in each month of 2020, including projections identifying states that may have to reimpose social distancing protocols due to increases in caseloads after initiating some level of reopening following the first round of social distancing protocols.

In addition to these letters, on March 23, 2020, I sent a letter requesting basic information on the supplies and distribution of PPE, including copies of solicitations and contracts for masks and other forms of PPE, medical supplies, and equipment.² Presumably, it should be easy for HHS to provide to the Committee the solicitations and contracts you have already issued. On March 27, I received an interim response from DHS stating that DHS, “in partnership with HHS, currently is gathering and reviewing the pertinent DHS information” and would “respond to inquiries related to COVID-19 as quickly as practicable.”³ On April 28, I received a letter from the Administrator of FEMA that conveyed only nine contracts. This letter admitted that these contracts “do not represent the entirety of contracts that FEMA has issued for PPE.”⁴

Publicly available databases indicate that HHS had issued more than 700 contracts by April 27 that are coded as being related to COVID-19. Many of these contracts would presumably be responsive to the Committee’s request. However, HHS has not provided any response to the Committee’s letter.

Committee Members appreciate the telephonic briefings we have previously received from HHS officials. However, these briefings are not a substitute for documents, and it is virtually impossible to contextualize the data provided in briefings and reported in the media without the documents and information the Committee has requested. It is also difficult to sort through the many inaccurate and misleading claims made by Administration officials without access to documents confirming basic facts.

² Letter from Chairman Bennie G. Thompson, Committee on Homeland Security, to Acting Secretary Chad Wolf, Department of Homeland Security, and Secretary Alex M. Azar, II, Secretary, Department of Health and Human Services (March 23, 2020) (online at <https://homeland.house.gov/imo/media/doc/DHS%20HHS%20PPE%20Letter.pdf>).

³ Letter from Acting Assistant Secretary for Legislative Affairs Aaron L. Calkins, Department of Homeland Security, to Chairman Bennie G. Thompson, Committee on Homeland Security (March 27, 2020).

⁴ Letter from Administrator Peter T. Gaynor, Federal Emergency Management Agency, to Chairman Bennie G. Thompson, Committee on Homeland Security (April 28, 2020).

I therefore write today to request that HHS comply with the Committee's pending requests for documents and information regarding the Administration's response to the coronavirus pandemic by June 12, 2020. Thank you for your attention to this matter.

Sincerely,

A handwritten signature in blue ink that reads "Bennie G. Thompson". The signature is written in a cursive style with a large, stylized initial "B".

BENNIE G. THOMPSON
Chairman