



DEPARTMENT OF HEALTH & HUMAN SERVICES

OFFICE OF THE SECRETARY

Assistant Secretary for Legislation  
Washington, DC 20201

March 6, 2020

The Honorable Richard E. Neal  
Chairman  
Committee on Ways and Means  
U.S. House of Representatives  
Washington DC, 20515

Dear Chairman Neal:

You recently contacted the Department of Health and Human Services ("HHS" or "Department") to inquire about the whistleblower allegations referenced in a recent *Washington Post* article that a small number of personnel from the Administration for Children and Families (ACF) were potentially exposed to COVID-19 while supporting the care of evacuees from Wuhan Province, China.

While our investigation is expeditiously ongoing and details that can be shared publicly are therefore limited, this letter confirms what we know to date.

Sincerely,

A handwritten signature in blue ink, appearing to read "S. Arbes", is located below the "Sincerely," text.

Sarah Arbes  
Acting Assistant Secretary for  
Legislation

Enclosure

## **Background**

The U.S. Repatriation Program was established under Section 1113 of the Social Security Act to provide temporary assistance to private U.S. citizens and their dependents identified by the Department of State (DOS) as having returned from a foreign country to the United States because of destitution, illness, war, threat of war, or a similar crisis, and are without available resources. The Office of Human Services Emergency Preparedness and Response (OHSEPR) within the ACF helps administer the U.S. Repatriation Program. Eligible repatriates are U.S. citizens or their dependents identified by DOS as having returned or been brought from a foreign country to the United States due to destitution, illness, war, the threat of war, or similar crisis, and do not have resources immediately accessible.

## **Repatriation Flights**

On January 28, 2020, DOS evacuated from Wuhan Province, China, approximately 195 passengers. The evacuees went through a thorough medical screening before they boarded a chartered flight to the United States and only those without a fever or cough were allowed to board. While in transit, they were also closely monitored for COVID-19 symptoms and all evacuees remained asymptomatic.

The flight landed for refueling in Anchorage, Alaska. The evacuees were rescreened for COVID-19 symptoms while in Alaska and remained asymptomatic. The plane then departed for California and landed at March Air Reserve Base (March ARB) in Riverside County, California where the evacuees were met by officials from HHS, the Department of Homeland Security (DHS), and the Department of Justice (DOJ). Upon landing, staff from the Centers for Disease Control and Prevention (CDC) of HHS screened all evacuees for COVID-19 symptoms. All evacuees were asymptomatic upon disembarking at March ARB. The evacuees were subsequently quarantined for 14 days at March ARB.

ACF deployed seven staff members to receive and provide psychosocial case management services for the repatriates at March ARB. The staff included officers from the Commissioned Corps of the U.S. Public Health Service (USPHS) who served in an administrative capacity at each of the five military installations. A total of seven ACF staff (3 PHS officers and 4 civilian employees) were deployed to March ARB from January 27 to February 2, 2020 and seven ACF staff (3 PHS officers and 4 civilian employees) were deployed to Travis AFB from February 2 to February 22, 2020. Some ACF staff were also deployed to Lackland, TX, Miramar, CA, and Omaha, NE.

Staff from the Office of the Assistant Secretary for Preparedness and Response (ASPR), the CDC, and the USPHS were also deployed to the same locations and provided medical, logistical, operational coordination, and human services case management support.

No ACF employees involved with repatriating persons from China were exposed to any individuals who tested positive for the virus. Furthermore, the ACF employees left March ARB on February 2, so the 14-day window for the virus to manifest itself has long since passed and no ACF employee has become ill with COVID-19.

Nevertheless, HHS has offered to administer tests to all ACF employees deployed in the Wuhan repatriation who request it to allay any employee anxiety.

### **Whistleblower Allegations**

On February 27, 2020, a story appeared in the online edition of *The Washington Post* (*Post*) entitled “U.S. workers without protective gear assisted coronavirus evacuees, HHS whistleblower says.” The article quotes a whistleblower complaint—a complaint that, to this date, HHS has not had an opportunity to review—alleging that HHS employees deployed to March ARB were “not properly trained or equipped to operate in a public health emergency situation.” The *Post* article further claims that the complaint alleges that HHS employees “were potentially exposed to coronavirus because appropriate steps were not taken to protect them and staffers were not trained in wearing personal protective equipment” during the March ARB deployment.

On February 28, 2020, HHS Secretary Alex M. Azar II personally directed the HHS Office of the General Counsel (OGC) to conduct an expeditious and comprehensive internal investigation into the allegations set forth in the *Post* article. Secretary Azar also directed the human resources professionals at HHS immediately to stay any personnel action pending against the whistleblower. Both directives were followed.

During the afternoon of February 28, 2020, a team of OGC attorneys began an internal investigation into the allegations. That investigation is ongoing and comprehensive. It includes reviewing HHS documents and interviewing potential HHS witnesses.

From the afternoon of Friday, February 28, 2020 to date, OGC dedicated approximately 400 hours of attorney time to the investigation, which includes the pulling and processing of tens of thousands of documents for review. That review is underway.

### **Other Investigations and Follow-Up with Congress**

On February 28, 2020, the HHS Office of Inspector General announced that it would also investigate the allegations set forth in the *Post*. HHS will be fully transparent with the Inspector General and cooperate with its investigation.

In specific response to any questions in your letter dated February 27, requesting additional information on safety protocols, training, and activities deployed staff participated in, or other matters related to practices and directives, as well as all questions pertaining to the substance of the whistleblower complaint, it remains premature to provide further details at this time.

As explained above, HHS is conducting an ongoing, comprehensive internal investigation in response to the whistleblower’s claims. HHS is also conducting an ongoing, comprehensive investigation into what protocols and procedures were followed at March ARB and Travis AFB. This is an intensive process involving significant fact gathering. We understand Congress’s

desire for information and, for that reason and others, HHS is handling this situation with dispatch. HHS will fully brief Congress and the public when it has completed its investigation.

The Department shares your desire to protect the health and well-being of all Americans, especially those carrying out the Department's mission during this public health crisis. We are taking this matter seriously, and we understand and respect the role Congress plays in the oversight of this matter. We pledge to provide Congress and the public the most complete and accurate information possible as is practicable.