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## United States Senate

February 26, 2020

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The Honorable Michael R. Pompeo  
Secretary of State  
U.S. Department of State  
2201 C Street NW  
Washington, DC 20520

The Honorable Alex Azar  
Secretary of Health and Human Services  
Hubert H. Humphrey Building  
200 Independence Ave. SW  
Washington, DC 20201

Dr. Robert R. Redfield, MD  
Director  
Centers for Disease Control and Prevention  
1600 Clifton Road, NE  
Atlanta, GA 30333

Dear Secretary Pompeo, Secretary Azar, and Dr. Redfield:

I write to express my concern over reports that appeared to show confusion and disagreement between federal officials earlier this month when the U.S. Department of State (State Department) and U.S. Department of Health and Human Services (HHS) officials overruled Centers for Disease Control and Prevention (CDC) recommendations during the evacuation of American citizens with coronavirus from Japan. Given the governance and decision-making issues raised by this incident, I am requesting information on the rationale and process for future public health decisions regarding coronavirus. These questions are particularly urgent given the announcement yesterday by a top CDC official that “we expect we will see community spread [of coronavirus] in the United States. ... It’s not a question of if this will happen but when this will happen and how many people in this country will have severe illnesses.”<sup>1</sup>

Following the detection of a novel coronavirus now known as “COVID-19” in Wuhan City, China in December 2019, the World Health Organization declared a “Public Health

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<sup>1</sup> Washington Post, “Coronavirus’s spread in the U.S. is ‘inevitable,’ CDC warns,” Erica Werner, Yasmeen Abutaleb, Lena H. Sun, and Lenny Bernstein, February 25, 2020, <https://www.washingtonpost.com/us-policy/2020/02/25/cdc-coronavirus-inevitable/>

emergency of International Concern” on January 30, 2020.<sup>2</sup> One of the largest outbreaks outside of China as of February 25, 2020 occurred on the Diamond Princess cruise ship, with more than 691 passengers infected and three deaths.<sup>3</sup> After passengers on the ship began testing positive for the virus, the ship was held in quarantine in Yokohama, Japan for two weeks, during which the disease continued to spread among passengers and crew.<sup>4</sup> On February 17, 2020, the State Department began the evacuation of 328 Americans on board the ship.

However, reports indicate that, once the evacuation process was underway, 14 of the Americans subsequently tested positive for the virus, and the CDC warned that allowing them to fly home on the same flight as the other passengers would put the uninfected passengers and crew at risk of contracting the virus.<sup>5</sup> According to these reports, CDC officials recommended that the infected passengers remain quarantined in Japan.<sup>6</sup> However, State Department and senior HHS officials overruled the CDC’s recommendations and transported the infected passengers on the evacuation flight.<sup>7</sup> In addition, CDC officials reportedly refused to be mentioned in the news release about the decision because “CDC did weigh in on this and explicitly recommended against it.”<sup>8</sup> Later reports indicate that President Trump was not informed of this decision and “grew furious” about it when informed of it after the fact.<sup>9</sup> News reports indicate that the decision to include the infected passengers on the evacuation flight was made hastily, while the evacuees were being held on buses at the Tokyo airport, and that certain members of the Administration’s coronavirus task force were also not informed of the decision until after it was made.<sup>10</sup>

I am not in position to determine if the decision to evacuate the 14 Americans that were infected with coronavirus with others was correct. But the process by which this decision was reportedly made is troubling. Coronavirus poses numerous complex and challenging public

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<sup>2</sup> World Health Organization, “Statement on the second meeting of the International Health Regulations (2005) Emergency Committee regarding the outbreak of novel coronavirus (2019-nCoV),” press release, January 30, 2020, <https://www.who.int/news-room/detail/30-01-2020-statement-on-the-second-meeting-of-the-international-health-regulations-%282005%29-emergency-committee-regarding-the-outbreak-of-novel-coronavirus-%282019-ncov%29>.

<sup>3</sup> World Health Organization, “Coronavirus disease 2019 (COVID-19) Situation Report – 36,” February 25, 2020, [https://www.who.int/docs/default-source/coronaviruse/situation-reports/20200225-sitrep-36-covid-19.pdf?sfvrsn=2791b4e0\\_2](https://www.who.int/docs/default-source/coronaviruse/situation-reports/20200225-sitrep-36-covid-19.pdf?sfvrsn=2791b4e0_2).

<sup>4</sup> Business Insider, “How the ‘failed’ quarantine of the Diamond Princess cruise ship started with 10 coronavirus cases and ended with more than 690,” Morgan McFall-Johnsen, February 25, 2020, <https://www.businessinsider.com/how-diamond-princess-cruise-ship-coronavirus-quarantine-went-wrong-2020-2>.

<sup>5</sup> Washington Post, “Coronavirus-infected Americans flown home against CDC’s advice,” Lena H. Sun, Lenny Bernstein, Shibani Mahtani, and Joel Achenbach, February 20, 2020, [https://www.washingtonpost.com/health/coronavirus-diamond-princess-cruise-americans/2020/02/20/b6f54cae-5279-11ea-b119-4faabac6674f\\_story.html](https://www.washingtonpost.com/health/coronavirus-diamond-princess-cruise-americans/2020/02/20/b6f54cae-5279-11ea-b119-4faabac6674f_story.html).

<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

<sup>8</sup> *Id.*

<sup>9</sup> Washington Post, “Trump was not told coronavirus-infected Americans would be flown home from cruise ship,” Yasmeen Abutaleb and Josh Dawsey, February 21, 2020, [https://www.washingtonpost.com/politics/trump-was-not-told-coronavirus-infected-americans-would-be-flown-home-from-cruise-ship/2020/02/21/ae58b24c-54be-11ea-b119-4faabac6674f\\_story.html](https://www.washingtonpost.com/politics/trump-was-not-told-coronavirus-infected-americans-would-be-flown-home-from-cruise-ship/2020/02/21/ae58b24c-54be-11ea-b119-4faabac6674f_story.html).

<sup>10</sup> Washington Post, “Coronavirus-infected Americans flown home against CDC’s advice,” Lena H. Sun, Lenny Bernstein, Shibani Mahtani, and Joel Achenbach, February 20, 2020, [https://www.washingtonpost.com/health/coronavirus-diamond-princess-cruise-americans/2020/02/20/b6f54cae-5279-11ea-b119-4faabac6674f\\_story.html](https://www.washingtonpost.com/health/coronavirus-diamond-princess-cruise-americans/2020/02/20/b6f54cae-5279-11ea-b119-4faabac6674f_story.html).

health problems, and the Administration has been—and will continue to be—forced to make many difficult public health decisions as officials seek to prevent a nationwide outbreak in the coming days and weeks. As the global coronavirus public health emergency continues, it will be essential for the leadership of all the relevant agencies to have a clear, responsive, and integrated process for responding to new circumstances and incorporating expert advice. My inquiries are particularly important given the CDC’s warnings yesterday and the fact that the National Security Council still has not appointed a dedicated senior global health security expert to coordinate the response to and containment of the coronavirus outbreak.<sup>11</sup>

To better understand the Administration’s process for responding to similar situations in the future, I request responses to the following questions no later than March 11, 2020:

1. Was there a clear chain of command regarding the decision-making process for evacuating the Diamond Princess?
  - a. If so, which individual or agency was atop the chain of command?
  - b. Were all relevant State, HHS, CDC, and other executive branch officials aware of the chain of command prior to the decision to allow the 14 Americans with Coronavirus to fly with non-infected individuals?
2. Is the chain of command described in Question 1 the same chain of command now in place for other Administration decisions regarding the detection, prevention, or mitigation of a potential nationwide coronavirus outbreak? If not, please describe the separate chain of command for decisions regarding the detection, prevention, or mitigation of a potential nationwide coronavirus outbreak.
3. In general, is it the policy of the State Department to follow CDC recommendations for evacuating affected Americans during a declared public health emergency?
  - a. Under what circumstances does the State Department overrule CDC recommendations?
  - b. What is the role of HHS in this decision-making process?
  - c. Which State Department or other executive branch officials are empowered to overrule the recommendations of the CDC?
4. To date, how many of the American evacuees from the Diamond Princess cruise ship have tested positive for the COVID-19 virus since returning to the United States? Have any health care workers or any other individuals become infected after exposure to the 14 infected Americans that were evacuated?
5. Have any agency officials conducted an evaluation of the Diamond Princess cruise ship evacuation to determine whether all internal and interagency procedures were followed? If so, what were the findings? If not, when will such an evaluation be conducted?

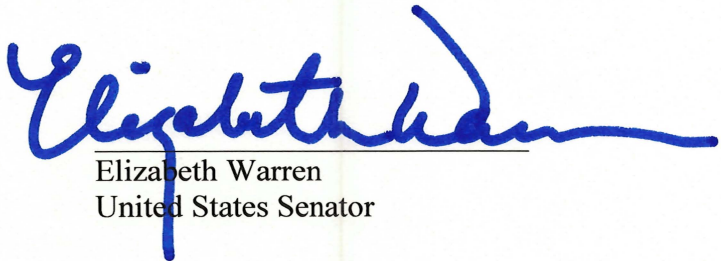
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<sup>11</sup> Letter from Sens. Warren, Murray, et. al, to The Honorable Robert O’Brien, Assistant to the President for National Security Affairs, Feb. 13, 2020, <https://www.warren.senate.gov/imo/media/doc/021320%20NSC%20Novel%20Coronavirus%20Letter%20final%20pdf.pdf>.

6. One justification offered by the State Department for evacuating infected and uninfected passengers together was that the infected passengers were “already in the evacuation pipeline and protocol dictated they be brought home.”<sup>12</sup>
  - a. Please describe the circumstances under which an in-progress evacuation procedure or other operation can be modified in light of new information about the circumstances on the ground.
  - b. Which officials, at State or other agencies, must be consulted in such a situation?
  - c. Which State Department or Administration officials are empowered to make the decision to modify an in-progress operation?
  - d. What is the process for informing affected American citizens, such as evacuees and their families, about changes?
  
7. In future circumstances where American citizens are found to be infected with COVID-19 while abroad, what is the current protocol for quarantine, treatment, and evacuation?
  - a. Please describe and justify any differences in procedure based on the country or region where the Americans are located.
  - b. If Americans who are infected with COVID-19 must be evacuated, do State and the CDC currently agree on a process that will allow them to be transported safely, without risking the infection of other passengers and crew? If so, please describe this process.
  - c. Has the United States reached a Memorandum of Understanding (MOU) or other agreements with any foreign governments to arrange for the quarantine and treatment of affected Americans? If so, please describe the terms of these agreements.
  - d. Which State Department officials are authorized to make final decisions on the procedure for Americans who test positive for the COVID-19 virus? What is the process for affected Americans or their families to appeal these decisions?

Thank you for your attention to this important matter.

Sincerely,



Elizabeth Warren  
United States Senator

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<sup>12</sup> Washington Post, “Coronavirus-infected Americans flown home against CDC’s advice,” Lena H. Sun, Lenny Bernstein, Shibani Mahtani, and Joel Achenbach, February 20, 2020, [https://www.washingtonpost.com/health/coronavirus-diamond-princess-cruise-americans/2020/02/20/b6f54cae-5279-11ea-b119-4faabac6674f\\_story.html](https://www.washingtonpost.com/health/coronavirus-diamond-princess-cruise-americans/2020/02/20/b6f54cae-5279-11ea-b119-4faabac6674f_story.html).