

Congress of the United States
Washington, DC 20515



May 5, 2020

Via Certified Mail & Email

The Honorable Alex M. Azar, II
Secretary of Health and Human Services
Department of Health and Human Services
200 Independence Ave., SW
Washington, D.C., 20201
Secretary@HHS.gov

Re: A communication from Senator Shelley Moore Capito, Attorney General Patrick Morrissey, and Congressman David B. McKinley regarding testing federal prison facility workers and inmates for COVID-19.

Dear Secretary Azar:

As you are likely aware, the federal Bureau of Prisons has recently transferred inmates carrying COVID-19 to correctional facilities in West Virginia.¹ As elected officials responsible for representing and protecting our citizens, are writing on behalf of the guards, health care workers, and community members who will directly feel the impact of these hasty decisions. We ask that you use the resources available to you as Secretary of Health and Human Services to ensure that our citizens on the front line are adequately protected against this contagion.

Last week, you recently stated that your Department was providing the United States Senate with three Abbott “point of care” testing machines, with the capacity to process 1,000 COVID-19 tests.² These machines can be operated in the field, outside a doctor’s office, and can provide results in as little as five minutes.³ They are therefore exceptionally well-suited for the demands of the federal prison system. If these machines are good enough for the Senate, then they

¹ WV MetroNews, *Union Says Transfer Prisoner Has COVID-19* (May 2, 2020), available at <http://wvmetronews.com/2020/05/02/union-says-transfer-prisoner-has-covid-19/>.

² Tweet from @SecAzar sent May 2, 2020 at 11:09 P.M., <https://twitter.com/SecAzar/status/1256420542971875330> (last accessed May 4, 2020).

³ Abbot Labs, *Detect COVID-19 in as Little As 5 Minutes*, <https://www.abbott.com/corpnnewsroom/product-and-innovation/detect-covid-19-in-as-little-as-5-minutes.html> (last accessed May 4, 2020).

Hon. Alex M. Azar, II

May 5, 2020

Page 2

are good enough for our heroes on the actual front lines of this crisis—including our correctional guards, nurses, and staff. We would be grateful if you could help our prison system procure these tests.

Our communities, like Gilmer and Preston Counties, have taken on responsibility for housing correctional facilities with the understanding that our citizens serving as guards, nurses, and staff would receive the information and support needed to do their job safely. Unfortunately, the recent situation has demonstrated that the Bureau of Prisons is not equipped to provide this support. The Bureau assured Gilmer County officials that they were adequately screening these inmates for COVID-19 before transferring them. Yet it has now come to light that one of the inmates transferred to FCI Gilmer did in fact test positive for COVID-19.⁴

Our correctional officers and staff already face dangers every day in the line of duty; dangers that they know, understand, and can respond to. But exposing them to an infectious agent like COVID-19 without warning forces them to fly blind. They deserve better. And because COVID-19 is so virulently contagious, depriving officers and staff of this information doesn't just threaten them, but threatens everyone in Gilmer County and communities like it. The federal government should do everything in its power to deliver on its promises to the West Virginians who keep us safe, and make sure that all inmates transferred into the facilities we maintain are appropriately screened for COVID-19.

* * *

In times of crisis, it becomes all the more important to ensure that we are giving our first responders the back-up and support they deserve. The Department of Health and Human Services can make great strides towards this goal by helping to secure more testing equipment to the Bureau of Prisons. Thank you so much for your attention to this matter.

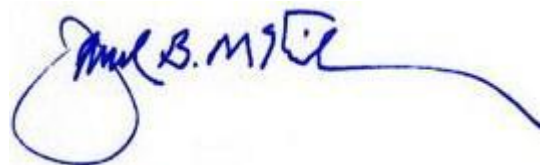
Sincerely,



Shelley Moore Capito
United States Senator, West Virginia



Patrick Morrissey
Attorney General of West Virginia



David B. McKinley, P.E.
United States Representative, West Virginia District 1

⁴ *Supra* note 1.