

Congress of the United States
Washington, DC 20515

February 8, 2020

Mr. Ronald A. Klain
Chief of Staff
The White House
1600 Pennsylvania Avenue, N.W.
Washington, D.C. 20500

Dear Mr. Klain:

Since its establishment by the House of Representatives in April 2020, the Select Subcommittee on the Coronavirus Crisis has been investigating the federal government's response to the pandemic. These investigations have shown that the previous Administration's prioritization of politics over science and abdication of federal leadership allowed the virus to spread more rapidly,¹ leading to devastating consequences—including more than 462,000 Americans dead, 26 million infected, and tens of millions of jobs lost. The Select Subcommittee is continuing these critical investigations in the 117th Congress in order to understand what went wrong over the last year and determine what corrective steps are necessary to control the virus and save American lives.

I applaud President Biden and Vice President Harris for prioritizing the nation's coronavirus response by taking immediate actions to implement a national plan to combat the virus. The Biden-Harris Administration's approach follows the recommendations that frontline workers, public health experts, medical professionals, and community leaders have shared with the Select Subcommittee. This approach marks an urgently needed departure from the Trump Administration, which refused to acknowledge the danger posed by the virus, warn the American people of the threat, advise on appropriate precautions, and mobilize a coordinated national response.

The previous Administration also refused to cooperate with the Select Subcommittee's inquiries, with the White House and other agencies blocking documents and witnesses related to the politicization of public health information, testing and supply shortages, vaccine development and distribution, and other critical aspects of the nation's virus response.

Despite this obstruction, recently obtained documents raise further questions about the role of President Trump's White House Coronavirus Task Force (Task Force) and other White House officials in pursuing these failed policies. For example, documents show that the Task

¹ Select Subcommittee on the Coronavirus Crisis, *Inefficient, Ineffective, and Inequitable: The Trump Administration's Failed Response to the Coronavirus Crisis* (Oct. 2020) (online at <https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/InterimStaffReport10.30.20.pdf>).

Force was deeply involved in an August 2020 decision to weaken testing guidance from the Centers for Disease Control and Prevention (CDC)—and that this guidance was weakened in order to hide evidence that the virus was spreading rapidly among asymptomatic people. According to an internal email obtained by the Select Subcommittee, the Trump Administration wanted to stop testing of “asymptomatic infections in low risk people” because these tests were causing infected people to quarantine, which one political appointee complained was “preventing the workforce from working” and would not allow schools and colleges to “optimally re-open.”²

I write today to seek your assistance in obtaining the documents and information the Select Subcommittee requires to complete these investigations and help improve our nation’s response to this ongoing public health crisis.

Efforts to Suppress Science for Political Gain

In September 2020, the Select Subcommittee launched an investigation into efforts by political appointees at the Department of Health and Human Services (HHS) to interfere in the scientific reports and guidance issued by CDC during the pandemic.³ The Select Subcommittee found that HHS officials sought to suppress accurate scientific information they felt could be “use[d] against the president” and found evidence that Trump Administration appointees attempted to alter or block at least 13 CDC reports related to the virus.⁴

Recently obtained documents indicate that White House officials also played a role in these efforts to suppress science during the pandemic. For example, HHS Senior Advisor Paul Alexander—who repeatedly pressed career CDC officials to change or eliminate scientific documents about the virus—communicated directly with White House Coronavirus Response

² Email from Paul Alexander, Senior Advisor, Department of Health and Human Services, to Michael Caputo, Assistant Secretary for Public Affairs, Department of Health and Human Services, et al. (Aug. 27, 2020) (SSCC-0014920 – 22) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/08.27.2020%20SSCC-0014920_Redacted.pdf).

³ Letter from Chairman James E. Clyburn, Select Subcommittee on the Coronavirus Crisis, to Secretary of Health and Human Services Alex M. Azar II (Sept. 14, 2020) (online at <https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2020-09-14.Majority%20to%20Azar%20and%20Redfield%20re%20HHS%20and%20CDC%20on%20Political%20Interference%20.pdf>).

⁴ Memorandum from Majority Staff to Members of the Select Subcommittee on the Coronavirus Crisis, *Supplemental Memorandum on Investigation into Political Interference with Coronavirus Response* (Dec. 16, 2020) (online at <https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/Staff%20Report%20re%20Political%20Messaging%20and%20Herd%20Immunity.pdf>); Letter from Chairman James E. Clyburn, Select Subcommittee on the Coronavirus Crisis, to Secretary of Health and Human Services Alex M. Azar II and Robert R. Redfield, Director, Centers for Disease Control and Prevention (Dec. 10, 2020) (online at <https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2020-12-10.Clyburn%20to%20HHS%20re%20Redfield%20%281%29.pdf>); Letter from Chairman James E. Clyburn, Select Subcommittee on the Coronavirus Crisis, to Secretary of Health and Human Services Alex M. Azar II and Robert R. Redfield, Director, Centers for Disease Control and Prevention (Dec. 21, 2020) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2020-12-21.Clyburn%20to%20Redfield%20and%20Azar%20re%20Subpoena%20FINAL%20_0.pdf).

Coordinator Deborah Birx and Special Advisor to the President Scott Atlas about his proposed revisions to CDC reports and Task Force guidance.⁵ On September 11, 2020, Dr. Alexander emailed Dr. Atlas about a forthcoming CDC report on coronavirus deaths in young people, which Dr. Alexander claimed was “very duplicitous to damage the administration.” He asked Dr. Atlas to help “craft an op-ed . . . disputing the reporting for on face value, it is meant to mislead.” Dr. Alexander added: “The timing of this is meant to interfere with school re-opening and we need to get something out fast to pre-empt this in the next day or so and I can work with you on it.” He suggested, “Let us advise the President and get permission to pre-empt this please for it will run for the weekend so we need to blunt the edge.”⁶

Similarly, recently obtained documents show that Dr. Alexander and HHS Assistant Secretary Michael Caputo worked with officials at the White House—possibly at the direction of President Trump—to construct rationales to justify reopening businesses in Spring 2020, contradicting recommendations from CDC and the nation’s top public health officials.

On May 16, 2020, Mr. Caputo wrote to Dr. Alexander:

I know the President wants us to enumerate the economic cost of not reopening. We need solid estimates to be able to say something like: 50,000 more cancer deaths! 40,000 more heart attacks! 25,000 more suicides! 155,000 more trauma deaths! 240,000 hospitals will close! 400,000 health [sic] care workers jobless! 170,000 more high school dropouts! Etc⁷

The following day, May 17, 2020, Dr. Alexander wrote to Mr. Caputo, “I have given Patrick [Brennan, Director of Speechwriting at HHS] stuff he is using for Peter Navvaro [sic] e.g. 40,000 cancer deaths for 2020 etc.; do I give him this too or do you want this for the President?”⁸

⁵ See, e.g., Email from Paul Alexander, Senior Advisor, Department of Health and Human Services, to White House Coronavirus Response Coordinator Deborah L. Birx (July 13, 2020) (SSCC-0006025 – 30) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/07.13.2020%20SSCC-0006025_Redacted.pdf); Email from Paul Alexander, Senior Advisor, Department of Health and Human Services, to Scott Atlas, Senior Advisor, The White House (Sept. 11, 2020) (SSCC-0015141 – 43) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/09.11.2020%20SSCC-0015141_Redacted.pdf).

⁶ Email from Paul Alexander, Senior Advisor, Department of Health and Human Services, to Scott Atlas, Senior Advisor, The White House (Sept. 11, 2020) (SSCC-0015141 – 43) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/09.11.2020%20SSCC-0015141_Redacted.pdf).

⁷ Email from Paul Alexander, Senior Advisor, Department of Health and Human Services, to Michael Caputo, Assistant Secretary for Public Affairs, Department of Health and Human Services (May 17, 2020) (SSCC-0014242 – 48) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/05.17.2020%20SSCC-0014242_Redacted.pdf).

⁸ Email from Paul Alexander, Senior Advisor, Department of Health and Human Services, to Michael Caputo, Assistant Secretary for Public Affairs, Department of Health and Human Services, and Brad Tra verse, Senior Advisor, Department of Health and Human Services (May 17, 2020) (SSCC-0014477 – 78) (online at <https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/05.17.2020%20SSCC->

The Select Subcommittee’s investigations and public reporting have identified numerous other instances of political interference by the Trump White House, including blocking CDC guidance on safe reopening.⁹ However, the full extent of the White House’s role in these efforts remains unknown because the Trump Administration refused to cooperate with the Select Subcommittee’s inquiries.¹⁰

Consideration of a Dangerous Herd Immunity Strategy

On October 9, 2020, the Select Subcommittee launched an inquiry into the Trump Administration’s consideration of a dangerous “herd immunity” strategy in response to the pandemic.¹¹ Although HHS Secretary Alex Azar testified before the Select Subcommittee that herd immunity “is not the strategy of the U.S. government with regard to coronavirus,”¹² documents released by the Select Subcommittee showed that HHS officials discussed precisely this strategy in private communications.¹³

Public statements indicate that White House officials also played a key role in promoting a herd immunity strategy. For example, on October 5, 2020, Dr. Atlas convened a meeting with Secretary Azar and three outspoken proponents of advancing a herd immunity strategy in

0014477_Redacted.pdf).

⁹ See Select Subcommittee on the Coronavirus Crisis, *Inefficient, Ineffective, and Inequitable: The Trump Administration’s Failed Response to the Coronavirus Crisis*, Appendix B (Oct. 2020) (online at <https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/InterimStaffReport10.30.20.pdf>) (describing the Trump White House’s political interference in the nation’s coronavirus response, including pressuring CDC to reopen theme parks and overnight camps and altering guidance to faith communities).

¹⁰ For example, HHS and CDC failed to produce a complete set of documents, including communications with the White House, in response to the Select Subcommittee’s subpoenas issued in December 2020. See Select Subcommittee on the Coronavirus Crisis, Press Release: *Clyburn Issues Subpoenas to Azar and Redfield on Political Meddling in CDC’s Coronavirus Response* (Dec. 21, 2020) (online at <https://coronavirus.house.gov/news/press-releases/clyburn-issues-subpoenas-azar-and-redfield-political-meddling-cdc-s-coronavirus>). The previous Administration also refused to make Dr. Bixr available to testify before the Select Subcommittee. Letter from Chairman James E. Clyburn, Select Subcommittee on the Coronavirus Crisis, to Vice President Michael R. Pence, and Secretary of Health and Human Services Alex M. Azar II (July 14, 2020) (online at <https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2020-07-14.Clyburn%20to%20Azar-HHS%20Pence-VP%20re%20Testing%20Hearing%20Follow-Up.pdf>).

¹¹ Letter from Chairman James E. Clyburn, Select Subcommittee on the Coronavirus Crisis, to Secretary of Health and Human Services Alex M. Azar II (Oct. 9, 2020) (online at <https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2020-10-09.Clyburn%20and%20Raskin%20to%20Azar%20re%20Herd%20Immunity.pdf>).

¹² Select Subcommittee on the Coronavirus Crisis, Testimony of Former Secretary Alex M. Azar II, Department of Health and Human Services, *Hybrid Hearing with Secretary of Health and Human Services Alex M. Azar II* (Oct. 2, 2020) (online at <https://coronavirus.house.gov/subcommittee-activity/hearings/hybrid-hearing-secretary-health-and-human-services-alex-m-azar-ii>).

¹³ Memorandum from Majority Staff to Members of the Select Subcommittee on the Coronavirus Crisis, *Supplemental Memorandum on Investigation into Political Interference with Coronavirus Response* (Dec. 16, 2020) (online at <https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/Staff%20Report%20re%20Political%20Messaging%20and%20Herd%20Immunity.pdf>).

response to the coronavirus. Secretary Azar wrote that the meeting provided “strong reinforcement of the Trump Administration’s strategy.”¹⁴

Dr. Atlas also publicly promoted a herd immunity strategy. In an October 15, 2020, interview, he said that the herd immunity strategy outlined in an online manifesto—“opening schools, opening society, and protecting the high-risk people, the seniors”—is “exactly aligned with the President.”¹⁵ The Select Subcommittee is seeking to understand the extent to which White House officials serving under President Trump deliberately pursued a herd immunity strategy.

Efforts to Hide and Weaken Task Force Reports

On July 29, 2020, the Select Subcommittee launched an investigation into efforts by the White House to suppress detailed weekly reports prepared for each state by the Task Force.¹⁶ The Select Subcommittee found that President Trump and other White House officials publicly contradicted key findings in these reports. The investigation also showed that the Task Force weakened recommendations for public health measures in certain states where outbreaks were worsening but Republican governors had refused to implement prior Task Force guidance.¹⁷

The White House refused to produce key documents and communications to the Select Subcommittee and withheld all weekly reports from September 20, 2020, onward. In December 2020, the Trump Administration announced a new policy of requiring states to request the

¹⁴ Letter from Chairman James E. Clyburn, Select Subcommittee on the Coronavirus Crisis, to Secretary of Health and Human Services Alex M. Azar II (Oct. 9, 2020) (online at <https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2020-10-09.Clyburn%20and%20Raskin%20to%20Azar%20re%20Herd%20Immunity.pdf>).

¹⁵ See, e.g., *Scientists Push Back on Herd-Immunity Approach to Covid-19*, Wall Street Journal (Oct. 18, 2020) (online at www.wsj.com/articles/white-house-touts-document-calling-for-herd-immunity-approach-to-covid-19-crisis-11603051550); *Infectious-Disease Expert: Scott Atlas’ Herd Immunity Claims Are “Pseudoscience,”* Axios (Oct. 18, 2020) (online at www.axios.com/scott-atlas-herd-immunity-coronavirus-c8511115-0f39-4d0a-a1a8-44dd7560c7f1.html).

¹⁶ Letter from Chairman James E. Clyburn, Select Subcommittee on the Coronavirus Crisis, to Vice President Michael R. Pence and White House Coronavirus Response Coordinator Deborah L. Birx (July 29, 2020) (online at <https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2020-07-29.Clyburn%20to%20WH%20re%20State%20Task%20Force%20Recommendations.pdf>).

¹⁷ Select Subcommittee on the Coronavirus Crisis, Press Release: *Select Subcommittee Releases Eight Weeks of Coronavirus Task Force Reports Kept Secret by the White House* (Aug. 31, 2020) (online at <https://coronavirus.house.gov/news/press-releases/select-subcommittee-releases-eight-weeks-coronavirus-task-force-reports-kept>); Select Subcommittee on the Coronavirus Crisis, Press Release: *Select Subcommittee Finds White House Task Force Weakened Recommendations as Infection Rates Rose* (Sept. 16, 2020) (online at coronavirus.house.gov/news/press-releases/select-subcommittee-finds-white-house-task-force-weakened-recommendations); Select Subcommittee on the Coronavirus Crisis, Press Release: *As Coronavirus Surges, Select Subcommittee Releases White House Reports Contradicting President Trump on Testing, Masks* (Oct. 20, 2020) (online at <https://coronavirus.house.gov/news/press-releases/coronavirus-surges-select-subcommittee-releases-white-house-reports>).

reports each week¹⁸—a policy that the Biden Administration has reversed.¹⁹ The Select Subcommittee is seeking to understand the steps taken by the previous Administration to suppress these reports and weaken their recommendations.

Suppression of Testing

In June 2020, the Select Subcommittee wrote to Vice President Pence and Secretary Azar to request information regarding testing shortages and President Trump’s instruction to “slow the testing down.”²⁰ The Select Subcommittee never received a response from the White House, and HHS refused to produce most of the requested documents.

On August 24, 2020, CDC issued new guidance that asserted—contrary to the scientific consensus—that most asymptomatic people should not be tested, even if they were exposed to someone with the virus. The Select Subcommittee raised serious concerns about the change, noting that it was “reportedly pursuant to instructions ‘coming from the top down.’”²¹ On August 26, Assistant Secretary for Health at HHS Brett Giroir “flatly denied any political involvement in the decision,” and claimed that “the new guidelines are a CDC action.”²²

However, recently obtained evidence shows that political appointees were involved in the decision to change CDC’s guidance, and that the Trump Administration changed the guidance for the explicit purpose of reducing testing and allowing the virus to spread while quickly reopening the economy. In an August 27, 2020, email recently obtained by the Select Subcommittee, Dr. Alexander wrote that the new guidance followed “extensive debate amongst the White House Task Force members.” He also explained that the Trump Administration changed the guidance to avoid identifying infections among “low risk” people, apparently because the Trump Administration believed that an accurate count of coronavirus infections would prevent businesses and schools from immediately reopening:

We seek to add some more clarity here to help explain our thinking in this update.
... Testing is not to find asymptomatic infections in low risk people. ... Testing

¹⁸ *White House Coronavirus Task Force No Longer Proactively Sending Reports to States*, CNN (Dec. 23, 2020) (online at www.cnn.com/2020/12/23/politics/white-house-coronavirus-state-reports/index.html).

¹⁹ *Biden COVID Team Releases ‘Previously Hidden’ Florida Report*, Orlando Sentinel (Jan. 27, 2021) (online at www.orlandosentinel.com/coronavirus/os-ne-coronavirus-new-white-house-report-florida-covid-deaths-20210127-afwcodf6ajbmljhnpoh7b4jaci-story.html).

²⁰ Letter from Chairman James E. Clyburn, Select Subcommittee on the Coronavirus Crisis, to Vice President Michael R. Pence, Secretary of Health and Human Services Alex M. Azar II, and Centers for Disease Control and Prevention Robert R. Redfield (June 22, 2020) (online at <https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2020-06-22.Clyburn%20to%20Task%20Force%20re%20Testing.pdf>).

²¹ Select Subcommittee on the Coronavirus Crisis, Press Release: *Chairman Clyburn Questions Updated CDC Guidelines on Coronavirus Testing* (Aug. 26, 2020) (online at <https://coronavirus.house.gov/news/press-releases/chairman-clyburn-questions-updated-cdc-guidelines-coronavirus-testing>).

²² *In Stunning Reversal, CDC Abruptly Changes Position on When to Get Tested*, ABC News (Aug. 26, 2020) (online at <https://abcnews.go.com/Politics/stunning-reversal-cdc-abruptly-position-tested/story?id=72621714>).

asymptomatic people to seek asymptomatic cases is not the point of testing, for in the end, all this accomplishes is we end up quarantining asymptomatic, low risk people and preventing the workforce from working. In this light, it would be unreasonable based on the prevailing data to have widespread testing of schools and colleges/universities. This will not allow them to optimally re-open.²³

Following criticism from the Select Subcommittee and others, the Trump Administration reversed this change to CDC's guidance on September 18, 2020. However, Administration officials continued to advocate limiting testing.²⁴ The Select Subcommittee is seeking to understand the full scope and impact of efforts by the Trump White House to suppress coronavirus testing.

Political Interference in Coronavirus Vaccines and Treatments

The Select Subcommittee repeatedly raised concerns about the previous Administration's pattern of political interference in coronavirus treatments and vaccines and their inadequate plans for vaccine distribution.²⁵ Media reports indicated that President Trump pressured the Food and Drug Administration (FDA) to speed up vaccine and treatment approvals—over the objections of scientists—in advance of the presidential election. These reports followed President Trump's public advocacy for the use of hydroxychloroquine as a coronavirus treatment, even after the drug was shown to be ineffective. President Trump's FDA Commissioner also rushed an emergency use authorization for convalescent plasma and overstated the treatment's efficacy after pressure from the President.²⁶

²³ Email from Paul Alexander, Senior Advisor, Department of Health and Human Services, to Michael Caputo, Assistant Secretary for Public Affairs, Department of Health and Human Services, et al. (Aug. 27, 2020) (SSCC-0014920 – 22) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/08.27.2020%20SSCC-0014920_Redacted.pdf).

²⁴ See, e.g., *A Top White House Coronavirus Adviser Has Resisted Widespread Testing, Pushing for a Form of Herd Immunity Instead*, New York Times (Oct. 16, 2020) (online at www.nytimes.com/live/2020/10/16/world/covid-coronavirus/a-top-white-house-coronavirus-adviser-has-resisted-widespread-testing-pushing-for-a-form-of-herd-immunity-instead).

²⁵ See, e.g., Letter from Chairman James E. Clyburn, Rep. Mark E. Green, M.D., and Rep. Bill Foster, Select Subcommittee on the Coronavirus Crisis, to Comptroller General Gene L. Dodaro, Government Accountability Office (July 24, 2020) (online at <https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2020-07-24.Select%20Cmte%20to%20Dodaro-GAO%20re%20OWS%20.pdf>); Select Subcommittee on the Coronavirus Crisis, Press Release: *Chairman Clyburn Addresses Trump Administration's Authorization of Use of Plasma to Treat Coronavirus* (Aug. 23, 2020) (online at <https://coronavirus.house.gov/news/press-releases/chairman-clyburn-addresses-trump-administration-s-authorization-use-plasma-treat>); Select Subcommittee on the Coronavirus Crisis, Press Release: *As Vaccinations Begin, U.S. Coronavirus Deaths Reach 300,000, Clyburn Calls for Action to Save Lives and Livelihoods* (Dec. 14, 2020) (online at <https://coronavirus.house.gov/news/press-releases/vaccinations-begin-us-coronavirus-deaths-reach-300000-clyburn-calls-action-save>).

²⁶ See Select Subcommittee on the Coronavirus Crisis, *Inefficient, Ineffective, and Inequitable: The Trump Administration's Failed Response to the Coronavirus Crisis*, Appendix B (Oct. 2020) (online at <https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/InterimStaffReport10.30.20.pdf>).

On September 8, 2020, the Select Subcommittee sent a joint letter with the Oversight and Reform Committee to Secretary Azar requesting detailed information on “plans or frameworks for vaccine distribution and deployment, including prioritization” and warning that the Trump Administration’s “[l]ack of preparation becomes more concerning each day.”²⁷ On December 16, following reports that the Trump Administration missed repeated opportunities to purchase additional vaccine doses, the Select Subcommittee sent a letter to Secretary Azar and Acting Secretary of Defense Christopher Miller requesting additional documents and information and warning that these failures “could lead to significant delays in vaccinations across the United States.”²⁸ However, the Trump Administration failed to provide a meaningful response to these requests. The Select Subcommittee is seeking to understand the full scope and impact of the Trump Administration’s political interference in vaccine and treatment approvals and its failure to implement an effective national plan to procure and distribute vaccines.

* * *

For all of these reasons, we are requesting the following documents by March 1, 2021, covering the period from January 1, 2020, to January 20, 2021:

1. All organizational charts and staff lists relating to the White House’s response to the coronavirus pandemic, including documents sufficient to show all members of the White House Coronavirus Task Force and any White House employees, officials, volunteers, or contractors involved in the White House’s response to the coronavirus pandemic.
2. All documents and communications relating to any public health guidance, plans, or proposals related to the coronavirus, including but not limited to the Coronavirus Guidelines for America – 30 Days to Slow the Spread, the Guidelines for Opening Up America Again, and any other guidance regarding mask usage, social distancing, stay-at-home orders, reopening the economy, or other measures to control the spread of the coronavirus.
3. All documents and communications related to the White House Coronavirus Task Force weekly reports, including but not limited to communications to or from state or local authorities regarding the reports.
4. All documents and communications relating to coronavirus testing, including the development, production, acquisition, supply, and distribution of coronavirus

²⁷ Letter from Chairwoman Carolyn B. Maloney, Committee on Oversight and Reform, Chairman Raja Krishna moorthi, Subcommittee on Economic and Consumer Policy, and Chairman James E. Clyburn, Select Subcommittee on the Coronavirus Crisis, to Secretary of Health and Human Services Alex M. Azar II (Sept. 8, 2020) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2020-09-08.CBM%20RK%20JC%20to%20HHS%20re%20Vaccine%20Priority.pdf>).

²⁸ Letter from Chairman James E. Clyburn, Select Subcommittee on the Coronavirus Crisis, to Secretary of Health and Human Services Alex M. Azar II, and Acting Secretary of Defense Christopher C. Miller (Dec. 16, 2020) (online at https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2020-12-16.Majority%20to%20Azar%20and%20Miller%20re%20OWS%20Pfizer%20Letter_.pdf).

diagnostic and serology tests and testing supplies, any steps taken to increase laboratory capacity to process tests, and any efforts, plans, instructions, or proposals to limit or reduce the number of tests for the coronavirus performed in the United States or any state or territory.

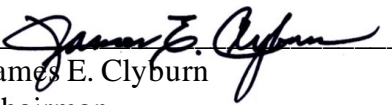
5. All documents and communications relating to the number of infections, hospitalizations, or deaths from the coronavirus in the United States or in any U.S. state or territory (including projections, forecasts, and models).
6. All documents and communications relating to data collection practices related to the coronavirus, including the decision to transfer hospital coronavirus data authority from CDC to HHS, the decision to use the TeleTracking data collection platform to report hospitalization and other data related to the coronavirus instead of the National Healthcare Safety Network platform, and the decision to remove data from public view on CDC's website.
7. All documents and communications relating to potential coronavirus vaccines and treatments, including contracts for the development and purchase of potential coronavirus treatments and vaccines, consideration of granting emergency use authorizations for hydroxychloroquine, oleandrin, convalescent plasma, and vaccine candidates, and plans related to vaccine distribution.
8. All documents and communications relating to pursuing a herd immunity strategy or allowing the virus to spread among any portion of the U.S. population prior to the development and distribution of a vaccine.
9. All documents and communications relating to any effort by political appointees or White House personnel to review, revise, edit, delay, or prohibit publication of any Morbidity and Mortality Weekly Report or other CDC reports, recommendations, or guidance related to the coronavirus.
10. All documents and communications relating to any adverse employment action taken or considered against any employee, official, or contractor of the federal government for actions taken in the course of their employment related to the coronavirus.

In responding to the above-referenced requests, custodians should include, but not be limited to, the following individuals: Scott Atlas, Deborah Birx, Robert Blair, Clint Cavanaugh, Amelia Crabtree, Gregory D'Angelo, Kerry Dittmeier, Kelvin Droegemeier, Philip Ferro, Daniel Gastfriend, Joe Grogan, Kevin Hassett, Douglas Hoelscher, Derek Kan, Joseph Keith Kellogg, Jared Kushner, Tyler Ann McGuffee, Mark Meadows, Stephen Miller, John Michael Mulvaney, Peter Navarro, Nicholas Pottebaum, Matthew Pottinger, Paul Ray, Anthony Ruggiero, Marc Short, Olivia Troye, Charles Vitek, Russell Vought, and Irum Zaidi. Please also produce responsive documents from any other White House employees, volunteers, or contractors involved in the White House's response to the coronavirus pandemic.

The House of Representatives established the Select Subcommittee on the Coronavirus Crisis “to conduct a full and complete investigation” of “issues related to the coronavirus crisis,” including the “preparedness for and response to the coronavirus crisis” and “executive branch policies, deliberations, decisions, activities and internal and external communications related to the coronavirus crisis.”²⁹

An attachment to this letter provides additional instructions for responding to the Select Subcommittee’s request. If you have any questions regarding this request, please contact Select Subcommittee staff at (202) 225-4400.

Sincerely,


James E. Clyburn
Chairman
Select Subcommittee on the Coronavirus Crisis

Enclosure

cc: The Honorable Steve Scalise, Ranking Member
Select Subcommittee on the Coronavirus Crisis

²⁹ H.Res. 935, 116th Cong. (2020); H.Res. 8, sec. 4(f), 117th Cong. (2021).

Responding to Oversight Committee Document Requests

1. In complying with this request, produce all responsive documents that are in your possession, custody, or control, whether held by you or your past or present agents, employees, and representatives acting on your behalf. Produce all documents that you have a legal right to obtain, that you have a right to copy, or to which you have access, as well as documents that you have placed in the temporary possession, custody, or control of any third party.
2. Requested documents, and all documents reasonably related to the requested documents, should not be destroyed, altered, removed, transferred, or otherwise made inaccessible to the Committee.
3. In the event that any entity, organization, or individual denoted in this request is or has been known by any name other than that herein denoted, the request shall be read also to include that alternative identification.
4. The Committee's preference is to receive documents in electronic form (i.e., CD, memory stick, thumb drive, or secure file transfer) in lieu of paper productions.
5. Documents produced in electronic format should be organized, identified, and indexed electronically.
6. Electronic document productions should be prepared according to the following standards:
 - a. The production should consist of single page Tagged Image File ("TIF"), files accompanied by a Concordance-format load file, an Opticon reference file, and a file defining the fields and character lengths of the load file.
 - b. Document numbers in the load file should match document Bates numbers and TIF file names.
 - c. If the production is completed through a series of multiple partial productions, field names and file order in all load files should match.
 - d. All electronic documents produced to the Committee should include the following fields of metadata specific to each document, and no modifications should be made to the original metadata:

BEGDOC, ENDDOC, TEXT, BEGATTACH, ENDATTACH, PAGECOUNT, CUSTODIAN, RECORDTYPE, DATE, TIME, SENTDATE, SENTTIME, BEGINDATE, BEGINTIME, ENDDATE, ENDTIME, AUTHOR, FROM, CC, TO, BCC, SUBJECT, TITLE, FILENAME, FILEEXT, FILESIZE, DATECREATED, TIMECREATED, DATELASTMOD, TIMELASTMOD,

INTMSGID, INTMSGHEADER, NATIVELINK, INTFILPATH, EXCEPTION,
BEGATTACH.

7. Documents produced to the Committee should include an index describing the contents of the production. To the extent more than one CD, hard drive, memory stick, thumb drive, zip file, box, or folder is produced, each should contain an index describing its contents.
8. Documents produced in response to this request shall be produced together with copies of file labels, dividers, or identifying markers with which they were associated when the request was served.
9. When you produce documents, you should identify the paragraph(s) or request(s) in the Committee's letter to which the documents respond.
10. The fact that any other person or entity also possesses non-identical or identical copies of the same documents shall not be a basis to withhold any information.
11. The pendency of or potential for litigation shall not be a basis to withhold any information.
12. In accordance with 5 U.S.C. § 552(d), the Freedom of Information Act (FOIA) and any statutory exemptions to FOIA shall not be a basis for withholding any information.
13. Pursuant to 5 U.S.C. § 552a(b)(9), the Privacy Act shall not be a basis for withholding information.
14. If compliance with the request cannot be made in full by the specified return date, compliance shall be made to the extent possible by that date. An explanation of why full compliance is not possible shall be provided along with any partial production.
15. In the event that a document is withheld on the basis of privilege, provide a privilege log containing the following information concerning any such document: (a) every privilege asserted; (b) the type of document; (c) the general subject matter; (d) the date, author, addressee, and any other recipient(s); (e) the relationship of the author and addressee to each other; and (f) the basis for the privilege(s) asserted.
16. If any document responsive to this request was, but no longer is, in your possession, custody, or control, identify the document (by date, author, subject, and recipients), and explain the circumstances under which the document ceased to be in your possession, custody, or control.
17. If a date or other descriptive detail set forth in this request referring to a document is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the request, produce all documents that would be responsive as if the date or other descriptive detail were correct.

18. This request is continuing in nature and applies to any newly-discovered information. Any record, document, compilation of data, or information not produced because it has not been located or discovered by the return date shall be produced immediately upon subsequent location or discovery.
19. All documents shall be Bates-stamped sequentially and produced sequentially.
20. Two sets of each production shall be delivered, one set to the Majority Staff and one set to the Minority Staff. When documents are produced to the Committee, production sets shall be delivered to the Majority Staff in Room 2157 of the Rayburn House Office Building and the Minority Staff in Room 2105 of the Rayburn House Office Building.
21. Upon completion of the production, submit a written certification, signed by you or your counsel, stating that: (1) a diligent search has been completed of all documents in your possession, custody, or control that reasonably could contain responsive documents; and (2) all documents located during the search that are responsive have been produced to the Committee.

Definitions

1. The term “document” means any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, data, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, communications, electronic mail (email), contracts, cables, notations of any type of conversation, telephone call, meeting or other inter-office or intra-office communication, bulletins, printed matter, computer printouts, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electric records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape, or otherwise. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.
2. The term “communication” means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether in a meeting, by telephone, facsimile, mail, releases, electronic

message including email (desktop or mobile device), text message, instant message, MMS or SMS message, message application, or otherwise.

3. The terms “and” and “or” shall be construed broadly and either conjunctively or disjunctively to bring within the scope of this request any information that might otherwise be construed to be outside its scope. The singular includes plural number, and vice versa. The masculine includes the feminine and neutral genders.
4. The term “including” shall be construed broadly to mean “including, but not limited to.”
5. The term “Company” means the named legal entity as well as any units, firms, partnerships, associations, corporations, limited liability companies, trusts, subsidiaries, affiliates, divisions, departments, branches, joint ventures, proprietorships, syndicates, or other legal, business or government entities over which the named legal entity exercises control or in which the named entity has any ownership whatsoever.
6. The term “identify,” when used in a question about individuals, means to provide the following information: (a) the individual’s complete name and title; (b) the individual’s business or personal address and phone number; and (c) any and all known aliases.
7. The term “related to” or “referring or relating to,” with respect to any given subject, means anything that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with, or is pertinent to that subject in any manner whatsoever.
8. The term “employee” means any past or present agent, borrowed employee, casual employee, consultant, contractor, de facto employee, detailee, fellow, independent contractor, intern, joint adventurer, loaned employee, officer, part-time employee, permanent employee, provisional employee, special government employee, subcontractor, or any other type of service provider.
9. The term “individual” means all natural persons and all persons or entities acting on their behalf.