

**Congress of the United States**  
Washington, DC 20515

January 10, 2022

The Honorable James E. Clyburn  
Chairman  
Select Subcommittee on the Coronavirus Crisis  
Washington, D.C. 20515

The Honorable Carolyn B. Maloney  
Chairwoman  
Committee on Oversight and Reform  
Washington, D.C. 20515

Dear Chairman Clyburn and Chairwoman Maloney:

We write today to request you fulfill Chairman Clyburn’s promise for the Subcommittee to be “forward looking” and to “look at the totality of the *current* response” to COVID-19 by immediately convening a joint hearing with the full Committee on Oversight and Reform to conduct legitimate oversight of the Biden Administration—the *current* Administration.<sup>1</sup>

President Biden’s first year in office was one full of broken promises. He promised to “shut down the virus.”<sup>2</sup> He promised “by next Christmas [2021]...I think that there’ll be significantly fewer people having to be socially distanced [and] have to wear masks...”<sup>3</sup> He promised to “improve the availability of tests.”<sup>4</sup> He promised to not “demand that [the vaccine] be mandatory.”<sup>5</sup> And he promised he had a national plan to “get this virus under control.”<sup>6</sup> He failed on all accounts.

President Biden’s failures have resulted in the United States recording an average of 668,497 cases per day; a record high since the virus hit American shores from China almost two years ago.<sup>7</sup> Tragically, almost 100,000 more Americans died in 2021 than in 2020.<sup>8</sup> This is confounding considering President Biden inherited three safe and effective vaccines, numerous proven treatments and therapeutics, millions with natural immunity, and a well-established testing apparatus. There is no reason for America to be in the position it is in today.

In contrast to 2020, when the Subcommittee held hearings with nine Trump Administration officials, only four Biden Administration officials have testified and zero since

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<sup>1</sup> Press Release, Congressman Clyburn Applauds The Establishment Of The House Select Subcommittee On The Coronavirus Crisis, Select Subcomm. on the Coronavirus Crisis, H. Comm. on Oversight & Reform (Apr. 24, 2020).

<sup>2</sup> Joe Biden (@JoeBiden), Twitter (Oct. 30, 2020, 3:10 P.M.) (emphasis added).

<sup>3</sup> Remarks by President Biden in a CNN Town Hall with Anderson Cooper, The White House (Feb. 16, 2021).

<sup>4</sup> Post Editorial Board, *Biden’s been breaking his promises on COVID tests all year—only to keep doing it again and again*, N.Y. POST (Dec. 26, 2021).

<sup>5</sup> Jacob Jarvis, *Fact Check: Did Joe Biden Reject Idea of Mandatory Vaccines in December 2020?*, NEWSWEEK (Sept. 10, 2021).

<sup>6</sup> Joe Biden (@JoeBiden), Twitter (Oct. 15, 2020, 8:11 P.M.).

<sup>7</sup> *Trends in Number of COVID-19 Cases and Deaths in the US Reported to CDC, by State/Territory*, U.S. Cents. For Disease Control & Prevention (last accessed Jan. 9, 2021).

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

June 22, 2021—more than six months ago.<sup>9</sup> Additionally, the Subcommittee publicly sent 31 letters to Trump Administration officials in 2020 and only 10 to the Biden Administration in 2021.<sup>10</sup> This Subcommittee was formed under the auspices of ensuring the “efficiency, effectiveness, and equity” of the COVID-19 response and yet the unsuccessful and unscientific response of the Biden Administration has thus far been shielded from legitimate oversight.<sup>11</sup> Democrats’ failure to conduct real oversight of the Biden Administration’s woefully inept response to the ongoing pandemic is unequivocally a dereliction of duty.

During the past few weeks, three issues have epitomized the failures of the Biden Administration: (1) not procuring adequate numbers of rapid, at-home tests for Americans prior to the holiday season, (2) abandoning the President’s own national plan to fight COVID-19 when the pandemic worsened, and (3) politicizing the vaccine and undermining science.

### **I. President Biden’s Failure to Provide Rapid, At-Home Tests to Americans**

During the Trump Administration, in July 2020, Chairman Clyburn said, “[w]ithout widely available, rapid testing, it is nearly impossible to control the spread of the virus...”<sup>12</sup> The Chairman went on to say that the Trump Administration was “warned” about testing and “failed.”<sup>13</sup> According to recent reporting, the Biden Administration was not only warned about a lack of available testing but flatly rejected an October 22, 2021 proposal to ramp up manufacturing and deliver tests to Americans prior to Christmas.<sup>14</sup> Unfortunately, the Biden Administration’s inaction led to long lines and empty shelves as cases surged.

The October 22 plan outlined actions the Biden Administration could take to ensure “every American household [received] free rapid tests for the holidays/New Year.”<sup>15</sup> This plan detailed the need of about 400 million tests.<sup>16</sup> Ironically, exactly two months later, President Biden said, “I wish I had thought about ordering” 500 million at-home tests “two-months ago.”<sup>17</sup> Either President Biden was unaware he was told to order that many tests two months earlier, or he intentionally misled the American people. In any case, this is an epic failure that is still having devastating consequences.

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<sup>9</sup> *Hearings*, H. Comm. on Oversight & Reform, Select Subcomm. on the Coronavirus Crisis (last accessed Dec. 30, 2021).

<sup>10</sup> *Letters*, H. Comm. on Oversight & Reform, Select Subcomm. on the Coronavirus Crisis (last accesses Dec. 30, 2021).

<sup>11</sup> H. Res. 935, 3(a)(1), 117<sup>th</sup> Cong. (2020).

<sup>12</sup> *The Urgent Need for a National Plan to Contain the Coronavirus, Hearing Before the Select Subcomm. on the Coronavirus Crisis*, H. Comm. on Oversight & Reform, 117<sup>th</sup> Cong. (July 31, 2020).

<sup>13</sup> *Id.*

<sup>14</sup> Katherine Eban, *The Biden Administration Rejected an October Proposal for “Free Rapid Tests for the Holidays”*, VANITY FAIR (Dec. 23, 2021).

<sup>15</sup> *Id.*

<sup>16</sup> *Id.*

<sup>17</sup> Ben Gittleson, *President Biden to ABC’s David Muir on at-home COVID testing: ‘Nothing’s been good enough’*, ABC NEWS (Dec. 23, 2021).

## II. President Biden's Abandonment of His Own National Plan

On August 18, 2020, then-candidate Biden said, “Donald Trump still doesn’t have a plan to get this virus under control. His failure to lead is costing American lives.”<sup>18</sup> On October 15, 2020, he said, “[w]e’re eight months into this pandemic, and Donald Trump still doesn’t have a plan to get this virus under control. I do.”<sup>19</sup> And on October 31, 2020, candidate Biden said, “President Trump still has no plan to address COVID-19.”<sup>20</sup> On President Biden’s first day in office, he said, “[f]or the past year, we could not turn to the federal government for a national plan to answer prayers with action—until today.”<sup>21</sup> In a complete reversal, on December 27, 2021, President Biden said, “[t]here is no federal solution. This gets solved at the state level.”<sup>22</sup> As COVID-19 cases began to soar, President Biden abandoned his own plan to fight the virus.

Democrat Members of this Subcommittee routinely requested a national strategy in 2020 yet their silence now is deafening. Previously, Chairman Clyburn said, “I am calling on the [Trump] Administration to finally give America a comprehensive national plan...”<sup>23</sup> Likewise, Chairwoman Maloney said, “...[President] Trump [has] refused to create a national plan to address the magnitude of the coronavirus crisis...”<sup>24</sup> Congressman Jamie Raskin said, “[a] stack of paper is not a plan. A large and unwieldy stack of paper is not a plan. A plan is a comprehensive and coordinated strategy for victory, and we haven’t seen anything like a plan.”<sup>25</sup> Congressman Bill Foster said, “...the complete lack of strategy...is something for which the Trump Administration must be held accountable.”<sup>26</sup>

President Trump had a very successful plan entitled Operation Warp Speed, which yielded three safe and effective vaccines as well as multiple therapies like monoclonal antibodies. The prior administration also stood up a robust testing network nationwide. President Biden, in the face of his many failures, has now abandoned his plan and national strategy for the pandemic and instead asserts that it is a “state level” problem. A strategy to address the pandemic and its effect on the American public is just as important now as it was during the Trump Administration.

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<sup>18</sup> Joe Biden (@JoeBiden), Twitter (Aug. 18, 2020, 12:30 P.M.).

<sup>19</sup> Joe Biden (@JoeBiden), Twitter (Oct. 15, 2020, 8:11 P.M.).

<sup>20</sup> Joe Biden (@JoeBiden), Twitter (Oct. 31, 2020), 8:45 A.M.)

<sup>21</sup> NATIONAL STRATEGY FOR THE COVID-19 RESPONSE AND PANDEMIC PREPAREDNESS, THE WHITE HOUSE (Jan. 2021).

<sup>22</sup> Tyler Olsen, *Biden says he agrees with Republican governors: There’s ‘no federal solution’ to pandemic*, FOX NEWS (Dec. 27, 2021).

<sup>23</sup> *The Urgent Need for a National Plan to Contain the Coronavirus*, *supra* note 12.

<sup>24</sup> Carolyn B. Maloney (@RepMaloney), Twitter (July 19, 2020, 11:56 A.M.).

<sup>25</sup> *The Urgent Need for a National Plan to Contain the Coronavirus*, *supra* note 12.

<sup>26</sup> Press Release, Foster Statement on U.S. COVID-19 Death Toll Passing 100,000 People, Cong. Bill Foster (May 27, 2020).

### III. Politicizing the Vaccine and Undermining Science

Subcommittee Democrats have orchestrated a pretextual and one-sided investigation of alleged political interference in the COVID-19 response by the Trump Administration, but specifically blocked Republican attempts to ask questions regarding the Biden Administration, particularly in reference to reports of the Administration's interference and sidelining of FDA and CDC vaccine officials.<sup>27</sup> Yet, Democrats have never asked the Biden Administration about their contributions to vaccine hesitancy or potential political inference with regard to vaccine booster shots.

Two vaccines were granted Emergency Use Authorization (EUA) in 2020 under the Trump Administration. Sadly, while then-candidates Biden and Harris were campaigning, they made damaging statements about the vaccines. For example, on September 5, 2020, then-Senator Kamala Harris told CNN's Dana Bash that she would not take then-President Trump's word regarding the safety and efficacy of the vaccines. Specifically, she said, "I will not take his word for it."<sup>28</sup> On September 7, 2020, candidate Joe Biden expressed distrust for then-President Trump's statements regarding a vaccine.<sup>29</sup> Biden reportedly said he would only trust the vaccine if Trump had been "completely transparent and other experts in the country could look at it."<sup>30</sup> These statements undoubtedly initiated the politicization of the vaccine, undermined public confidence in them, and ultimately contributed to vaccine hesitancy.

Democrats further politicized the vaccines, undermined public confidence, and created confusion among the public with regard to the need for booster shots. In the summer of 2021, the Biden Administration announced the availability of booster shots for all adults by September 2021, however this announcement was made before the FDA and the CDC approved the safety and efficacy of booster shots.<sup>31</sup> Two senior FDA officials left the agency amid alarming reports of political interference.

Most recently, instead of going through the previously used process to change the eligibility for boosters, the Biden Administration chose to again create confusion by bypassing the FDA's and CDC's long established vaccine advisory committee process for updating booster shot eligibility. Thus far, there have been four major decisions regarding COVID-19 vaccine boosters made without consulting an independent panel of experts.<sup>32</sup> These decisions include:

1. On November 19, 2021, the FDA authorized booster shots for all adults, regardless of occupation or comorbidities;

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<sup>27</sup> Philip R. Krause & Luciano Borio, *The Biden Administration has been sidelining vaccine experts*, THE WASH. POST (Dec. 16, 2021).

<sup>28</sup> Caroline Kelly, "I will not take his word for it": Kamala Harris says she would not trust Trump alone on a coronavirus vaccine, CNN (Sept. 5, 2020)

<sup>29</sup> Hans Nichols, *Biden on coronavirus vaccine: Don't trust Trump*, AXIOS (Sept. 7, 2021).

<sup>30</sup> *Id.*

<sup>31</sup> Bob Herman, *FDA's top vaccine leaders are leaving*, AXIOS (Aug. 31, 2021); Erin Banco, Sarah Owerwohle & Adam Cancryn, *Tensions mount between CDC and Biden health team over boosters*, POLITICO (Sept. 13, 2021).

<sup>32</sup> Krause, *supra* note 27.

2. On November 29, 2021, the CDC recommended all Americans 18 and older to get a booster;
3. On December 9, 2021, the FDA authorized booster shots for 16- and 17-year-olds; and
4. On January 3, 2022, the FDA authorized booster shots for 12- to 15-year-olds.<sup>33</sup>

These decisions, according to recent reports, have been made without convening an outside independent panel of experts designed to objectively review the science and data and make a medical decision based on a thorough analysis.<sup>34</sup> Failing to follow standard practices undermines transparency and public confidence in the vaccines. It also undermines faith in both the FDA's and CDC's scientific integrity at a time when they should be working to regain Americans' trust. President Biden promised to "always follow the science;" not only is he failing to uphold his promise, but he is also actively undercutting scientific integrity.<sup>35</sup>

Overall, the Biden Administration has made the damaging decision to mandate the vaccines over everything else. They have not paid enough attention to testing and have downplayed natural immunity and alternative therapies.<sup>36</sup> Their continued emphasis and reliance on vaccines undoubtedly laid the groundwork for the Biden Administration's constitutionally questionable vaccine mandates that are forcing the firing of millions of hard-working medical professionals, military servicemembers, and critical supply chain workers, among others. They have chosen to bully and shame hardworking Americans. The Secretary of Health and Human Services has referred to the unvaccinated as "flat earthers."<sup>37</sup> Unfortunately, the Biden blame game is falling apart as case numbers increase in both vaccinated and unvaccinated populations.<sup>38</sup> The unvaccinated represent people from all walks of life, all races, sexes, and all political affiliations. They all deserve better than the shaming and name-calling they continually face from President Biden and his Administration who promised they would represent all Americans equally, and are failing miserably on that front.

The vaccine mandates, perhaps more than anything else, have politicized the vaccines and deepened the divisions across America regarding the pandemic response. The politicization of the pandemic is one of the Biden Administration's biggest blunders.

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<sup>33</sup> *Id.*

<sup>34</sup> *Id.*

<sup>35</sup> Michael D. Shear & Benjamin Mueller, *Biden Promised to Follow the Science. But Sometimes, He Gets Ahead of the Experts*, N.Y. TIMES (Sept. 24, 2021).

<sup>36</sup> Eban, *supra* note 14.

<sup>37</sup> Deborah Yetter, *Top US health official warns 'flat-earthers' holding nation back on COVID-19 vaccine rates*, COURIER JOURNAL (Sept. 21, 2021).

<sup>38</sup> Jessica Chasmar, *Biden's 'pandemic of the unvaccinated' narrative falls apart as omicron cases skyrocket*, FOX NEWS (Jan. 5, 2021).

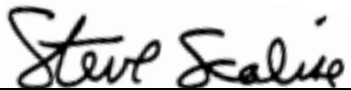
#### IV. Conclusion

Considering the failure of the Committee and Subcommittee to hold any constructive or substantive hearings overseeing the Biden Administration's COVID-19 failures, we request our first public hearing of the Second Session of the 117<sup>th</sup> Congress be joint, cover the aforementioned issues, and include the following witnesses:

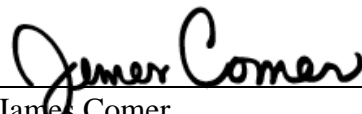
1. Dr. Anthony Fauci  
Chief Medical Advisor to the President  
The White House
2. Mr. Jeffrey Zients  
Coronavirus Response Coordinator  
The White House
3. The Honorable Xavier Becerra  
Secretary  
U.S. Department of Health and Human Services
4. Dr. Rochelle Walensky  
Director  
U.S. Centers for Disease Control and Prevention
5. Dr. Janet Woodcock  
Commissioner  
U.S. Food and Drug Administration

We respectfully request your response to this request by January 18, 2022. Thank you for your attention to this important request. If you or your staff have any questions, please contact the Republican staff at (202)-225-5074.

Sincerely,



Steve Scalise  
Ranking Member  
Select Subcommittee on the  
Coronavirus Crisis



James Comer  
Ranking Member  
Committee on Oversight and Reform

The Honorable James E. Clyburn  
The Honorable Carolyn B. Maloney  
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