

Congress of the United States

House of Representatives

SELECT SUBCOMMITTEE ON THE CORONAVIRUS CRISIS

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MEMORANDUM

TO: Republican Select Subcommittee Members

FROM: Republican Select Subcommittee Staff

DATE: October 19, 2022

RE: Select Subcommittee Republicans' Findings and Democrats' Failures

SUMMARY

The Select Subcommittee on the Coronavirus Crisis (Subcommittee) was formed on April 23, 2020, with Chairman James Clyburn (D-SC) promising the Subcommittee would be “forward looking” and would “look at the totality of the current response.” The Subcommittee failed on both accounts.

Instead, Congressional Democrats used the Subcommittee as a hatchet against political adversaries and the former Trump Administration. The most prominent example of this is the fact that the Subcommittee held five hearings with Trump Administration officials in 2020, compared to two with Biden Administration officials in 2021 and only two in 2022. Further, the Subcommittee sent 31 public letters to Trump Administration officials in 2020, compared to 10 letters to Biden Administration officials in 2021 and only three in 2022. Subcommittee Democrats failed to hold the Biden Administration accountable.

Specifically, Subcommittee Democrats refused to investigate: (1) the origins of COVID-19, (2) President Biden’s politically motivated decision making, (3) the Biden Administration’s decision not to purchase more rapid, at-home COVID-19 tests leading up to the holidays in 2021, and (4) the Food and Drug Administration’s (FDA) and Centers for Disease Control and Prevention’s (CDC) actions sidelining scientific experts regarding vaccine booster shots.

While Democrats sat idly by, Subcommittee Republicans uncovered: (1) the United States likely funded gain-of-function (GOF) research on novel coronaviruses at the Wuhan Institute of Virology (WIV), (2) the scientific establishment, including Drs. Anthony Fauci and Francis Collins, worked to suppress the lab leak hypothesis, (3) the Biden Administration provided uncommon access to teachers unions to draft and edit official CDC guidelines so they could make it easier to keep schools closed, causing devastating learning loss for America’s young people, and (4) the governors of certain Democrat-led states, particularly New York, violated CDC and Centers for Medicare and Medicaid Services (CMS) guidance to force

potentially COVID-19 positive patients into nursing homes, causing thousands of unnecessary deaths.

This internal memorandum details efforts from Subcommittee Republicans to uncover the truth and hold bad actors accountable. It also addresses the failures stemming from Subcommittee Democrats inaction. Simply, Republicans acted while Democrats failed.

SELECT SUBCOMMITTEE REPUBLICANS' FINDINGS

Finding 1: The United States likely funded gain-of-function research on novel coronaviruses at the Wuhan Institute of Virology.

On June 1, 2014, EcoHealth Alliance, Inc. (EcoHealth) received a \$3.7 million dollar grant from the National Institute of Allergy and Infectious Diseases (NIAID), entitled “Understanding the Risk of Bat Coronavirus Emergence.”¹ Through this grant, EcoHealth sent more than \$600,000 to the WIV in Wuhan, China. Also pursuant to this grant, EcoHealth was required to report to the National Institutes of Health (NIH) and “immediately stop all experiments” if it created a virus that showed evidence of viral growth 1,000 percent that of the original virus.² Even if EcoHealth did not immediately report an experiment that met these parameters as required by the grant, EcoHealth would have to submit its annual progress report by September 30, 2019.

On October 20, 2021, the House Committee on Oversight and Reform received a letter from Dr. Lawrence Tabak, Principal Deputy Director of the NIH. According to Dr. Tabak, EcoHealth “failed” to properly and promptly report an experiment that violated the terms of the grant.³ In one experiment, EcoHealth created a virus which showed evidence of viral growth over the stated threshold, but subsequently failed to report it. This experiment qualified as GOF research since the virus gained enhanced transmissibility.

This is further complicated by the NIH’s revolving and changing definition to GOF to fit their preferred narrative. Prior to October 20, 2021, GOF was defined as, “research that modifies a biological agent so that it confers new or enhanced activity to that agent.”⁴ EcoHealth’s experiment would clearly fit this definition. However, after October 20, this definition was stripped from NIH’s website. The only viable explanation for this is to shield NIH from scrutiny and accountability since Drs. Fauci and Collins have long been proponents of GOF research

¹ Project Grant, Understanding the Risk of Bat Coronavirus Research, EcoHealth Alliance, Inc. (June 1, 2014).

² Letter from Hon. Francis Collins, Dir., Nat’l Insts. Of Health, to Hon. James Comer, Ranking Member, H. Comm. on Oversight & Reform (July 28, 2021) [hereinafter Collins Letter].

³ Letter from Lawrence Tabak, Deputy Dir., U.S. Nat’l Insts. Of Health, to Hon. James Comer, Ranking Member, H. Comm. on Oversight & Reform (Oct. 20, 2021) [hereinafter Tabak Letter].

⁴ *Gain-of-Function Research Involving Potential Pandemic Pathogens*, U.S. NAT’L INSTS. OF HEALTH (last updated July 12, 2021) (*archived at* [https://web.archive.org/web/20211019065407/https://www.nih.gov/news-events/gain-function-research-involving-potential-pandemic-pathogens.](https://web.archive.org/web/20211019065407/https://www.nih.gov/news-events/gain-function-research-involving-potential-pandemic-pathogens))

stating, “important information and insights can come from generating a potentially dangerous virus in the laboratory.”⁵

Select Subcommittee Republicans will continue this investigation.

Finding 2: The scientific establishment, including Drs. Anthony Fauci and Francis Collins, worked to suppress the lab leak hypothesis.

Despite Dr. Fauci claiming otherwise on multiple occasions, he was, in fact, aware of the monetary relationship between the NIAID, the NIH, EcoHealth, and the WIV by January 27, 2020.⁶ Dr. Fauci also knew that NIAID worked with EcoHealth to craft a grant policy to sidestep the gain-of-function moratorium at the time.⁷ This new policy, designed by EcoHealth and agreed to by NIAID, allowed EcoHealth to conduct dangerous experiments on novel bat coronaviruses—with very little oversight—that would have otherwise been blocked by the moratorium.⁸ In January 2020, Dr. Fauci was also aware that EcoHealth was not in compliance with the terms of its grant that funded the WIV.⁹ EcoHealth was required to submit an annual progress report to NIAID by September 30, 2019, and failed to timely submit the report.¹⁰

On February 1, 2020, Dr. Fauci, Dr. Collins, and at least eleven other scientists convened a conference call to discuss the origins of COVID-19.¹¹ It was on this conference call that Drs. Fauci and Collins were first warned that COVID-19 may have leaked from the WIV and, further, may have been intentionally genetically manipulated:

- Dr. Kristian Andersen said, “The unusual features of the virus make up a really small part of the genome (<0.1%) so one has to look really closely at all the sequences to see that some of the features (potentially) look engineered . . . Eddie [Holmes], Bob [Garry], Mike [Farzan], and myself all find the genome inconsistent with expectations from evolutionary theory.”¹²
- Dr. Robert Garry said, “I really can’t think of a plausible natural scenario . . . I just can’t figure out how this gets accomplished in nature . . . Of course, in the lab it would be easy . . .”¹³

⁵ Anthony S. Fauci, Gary J. Nabel, & Francis S. Collins, *A flu virus risk worth taking*, WASH. POST (Dec. 30, 2011).

⁶ Email from Greg Folkers to Anthony Fauci, et. al. (Jan. 27, 2020) (On file with Comm. Staff); Zachary Basu, *Fauci and Rand Paul clash over NIH funding for Wuhan Institute of Virology*, AXIOS (May 11, 2021).

⁷ Sharon Lerner & Mara Hvistendahl, *NIH Officials Worked with EcoHealth Alliance to Evade Restrictions on Coronavirus Experiments*, INTERCEPT (Nov. 3, 2021).

⁸ *Id.*

⁹ Letter from Lawrence Tabak to James Comer (Oct. 20, 2021).

¹⁰ *Id.*

¹¹ Email from Jeremy Farrar to Anthony Fauci, et. al. (Feb. 1, 2020) (On file with Comm. Staff).

¹² E-mail from Dr. Kristian Andersen to Dr. Anthony Fauci & Dr. Jeremy Farrar (Jan. 31, 2020) (On file with Comm. staff).

¹³ Letter from Hon. James Comer, *supra* note 2.

- Dr. Michael Farzan said he was “bothered by the furin site and ha[d] a hard time explain[ing] that as an event outside the lab . . . I am 70:30 or 60:40 [lab].”¹⁴
- Dr. Andrew Rambaut said, “[f]rom a (natural) evolutionary point of view the only thing here that strikes me as unusual is the furin cleavage site.”¹⁵
- Dr. Edward Holmes indicated that he was “60-40 lab”¹⁶
- Dr. Jeremy Farrar said, “I am 50-50 [lab].”¹⁷

Only three days later, on February 4, 2020, four participants of the conference call authored a paper entitled “The Proximal Origin of SARS-CoV-2” and sent a draft to Drs. Fauci and Collins.¹⁸ Prior to final publication in *Nature Medicine*, the paper was sent to Dr. Fauci for editing and approval.¹⁹ It is unclear what, if any, new evidence was presented or if the underlying science changed in those three days, but after speaking with Drs. Fauci and Collins, the authors abandoned their belief COVID-19 was the result of a laboratory leak. It is unclear if Drs. Fauci or Collins edited the paper prior to publication.

On April 16, 2020, more than two months after the original conference call, Dr. Collins emailed Dr. Fauci expressing dismay that the *Nature Medicine* article—which they saw and were given opportunity to edit prior to publication—did not squash the lab leak hypothesis.²⁰ Dr. Collins asks if the NIH can do more to “put down” the lab leak hypothesis.²¹ The next day—after Dr. Collins explicitly asked for more public pressure—Dr. Fauci cited the *Nature Medicine* paper from the White House podium likely in an effort to further stifle the hypothesis COVID-19 leaked from the WIV.²²

The Biden Administration continues to hide, obfuscate, and shield the truth. By continuing to refuse to cooperate in the Republican investigation into the origins of COVID-19, the Administration is choosing to hide information that will help inform the origins of the pandemic, prevent and respond to future pandemics, inform the United States’ current national security posture, and restore confidence in our public health experts. This continued obstruction is likely to cause irreparable harm to the credibility of these agencies.

¹⁴ *Id.*; “Furin” refers to COVID-19’s Furin Cleavage Site. Generally, Furin is a protease enzyme that breaks down proteins into single amino acids, to then form new proteins. This is done by cleaving bonds within specific proteins. COVID-19’s unique Furin Cleavage Site enhances transmissibility and ability to infect other tissue types in the body.

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ Email from Jeremy Farrar to Anthony Fauci & Francis Collins (Feb. 4, 2020) (On file with Comm. Staff)

¹⁹ Email from Kristian Andersen to Anthony Fauci, Francis Collins, & Jeremy Farrar (Mar. 6, 2020) (On file with Comm. staff).

²⁰ Email from Kristian Andersen to Anthony Fauci, Francis Collins, & Jeremy Farrar (Mar. 6, 2020) (On file with Comm. staff).

²¹ Email from Francis Collins to Anthony Fauci, et. al. (Apr. 16, 2020) (On file with Comm. Staff).

²² John Haltiwanger, *Dr. Fauci throws cold water on conspiracy theory that coronavirus was created in a Chinese lab*, BLOOMBERG (Apr. 18, 2020).

Select Subcommittee Republicans will continue this investigation.

Finding 3: The Biden Administration provided uncommon access to teachers unions to draft and edit official Centers for Disease Control and Prevention guidelines so they could make it easier to keep schools closed, causing devastating learning loss for America’s young people.

On May 11, 2021, after public reports of political interference by American Federation of Teachers (AFT) in the school re-opening policymaking process, Subcommittee Republicans wrote to CDC Director Rochelle Walensky to request documents and information regarding the formulation of the “Operational Strategy for K-12 Schools through Phased Prevention” (Operational Strategy).²³ On July 19, 2021, Director Walensky responded and asserted CDC’s consultation with AFT was routine and consistent with the agency’s customary process for issuing guidance.²⁴ Documents and testimony show, however, that Director Walensky downplayed the degree to which CDC departed from past practice to allow AFT to influence the policymaking process. In fact, CDC allowed AFT to insert language into the Operational Strategy that made it more likely schools across the country would remain closed after February 2021.

Contrary to the CDC’s long-standing practice of keeping draft guidance documents confidential Republicans learned through documents and testimony that senior CDC officials shared a draft copy of the Operational Strategy with the AFT, a political union with no scientific expertise but an extensive record of providing financial support to the Biden campaign and other elected Democrats. After reviewing the draft, AFT staff asked Director Walensky to install a “trigger” in the guidance that would cause schools to close automatically if COVID-19 positivity rates reached a certain threshold.²⁵ The CDC obliged, and thousands of schools across the country remained closed throughout the 2020-2021 school year.

On February 18, 2022, Subcommittee staff interviewed Dr. Henry Walke, a career CDC scientist and medical doctor. Dr. Walke testified this level of coordination between the CDC and an outside organization was “uncommon.”²⁶ In fact, according to Dr. Walke, the CDC does not typically share draft guidance outside the agency for any reason, even with other federal partners.²⁷

²³ Letter from Hon. Steve Scalise, Ranking Member, Select Subcomm. on the Coronavirus Crisis, H. Comm. on Oversight & Reform, et. al., to Dr. Rochelle Walensky, Director, U.S. Cents. For Disease Control & Prevention (May 11, 2021).

²⁴ Letter from Dr. Rochelle Walensky, Director, U.S. Cents. For Disease Control & Prevention, to Hon. James Comer, Ranking Member, Comm. on Oversight & Reform (July 19, 2021).

²⁵ Email from Ms. Kelly Trautner, American Fed. Of Teachers, to Dr. Rochelle Walensky, Dir., U.S. Cents. for Disease Control & Prevention, et. al. (Feb. 11, 2021).

²⁶ Transcribed Interview of Dr. Henry Walke, Director, Cent. for Preparedness & Response, U.S. Cents. For Disease Control & Prevention, by H. Comm. on Oversight & Reform Staff (Feb. 18, 2022) [hereinafter Walke TI].

²⁷ *Id.*

The actions by the AFT and the Biden Administration led to more school closures. Virtual school and school closures will be one of the biggest failures during the pandemic and they were largely perpetuated by teachers unions and Democrats nationwide. According to University of Harvard professor Thomas Kane, "...the closures came at a stiff price—a large decline in children’s achievement overall and a historic widening in achievement gaps by race and economic status.”²⁸ Further according to Brown University professor Emily Oster, “[t]he past two years have seen enormous test score declines for kids...these declines were caused, at least in significant part, by school closures.”²⁹ Professor Oster continued, "...the lack of resumption of in-person learning was a significant contributing factor to test score declines.”³⁰ Compared to the academic decline, the mental health toll on America’s youth is vast but more difficult to ascertain.

Because lawyers for the Biden Administration prevented a key witness from explaining why the CDC allowed AFT to write key portions of its guidance for re-opening schools, there are still several unanswered questions.³¹

Select Subcommittee Republicans will continue this investigation.

Finding 4: The governors of certain Democrat-led states, particularly New York, violated Centers for Disease Control and Prevention and Centers for Medicare and Medicaid Services guidance to force potentially COVID-19 positive patients into nursing homes, causing thousands of unnecessary deaths.

On March 13, 2020, the Center for Medicare & Medicaid Services (CMS) issued guidance “For Infection Control and Prevention of Coronavirus Disease 2019 (COVID-19) in Nursing Homes.”³² This guidance is a blueprint for individual states to follow when determining how to best control outbreaks of COVID-19 in nursing homes and long-term care facilities. This guidance does not direct any nursing home to accept a COVID-19 positive patient if they are unable to do so safely. In fact, it says “nursing homes should admit any individual *that they would normally admit to their facility*, including individuals from hospitals where a case of COVID-19 was/is present” *only if* the nursing home can follow Centers for Disease Control (CDC) quarantining guidance.³³

²⁸ Thomas Kane, *Kids Are Far, Far Behind in School*, THE ATLANTIC (May 22, 2022).

²⁹ Zachary Rogers, *Sharpest learning loss occurred in school districts that stayed remote longer, study says*, CBS (Sept. 15, 2022).

³⁰ *Id.*

³¹ *Id.*

³² Memorandum from David R. Wright, Director, Quality, Safety & Oversight Group, U.S. Centers for Medicare & Medicaid Services, to State Survey Agency Directors (Mar. 13, 2020) (on file with Comm. Staff).

³³ *Id.*; (*emphasis added*).

CMS Administrator Seema Verma said, “[u]nder no circumstances should a hospital discharge a patient to a nursing home that is not prepared to take care of those patient’s needs.”³⁴

The most infamous violation of this guidance came from former New York Governor Andrew Cuomo. On March 25, 2020, the New York Department of Health posted, on their website, a now deleted directive entitled “Hospital Discharges and Admissions to Nursing Homes.”³⁵ This directive said “[n]o resident *shall be denied* re-admission or admission to the [nursing home] solely based on a confirmed or suspected diagnosis of COVID-19” and “[nursing homes] are *prohibited* from requiring a hospitalized resident who is determined medically stable to be tested for COVID-19 prior to admission or re-admission.”³⁶ For clarity, this advisory mandated nursing homes accept known COVID-19 positive patients and mandated that nursing homes not even test patients for COVID-19 prior to admission.

On October 13, Subcommittee staff interviewed former White House COVID-19 Coordinate Dr. Deborah Birx. When asked about Governor Cuomo’s infamous March 25, 2020, nursing home order, Dr. Birx testified that the order violated CMS guidance and that admitting potentially positive COVID-19 nursing home residents back into the nursing home could have led to unnecessary deaths.³⁷

Because the former Cuomo Administration and the current Administration of Governor Kathy Hochul have refused to share any information with the Subcommittee, several unanswered questions remain.

Select Subcommittee Republicans will continue this investigation.

SELECT SUBCOMMITTEE DEMOCRATS’ FAILURES

Failure 1: Subcommittee Democrats failed to investigate the origins of COVID-19.

Select Subcommittee Democrats affirmatively declined to investigate the origins of COVID-19; a never-before-seen virus that has now killed more than six million people worldwide. On three occasions, Subcommittee Republicans requested Subcommittee Democrats investigate the origins of COVID-19. On each occasion, they refused. Finally, on June 11, 2021, Chairman Clyburn responded to Republicans’ request. He stated, “[w]e are concerned that your request may be designed...to deflect accountability from the Trump Administration.”³⁸ He

³⁴ Charles Creitz, *Medicare chief Verma blasts Cuomo for trying to deflect blame onto White House fo NY nursing home deaths*, Fox News (May 28, 2020).

³⁵ Memorandum from the New York State Department of Health to Nursing Home Administrators, et. al. (Mar. 25, 2020) (on file with Comm. Staff).

³⁶ *Id.*; (emphasis added).

³⁷ Oct. 13 Birx TI at 119-121.

³⁸ Letter from hon. James E. Clyburn, Chairman, Select Subcomm. On the Coronavirus Crisis, H. Comm. On Oversight & Reform, & Hon. Carolyn B. Maloney, Chairwoman, H. Comm. On Oversight & Reform, to Hon. Steve

continued, “[y]our apparent effort to use the issue of the origin of the virus in order to shift accountability from President Trump...is an irresponsible gambit that we urge you to abandon.”³⁹

Unfortunately for Subcommittee Democrats, investigating the origins of COVID-19 is not a political pursuit. In fact, on May 14, 2021, Dr. Jesse Bloom and 17 other respected scientists called for the origins to be investigated. They wrote, “[k]nowing how COVID-19 emerged is critical for informing global strategies to mitigate the risk of future outbreaks.”⁴⁰ The authors continued, “[w]e must take hypothesis about both natural and laboratory spillovers seriously...”⁴¹ Additionally, on September 17, 2021, another 16 scientists writing in *The Lancet*, said, “[o]verwhelming evidence for either zoonotic or research-related origin is lacking: the jury is still out.”⁴²

On September 14, 2022, *The Lancet* COVID-19 Commission said, “[i]dentifying these origins would provide greater clarity into not only the causes of the current pandemic but also vulnerabilities to future outbreaks and strategies to prevent them.”⁴³ The Commission continued, “...hypothesis about both natural and laboratory spillovers are in play and need further investigation.”⁴⁴

Despite these calls from numerous respected scientists for further investigation into the origins of COVID-19, Subcommittee Democrats chose to play politics and ignore them. Understanding the origins of COVID-19 is not only about accountability but also about preparing for and defending against future viral pandemics.

Failure 2: Subcommittee Democrats failed to investigate President Biden’s politically motivated decision making.

Select Subcommittee Democrats refused to investigate the Biden Administration’s routine decisions that followed the political science instead of the medical science. For instance, while campaigning, President Biden promised there would be no vaccine mandate but on September 9, 2021, through executive order, he imposed a vaccine mandate.⁴⁵ The Biden

J. Scalise, Ranking Member, Select Subcomm. On the Coronavirus Crisis, H. Comm. On Oversight & Reform, & Hon. James R. Comer, Ranking Member, H. Comm. On Oversight & Reform (June 11, 2021).

³⁹ *Id.*

⁴⁰ Jesse D. Bloom, et. al., *Investigate the origins of COVID-19*, SCIENCE (May 14, 2021).

⁴¹ *Id.*

⁴² Jacques van Helden, et. al., *An appeal for an objective, open, and transparent debate about the origin of SARS-CoV-2*, THE LANCET (Sept. 17, 2022).

⁴³ Jeffrey D. Sachs, et. al., *The Lancet Commission on lessons for the future from the COVID-19 pandemic*, THE LANCET (Sept. 14, 2022).

⁴⁴ *Id.*

⁴⁵ See Jacob Jarvis, *Fact Check: Did Joe Biden Reject Idea of Mandatory Vaccines in December 2020?*, NEWSWEEK (Sept. 10, 2021); Bloomberg Quicktake (@Quicktake), Twitter (July 23, 2021 02:16 p.m.), <https://mobile.twitter.com/Quicktake/status/1418636102643167235>; Zeke Miller, *Sweeping new vaccine mandates for 100 million Americans*, ASSOC. PRESS (Sept. 9, 2021).

Administration went so far as to blame the pandemic on Republicans and the unvaccinated without any evidence.⁴⁶

Further, on February 24, 2022, polling firm Impact Research argued in a now-public memorandum that the Democrats need to “declare the crisis phase of COVID over and push for feeling and acting more normal.”⁴⁷ The next day, the CDC ended their masking restrictions in most places despite the fact that just two weeks prior CDC Director Walensky said it was not yet time.⁴⁸

In addition, the Biden Administration has repeatedly renewed the COVID-19 public health emergency, and thus the extension of social welfare programs, despite President Biden declaring the pandemic over.⁴⁹ Select Subcommittee Democrats’ have refused to investigate any of these politically based decisions by the Biden Administration.

Failure 3: Subcommittee Democrats failed to investigate the Biden Administration’s decision not to purchase more rapid, at-home COVID-19 tests leading up to the holidays in 2021.

Select Subcommittee Democrats ignored reports that the Biden Administration refused to purchase more rapid, at-home tests for Americans headed into the 2021 holiday season which corresponded with a dramatic surge in cases. In July 2020, during the Trump Administration, Chairman Clyburn said, “[w]ithout widely available, rapid testing, it is nearly impossible to control the spread of the virus...”⁵⁰ The Chairman went on to say that the Trump Administration was “warned” about testing and “failed.”⁵¹

However, 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.⁵² This plan detailed the need for about 400 million tests.⁵³ Ironically, exactly two months later, President Biden said, “I wish I had thought about ordering”

⁴⁶ Remarks, The White House, Remarks by President Biden on Fighting the COVID-19 Pandemic (Sept. 9, 2021).

⁴⁷ Julie Hamill, @hamill_law, Twitter (Feb. 25, 2022), https://twitter.com/hamill_law/status/1497205184790872065.

⁴⁸ Julie Hamill, @hamill_law, Twitter (Feb. 25, 2022), https://twitter.com/hamill_law/status/1497205184790872065; Mitch Smith & Shawn Hubler, *Masks Come Off in More States, but Not Everyone is Grinning*, THE N.Y. TIMES (Feb. 9, 2022).

⁴⁹ Declaration, Administration for Strategic Preparedness & Response, U.S. Dep’t of Health & Human Serv., Renewal of Determination that a Public Health Emergency Exists (Oct. 15, 2022); Adam Cancryn & Krista Mahr, *Biden declared the pandemic ‘over.’ His Covid team says it’s more complicated*, POLITICO (Sept. 19, 2022).

⁵⁰ *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*, 117th Cong. (July 31, 2020).

⁵¹ *Id.*

⁵² Katherine Eban, *The Biden Administration Rejected an October Proposal for “Free Rapid Tests for the Holidays”*, VANITY FAIR (Dec. 23, 2021).

⁵³ *Id.*

500 million at-home tests “two-months ago.”⁵⁴ Yet no investigation was launched by the Select Subcommittee Democrats.

Failure 4: Subcommittee Democrats failed to investigate the Food and Drug Administration’s and Centers for Disease Control and Prevention’s actions sidelining scientific experts regarding vaccine booster shots.

Select Subcommittee Democrats disregarded the fact that President Biden’s FDA and CDC intentionally sidelined or ignored outside vaccine experts that did not support the Biden Administration’s vaccine only strategy. On August 18, 2021, without evidence and data, President Biden announced that booster doses of the mRNA vaccines would be available for Americans starting September 20, 2021.⁵⁵ Top scientists and researchers were stunned by this decision—particularly because the CDC and the FDA had not yet conducted their independent review of the data.⁵⁶ In fact, two vaccine manufacturers have not yet submitted the relevant data to the government agencies.⁵⁷ This political manipulation and pressure to interfere with the science by President Biden’s White House reportedly contributed to the decision of two top career scientists, Marion Gruber and Phill Krause, who were key in the vaccine process, to leave the FDA.⁵⁸ They felt that the FDA was being sidelined by the Biden Administration and according to press reports “what finally did it for them was the White House getting ahead of FDA on booster shots.”⁵⁹

We now know that those same FDA scientists disagreed with the Biden Administration on the need for booster shots. In a paper published September 13, 2021, both Krause and Gruber argued that “[c]urrent evidence does not, therefore, appear to show a need for boosting in the general population, in which efficacy against severe disease remains high.”⁶⁰ Despite this blatant disregard of scientific process, Select Subcommittee Democrats refused to investigate allowing the Biden Administration to engage in politicization of the vaccine approval process.

⁵⁴ Ben Gittleson, *President Biden to ABC’s David Muir on at-home COVID testing: ‘Nothing’s been good enough’*, ABC NEWS (Dec. 23, 2021).

⁵⁵ 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).

⁵⁶ Caitlin Owens, *The bureaucracy pushes back on Biden’s booster plan*, AXIOS (Sept. 1, 2021).

⁵⁷ Erin Banco, Sarah Owerwohle & Adam Cancryn, *Tensions mount between CDC and Biden health team over boosters*, POLITICO (Sept. 13, 2021).

⁵⁸ Caitlin Owens, *The bureaucracy pushes back on Biden’s booster plan*, AXIOS (Sept. 1, 2021).

⁵⁹ *Id.*

⁶⁰ Phillip R Krause, *et.al*, *Considerations in boosting COVID-19 vaccine immune responses*, LANCET (Sept. 13, 2021).