

Congress of the United States

House of Representatives

SELECT SUBCOMMITTEE ON THE CORONAVIRUS PANDEMIC

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June 28, 2023

Ms. Rochelle Walensky, M.D., M.P.H.
Director
Centers for Disease Control & Prevention
295 E. Street, S.W.
Washington, D.C. 20024

Dear Director Walensky:

Thank you for your testimony before the Select Subcommittee on the Coronavirus Pandemic (Select Subcommittee) on June 13, 2023, and for committing to cooperate with document requests made by this Select Subcommittee.¹

On March 28, 2023, we wrote to you regarding potential political interference at the Centers for Disease Control and Prevention (CDC), specifically regarding the CDC's February 12, 2022, COVID-19 school reopening guidance titled, "Operation Strategy for K-12 Schools through Phased Prevention."² You failed to respond. Again, on June 1, 2023, we wrote to you regarding this issue.³ You have since only produced documents primarily consisting of those previously made public via the Freedom of Information Act (FOIA).

The Department of Health and Human Services is continuing its pattern of obstructing Congress by apparently only producing documents already made publicly available via the FOIA. As a reminder, FOIA does not apply to Congress. While negotiating your upcoming testimony, the Department, apparently on your behalf, wrote that the negotiation was "counterproductive to the [S]elect [S]ubcommittee's broader dealings with the Department."⁴ The Department's obstruction will not be tolerated. The American people deserve transparency.

¹ *Oversight of CDC Policies and Decisions During the COVID-19 Pandemic: Hearing Before Select Subcomm. on the Coronavirus Pandemic*, 118th Cong. (June 13, 2023).

² Letter from Hon. Brad Wenstrup, Chairman, Select Subcomm. on the Coronavirus Pandemic, H. Comm. on Oversight & Accountability, to Rochelle Walensky, M.D., M.P.H., Dir., U.S. Cents. for Disease Control & Prevention (Mar. 28, 2023)

³ Letter from Hon. Brad Wenstrup, Chairman, Select Subcomm. on the Coronavirus Pandemic, H. Comm. on Oversight & Accountability, to Rochelle Walensky, M.D., M.P.H., Dir., U.S. Cents. for Disease Control & Prevention (June 1, 2023)

⁴ Letter from Hon. Melanie Anne Egorin, Ass't Sec'y for Legislation, U.S. Dept. of Health & Human Servs., to Hon. Brad Wenstrup, Chairman, Select Subcomm. on the Coronavirus Pandemic, H. Comm. on Oversight & Accountability (May 24, 2023).

The Select Subcommittee will continue to investigate and follow the facts with the goal of developing effective legislation regarding CDC organizational structure and, if necessary, changes to the process of agency guidance drafting, editing, or publication process.⁵

During a Select Subcommittee hearing on April 26, 2023, Ms. Randi Weingarten, President of the American Federation of Teachers, testified that she had your direct line:

Q. Do you have a direct number to Director Walensky?

A. Do I have Director Walensky's direct number?

Q. Yes.

A. Yes, I have Director Walensky's direct number.⁶

During the June 13 hearing, you testified that you may have communicated with Ms. Weingarten via your personal cell phone as well as your official government phone, and that you "imagine" this communication was in the furtherance of official CDC business:

Q. Do you maintain an official government and personal cell phone

A. I do.

Q. Does Ms. Weingarten have your official or personal cell phone numbers, or both?

A. Um, I believe she has both.

Q. Have you ever exchanged text messages with Ms. Weingarten?

A. I have.

Q. Were these texts on your official or personal phones, or both?

A. I, I would have to go back and check. It may be both.

⁵ See generally Letter from Hon. Cathy McMorris Rodgers, et. al., Chair, H. Comm. on Energy & Commerce, to Rochelle Walensky, M.D., M.P.H., Dir., U.S. Cents. for Disease Control & Prevention (May 5, 2023)

⁶ *The Consequences of School Closures, Part 2: The President of the American Federation of Teachers, Ms. Randi Weingarten: Hearing Before Select Subcomm. on the Coronavirus Pandemic*, 118th Cong. (June 13, 2023).

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| Q. | Were these texts in furtherance of official business or about the business of the CDC? |
| A. | Um, I imagine, I would have to go back and look. ⁷ |

Therefore, we are requesting documents and communications from both your official and personal cell phone(s) that are responsive to the Select Subcommittee's investigation. These communications are responsive to the March 28 and June 1 requests, but the Select Subcommittee, in an accommodation to the Department, is willing to prioritize the following to be produced as soon as possible but no later than July 12, 2023:

1. All phone records, including a log of incoming and outgoing calls and all incoming and outgoing text messages, between Director Walensky and Ms. Randi Weingarten. This request includes both Director Walensky's official and personal cell phones.

Additionally, in accordance with the terms of the Select Subcommittee's March 28 letter, we request the following individuals voluntarily sit for in-person transcribed interviews:

1. Dr. Christopher Jones: July 25, 2023
2. Dr. Henry Walke: July 28, 2023
3. Dr. Greta Massetti: August 1, 2023

The Select Subcommittee on the Coronavirus Pandemic is authorized to investigate "the societal impact of decisions to close schools, how the decisions were made and whether there is evidence of widespread learning loss or other negative effects as a result of these decisions" and "executive branch policies, deliberations, decisions, activities, and internal and external communications related to the coronavirus pandemic" under H. Res. 5. To schedule the interviews or ask any follow up or related questions please contact Committee staff at (202) 225-5074.

Thank you for your attention to this very important matter.

Sincerely,



Brad Wenstrup, D.P.M.
Chairman

cc: The Honorable Raul Ruiz, M.D., Ranking Member
Select Subcommittee on the Coronavirus Pandemic

⁷ *Supra*, note 1.