

# Congress of the United States

## House of Representatives

SELECT SUBCOMMITTEE ON THE CORONAVIRUS PANDEMIC

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

Majority (202) 225-5074  
Minority (202) 225-5051

August 1, 2023

The Honorable Kiran Ahuja  
Director U.S. Office of Personnel Management  
1900 E. Street, NW  
Washington, D.C. 20415

Dear Director Ahuja,

The Select Subcommittee on the Coronavirus Pandemic (Select Subcommittee) is investigating the development and implementation of vaccination policies and mandates.

In December 2020, President-Elect Biden stated he would not make vaccines mandatory. On September 9, 2021, the Biden Administration implemented Executive Order (E.O.) 14043.<sup>1</sup> This E.O. required federal employees to be vaccinated against COVID-19 by November 8, 2021 or risk removal or termination from their federal employment.<sup>2</sup> OPM issued guidance that outlined how agencies should enforce the mandate.<sup>3</sup>

On October 17, 2021, you appeared on a podcast with *The Washington Post* discussing the newly implemented mandate.<sup>4</sup> When asked how the tracking of individuals who had received the vaccine would work, you described it as a “very coordinated effort” with “a number of staff involved.”<sup>5</sup> However, the vaccination mandate compliance tracking system was not provided in the guidance.

We are investigating how the mandates came to be to inform Congressional action should there be a future pandemic. As such, to assist the Select Subcommittee in this investigation, we request the following documents and information as soon as possible, but no later than August 15, 2023:

1. All documents and materials OPM reviewed, considered, or relied upon prior to the drafting, commenting on, or editing any U.S. Government COVID-19 vaccination

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<sup>1</sup> See, Executive Order 14043, 86 Fed. Reg. 50985 (Sept. 14, 2021); Safer Federal Workforce Task Force, COVID-19 Workplace Safety: Guidance for Federal Contractors and Subcontractors (Sept. 24, 2021).

<sup>2</sup> <https://www.opm.gov/policy-data-oversight/covid-19/enforcement-guidance-faqs.pdf>

<sup>3</sup> Guidance on Enforcement of Coronavirus Disease 2019 Vaccination Requirement for Federal Employees – Executive Order 14043, (Updated Aug. 17, 2022; Originally Issued Jan. 24, 2022), <https://www.opm.gov/policy-data-oversight/covid-19/enforcement-guidance-faqs.pdf>.

<sup>4</sup> *Washington Post Podcasts: OPM director Kiran Ahuja shares how the federal government is implementing its vaccine mandate*, THE WASHINGTON POST (Oct. 7, 2021) (downloaded via The Washington Post).

<sup>5</sup> *Id.*

- mandate, including but not limited to E.O. 14043 and the subsequent enforcement guidance memos.
2. All documents and communications between or among employees or contractors of OPM regarding federal employee or contractor vaccine mandates, including but not limited to regarding E.O. 14043.
  3. All documents and communications between or among OPM personnel and employees of the White House, including any personnel within the Executive Office of the President, regarding any U.S. Government COVID-19 vaccination mandate, including but not limited to E.O. 14043 and the subsequent enforcement guidance memos.
  4. All communications, advice, and guidance OPM personnel provided to or received from medical professionals within or outside the U.S. Government prior to drafting, commenting on, editing, developing, and implementing any U.S. Government COVID-19 vaccination mandate, including but not limited to E.O. 14043 and the subsequent enforcement guidance memos.
  5. All communications, advice, and guidance OPM personnel provided to or received from federal employees, organizations, unions or any other entities representing federal civilian employees regarding any U.S. Government COVID-19 vaccination mandate, including but not limited to E.O. 14043 and the subsequent enforcement guidance memos.
  6. All drafts and versions of any U.S. Government COVID-19 vaccination mandate, including but not limited to E.O. 14043 and the subsequent enforcement guidance memos.
  7. All documents and communications regarding implementing, modifying, clarifying, or rescinding any U.S. Government COVID-19 vaccination mandate, including but not limited to E.O. 14043 and the subsequent enforcement guidance memos.
  8. The number of federal employees who requested an exemption to mandatory COVID-19 vaccination and the number of granted exemption requests.
  9. The number of federal employees who were terminated or received disciplinary or adverse administrative action due to not receiving the vaccine after the mandate was implemented.

The Select Subcommittee on the Coronavirus Pandemic is authorized to investigate “the development of vaccines and treatments, and the development and implementation of vaccination policies for Federal employees and members of the armed forces,” “the implementation or effectiveness of any Federal law or regulation applied, enacted, or under consideration to address the coronavirus pandemic and prepare for future pandemics,” and

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“executive branch policies, deliberations, decisions, activities, and internal and external communications related to the coronavirus pandemic” under H. Res. 5.

Thank you for your prompt attention to this important matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Brad P. Wenstrup", written over a horizontal line.

Brad Wenstrup, D.P.M.  
Chairman

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