

Congress of the United States

House of Representatives

SELECT SUBCOMMITTEE ON THE CORONAVIRUS PANDEMIC

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Majority (202) 225-5074

Minority (202) 225-5051

September 6, 2023

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

Dear Director Cohen:

The Centers for Disease Control and Prevention's (CDC) Advisory Committee on Immunization Practices (ACIP) has a scheduled meeting on September 12, 2023. According to information provided during a briefing to Select Subcommittee staff, it is at this meeting that ACIP will evaluate the medical need for Americans to receive yet another booster against COVID-19.

Unfortunately, it appears that politics may play a role in this recommendation. President Biden recently stated, “[t]entatively it is recommended that it [updated COVID-19 vaccine] will likely be recommended everybody get it no matter whether they've gotten it before or not.”¹ A few days later, the White House Press Secretary reinforced President Biden's comments on this “tentative” recommendation when she said, “[the Administration will] be encouraging Americans to stay up to date on their vaccines.”² Both White House statements come shortly after your recent interview in which you announced, “we anticipate that COVID will become similar to flu shots, where it is going to be you get your annual flu shot and you get your annual COVID shot.”³ These comments suggest the Biden Administration has a preferred outcome and are very concerning. The CDC must follow medical science, not political science.

In that light, today, we write to you regarding the CDC's decision on September 24, 2021, to overrule the recommendation made a day earlier by its own advisory panel regarding COVID-19 booster shots. On September 23, 2021, ACIP, comprising 15 voting members, decided *against* recommending booster shots for those in high-risk occupations.⁴ In arriving at this advice, ACIP noted that younger people with no underlying medical conditions should

¹ Greg Wehner, *Biden plans to ask Congress for funding to develop new COVID vaccine, may recommend shot for all*, FOX NEWS (Aug. 26, 2023).

² Jamie Joseph, *Biden Administration will encourage Americans to get new COVID-19 vaccine, KJP says*, FOX NEWS (Aug. 28, 2023).

³ Reuben Jones & Justin Tasolides, *CDC likely to recommend annual COVID shot similar to flu, director says*, SPECTRUM NEWS (Jul. 27, 2023), available at <https://www.nyl.com/nyc/all-boroughs/news/2023/07/27/cdc-director-covid-shot-annual->

⁴ Maggie Fox, *CDC advisers recommend booster doses Covid-19 vaccine for certain adults only*, CNN (Sep. 23, 2021).

consult their physician to determine if the risks of a booster shot outweigh the benefits.⁵ ACIP specifically noted the risk of myocarditis in young men in advising against broadly recommending booster shots for those in high-risk occupations.⁶ Yet, former Director Walensky, disregarded this aspect of ACIP's advice and included this younger, healthier cohort anyway.⁷

In the early morning hours of September 24, 2021, the CDC said that Director Walensky "endorsed [ACIPS'] recommendation...and also recommended a booster dose for those in high risk occupational and institutional settings."⁸ This statement completely brushes over the fact that Director Walensky disregarded the carefully considered guidance of the expert panel composed of 15 voting members, eight *ex officio* members, and 30 non-voting representatives designed to inform vaccine policy. ACIP had reasonable concerns about the necessity and feasibility of such a recommendation, which Director Walensky chose to ignore after mere hours of deliberation following the panel's recommendations.⁹ This highly capricious decision is even more concerning due to the broad authority that the CDC Director—a position that is not currently subject to the advice and consent of the United States Senate—wields in making decisions about Americans' health.

The Select Subcommittee is tasked with assessing government policy during the coronavirus pandemic, but also with recommending appropriate policy for future pandemics. The Select Subcommittee therefore writes to you today to better understand how and why this decision to overrule ACIP in 2021 was made. Specifically, the Select Subcommittee requests the following information and documents as soon as possible but no later than September 20, 2023:

1. All documents, materials, and internal and external communications concerning the ACIP's September 23, 2021 COVID-19 booster shot recommendations, including but not limited to documents, materials, and internal and external communications ACIP *relied upon* in arriving at its recommendations.
2. All documents, materials, internal and external communications concerning former Director Walensky's September 24, 2021 decision to include "high risk occupational and institutional settings" in the CDC's official recommendation for COVID-19 booster doses, including but not limited to documents, materials, and internal and external communications the CDC *relied upon* in arriving at this decision.

The Select Subcommittee is authorized to investigate "the development of vaccines and treatments..." and "executive branch policies, deliberations, decisions, activities, and internal

⁵ Sasha Pezenik, et al., *CDC director overrules panel on Pfizer boosters for front-line workers*, ABC NEWS (Sep. 24, 2021).

⁶ Michael Erman & Manas Mishra, *U.S. CDC backs COVID-19 boosters for high-risk adults, workers, older Americans*, REUTERS (Sep. 24, 2021).

⁷ *Id.*

⁸ Press Release, Centers for Disease Control & Prevention, *CDC Statement on ACIP Booster Recommendations* (Sep. 24, 2021).

⁹ *Supra*, n. 5.

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and external communications related to the coronavirus pandemic" under H. Res. 5. Please contact the Committee staff at (202) 225-5074 to ask any follow-up or related questions.

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