

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

October 10, 2023

The Honorable Andrew M. Cuomo
Former Governor, State of New York
C/O Ms. Rita Glavin, Esq.
Principal
Glavin, PLLC
156 W. 56th St., Suite 2004
New York, NY 10019
[TRANSMITTED VIA EMAIL]

Dear Mr. Cuomo:

The Select Subcommittee on the Coronavirus Pandemic (Select Subcommittee) wrote to you on May 19, 2023, asking for documents and information regarding COVID-19 positive patients in New York nursing homes.¹ In particular, the Select Subcommittee is investigating how the State of New York implemented federal guidance from both the Centers for Medicare and Medicaid Services and Centers for Disease Control and Prevention regarding protecting residents in nursing homes and other long term care facilities.

To date, we have not received a single document from you. The Select Subcommittee is comprised of physicians from both sides of the aisle and members who take our responsibilities seriously. Thousands of Americans dying is not, and should never be, partisan, as your spokesperson has publicly claimed.

Contrary to your and your spokesman's unfortunate statements, this investigation is the result of *your* clearly medically misguided decision to expose New York's most vulnerable to COVID-19 by issuing the "must admit" orders, which had predicable but deadly consequences for 15,000 nursing home residents. Any attempt to cover up the truth and conceal culpability is not acceptable to the American people. The Select Subcommittee is committed to a transparent investigation and expects you to be forthcoming during this process.

The goal of the Select Subcommittee is to perform an after action report and postmortem of the response to the COVID-19 pandemic. By investigating the events that took place during the pandemic, we seek to learn what worked and what did not in an effort to better protect the nation in the future.

¹ Letter from Brad Wenstrup, D.P.M., Chairman, Select Subcomm. on the Coronavirus Pandemic & Nicole Malliotakis, Member of Congress, to Andrew M. Cuomo, Governor of New York (May 19, 2023).

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Accordingly, the Select Subcommittee will not tolerate any further delay to its investigation. And, in addition, the information gleaned from this investigation will also serve to inform potential future legislation to improve governmental responses to future pandemics. As such, we reiterate the requests in our letter dated May 19, 2023, to produce records and data as soon as possible, but no later than October 17, 2023. If you fail to adequately produce records responsive to our requests, the Select Subcommittee evaluate pursuing the compulsory process.

The Select Subcommittee on the Coronavirus Pandemic is authorized to investigate “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 “executive branch policies, deliberations, decisions, activities, and internal and external communications related to the coronavirus pandemic” under H. Res. 5.

Further, House Rule XI clause 2(m)(1)(B) grants Committees of the House of Representatives with the authority “to require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents as it considers necessary.”

Thank you for your attention to this very important matter.

Sincerely,



Brad Wenstrup, D.P.M.
Chairman
Select Subcommittee on the
Coronavirus Pandemic



Nicole Malliotakis
Member of Congress

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