

Congress of the United States

House of Representatives

SELECT SUBCOMMITTEE ON THE CORONAVIRUS PANDEMIC

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February 16, 2024

The Honorable Melanie Anne Egorin
Assistant Secretary for Legislation
Department of Health and Human Services
200 Independence Ave., S.W.
Washington, D.C. 20201

Dear Assistant Secretary Egorin:

On January 31, 2024, you testified at a hearing before the Select Subcommittee on the Coronavirus Pandemic (Select Subcommittee) regarding compliance by the Department of Health and Human Services (Department) with requests for documents and information made by the Select Subcommittee.¹ While the Select Subcommittee appreciates your willingness to appear voluntarily for public testimony, your inability to answer simple questions regarding the Department's compliance displayed a lack of preparation and seriousness that is unacceptable.

This hearing was necessary to conduct a thorough and thoughtful investigation into the pandemic. The Select Subcommittee must have access to all relevant documents, and we know, for a fact, that the Department is currently withholding critical documents. The Department's failure to provide the requested documents is unacceptable.

At the hearing, you were asked simple questions regarding the process used by the Department to respond to Congressional inquiries. Answers to these questions would allow the Select Subcommittee to properly evaluate the Department's record of compliance with the Select Subcommittee's requests. Unfortunately, you did not have those answers "in front of you."² Again, this is unacceptable.

In addition, you were asked if you would commit to producing every responsive document in the Department's possession. Your answer promised only "to continue to work with you to make sure that we are producing documents based on the priorities of the Committee, of the Subcommittee, and that we will continue to produce documents and continue to have this conversation."³ The Department's unwillingness to commit to fully complying with the Select Subcommittee's requests remains unacceptable.

¹ *Overseeing the Department of Health and Human Services' Compliance with Congress: Hearing Before the Select Subcomm. on the Coronavirus Pandemic*, 118th Cong. (Jan. 31, 2024).

² *Id.*

³ *Id.*

Despite not answering questions at the hearing, you indicated that “if ... submitted as a question for the record, we are happy to be responsive.”⁴ Accordingly, as an accommodation to the Department, the Select Subcommittee has compiled a list of questions some of which you either refused to answer or did not know the answer to.

Please provide written responses to the following questions no later than March 1, 2024. If you fail to submit timely and satisfactory answers to these questions, the Select Subcommittee will evaluate the use of the compulsory process to obtain the testimony of Department employees who know the answers to these questions.

1. Regarding the Select Subcommittee’s February 13, 2023 Letter:
 - a. What potential custodians were identified?
 - b. When did the Department first conduct custodial interviews?
 - c. Who did the Department conduct custodial interviews with?
 - d. When was the first search of a custodial inbox conducted?
 - e. What search terms were used to determine responsiveness?
 - f. How many total responsive documents were identified?
2. Regarding the Select Subcommittee’s March 10, 2023 Letter:
 - a. What potential custodians were identified?
 - b. When did the Department first conduct custodial interviews?
 - c. Who did the Department conduct custodial interviews with?
 - d. When was the first search of a custodial inbox conducted?
 - e. What search terms were used to determine responsiveness?
 - f. How many total responsive documents were identified?
3. Regarding the Select Subcommittee’s March 28, 2023 Letter:
 - a. What potential custodians were identified?
 - b. When did the Department first conduct custodial interviews?
 - c. Who did the Department conduct custodial interviews with?
 - d. When was the first search of a custodial inbox conducted?
 - e. What search terms were used to determine responsiveness?
 - f. How many total responsive documents were identified?
4. Regarding the Select Subcommittee’s June 1, 2023 Letter:
 - a. What potential custodians were identified?
 - b. When did the Department first conduct custodial interviews?
 - c. Who did the Department conduct custodial interviews with?
 - d. When was the first search of a custodial inbox conducted?
 - e. What search terms were used to determine responsiveness?
 - f. How many total responsive documents were identified?
5. Regarding the Select Subcommittee’s August 1, 2023 Letter:

⁴ *Id.*

- a. What potential custodians were identified?
 - b. When did the Department first conduct custodial interviews?
 - c. Who did the Department conduct custodial interviews with?
 - d. When was the first search of a custodial inbox conducted?
 - e. What search terms were used to determine responsiveness?
 - f. How many total responsive documents were identified?
6. Regarding the Select Subcommittee's August 2, 2023 Letter:
 - a. What potential custodians were identified?
 - b. When did the Department first conduct custodial interviews?
 - c. Who did the Department conduct custodial interviews with?
 - d. When was the first search of a custodial inbox conducted?
 - e. What search terms were used to determine responsiveness?
 - f. How many total responsive documents were identified?
7. Regarding the Select Subcommittee's August 23, 2023 Letter:
 - a. What potential custodians were identified?
 - b. When did the Department first conduct custodial interviews?
 - c. Who did the Department conduct custodial interviews with?
 - d. When was the first search of a custodial inbox conducted?
 - e. What search terms were used to determine responsiveness?
 - f. How many total responsive documents were identified?
8. Regarding the Select Subcommittee's September 6, 2023 Letter:
 - a. What potential custodians were identified?
 - b. When did the Department first conduct custodial interviews?
 - c. Who did the Department conduct custodial interviews with?
 - d. When was the first search of a custodial inbox conducted?
 - e. What search terms were used to determine responsiveness?
 - f. How many total responsive documents were identified?
9. Regarding the Select Subcommittee's September 14, 2023 Letter:
 - a. What potential custodians were identified?
 - b. When did the Department first conduct custodial interviews?
 - c. Who did the Department conduct custodial interviews with?
 - d. When was the first search of a custodial inbox conducted?
 - e. What search terms were used to determine responsiveness?
 - f. How many total responsive documents were identified?
10. Regarding the Select subcommittee's September 16, 2023 Letter:
 - a. What potential custodians were identified?
 - b. When did the Department first conduct custodial interviews?
 - c. Who did the Department conduct custodial interviews with?
 - d. When was the first search of a custodial inbox conducted?
 - e. What search terms were used to determine responsiveness?

- f. How many total responsive documents were identified?
11. Regarding the Select Subcommittee's October 5, 2023 Letter:
- a. What potential custodians were identified?
 - b. When did the Department first conduct custodial interviews?
 - c. Who did the Department conduct custodial interviews with?
 - d. When was the first search of a custodial inbox conducted?
 - e. What search terms were used to determine responsiveness?
 - f. How many total responsive documents were identified?
12. Regarding the Select Subcommittee's November 2, 2023 Letter:
- a. What potential custodians were identified?
 - b. When did the Department first conduct custodial interviews?
 - c. Who did the Department conduct custodial interviews with?
 - d. When was the first search of a custodial inbox conducted?
 - e. What search terms were used to determine responsiveness?
 - f. How many total responsive documents were identified?

The Select Subcommittee is authorized to investigate the "cooperation by the executive branch and others with Congress, the Inspectors General, the Government Accountability Office, and others in connection with oversight of the preparedness for and response to the coronavirus pandemic" under H.R. 5.⁵ To 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 R. Wenstrup, D.P.M.
Chairman

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

⁵ H. Res. 5 § 4(a)(2023).