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SELECT SUBCOMMITTEE ON THE CORONAVIRUS CRISIS

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June 22, 2020

The Honorable Michael R. Pence
Vice President
The White House
1600 Pennsylvania Avenue, N.W.
Washington, D.C. 20500

The Honorable Alex M. Azar II
Secretary
Department of Health and Human Services
200 Independence Avenue, S.W.
Washington, D.C. 20201

Dr. Robert R. Redfield
Director
Centers for Disease Control and Prevention
395 E Street, S.W., Suite 9100
Washington, D.C. 20201

Dear Vice President Pence, Secretary Azar, and Director Redfield:

I am writing to request documents and information on the Administration's plans for testing, contact tracing, targeted containment, and other public health measures to combat the rising number of coronavirus cases across the United States and prevent further spread of the virus.

The United States has failed to contain the coronavirus pandemic, which has killed more people in this country than any other nation on Earth. Rather than acknowledge this grave failure and seek to improve our nation's response, the Administration has downplayed the problem. This weekend, President Trump said he told people to "slow the testing down" because he was unhappy with how many cases were being identified, and Vice President Pence wrote last week that fears of a second wave are "overblown." No American should go untested because the President fears an accurate count of infections, and there is nothing "overblown" about saving American lives. I am concerned that efforts to minimize the problem could waste precious time needed to protect Americans. I urge the Administration to act quickly to ensure our communities have the testing, tracing, targeted containment, and other public health measures they need to prevent more unnecessary deaths.

Over the past month some states, encouraged by the Administration, have moved to relax public health restrictions. Our country is now facing an alarming surge in new coronavirus infections. During the past two weeks, 23 states saw a rise in new infections,¹ with some of the nation's most populous states—such as Florida and Texas—reporting record increases.² Hospital admissions have increased in at least 15 states, including Arizona, Florida, Texas, and Utah.³

Despite clear evidence that the virus is continuing to spread, the Administration has asserted that current levels of testing are sufficient—and has even blamed testing for the spike in cases. On May 24, the Department of Health and Human Services wrote that approximately 300,000 tests per day were being performed and stated that, based on academic models and “correct assumptions,” this number was sufficient to contain the virus.⁴ On June 15, as new cases rose, Vice President Pence wrote an op-ed denying the country was facing a second wave of the coronavirus outbreak and asserting, “Such panic is overblown.” He also claimed that “increased testing” has allowed public health officials to “contain” coronavirus outbreaks in the hardest hit states. The Vice President concluded: “We are winning the fight against the invisible enemy.”⁵

On June 20, President Trump discussed testing at a campaign rally in Tulsa, Oklahoma, calling it “a double-edged sword.” He stated: “When you do testing to that extent, you’re going to find more people, you’re going to find more cases, so I said to my people, ‘Slow the testing down, please.’”⁶ After this speech, the White House asserted that the President was “speaking in jest,” but he has repeatedly expressed similar sentiments. For example, on May 14, the President said testing may be “overrated,” and stated: “When you test, you have a case. When you test,

¹ *Coronavirus in the U.S.: Latest Map and Case Count*, New York Times (June 22, 2020) (online at www.nytimes.com/interactive/2020/us/coronavirus-us-cases.html?action=click&pgtype=Article&state=default&module=styln-coronavirus-national&variant=show®ion=TOP_BANNER&context=storylines_menu).

² *Coronavirus Cases Are Spiking & Experts Say Florida Has ‘All the Markings of Next Epicenter,’* CBS Miami (June 18, 2020) (online at miami.cbslocal.com/2020/06/18/coronavirus-spiking-florida-markings-for-next-epicenter/).

³ *15 States Report Increases in Coronavirus Hospital Admissions*, ABC News (June 18, 2020) (online at abcnews.go.com/GMA/News/video/15-states-report-increases-coronavirus-hospital-admissions-71316786).

⁴ Department of Health and Human Services, *COVID-19 Strategic Testing Plan* (May 24, 2020) (online at www.democrats.senate.gov/whstrat).

⁵ *There Isn’t a Coronavirus ‘Second Wave,’* Wall Street Journal (June 16, 2020) (online at www.wsj.com/articles/there-isnt-a-coronavirus-second-wave-11592327890); *Pence Misleadingly Blames Coronavirus Spikes on Rise in Testing*, New York Times (June 15, 2020) (online at www.nytimes.com/2020/06/15/us/politics/pence-coronavirus-governors.html).

⁶ *Trump Tells Tulsa Crowd He Wanted to ‘Slow Down’ COVID-19 Testing, W.H. Says He Was Joking*, NBC News (June 20, 2020) (online www.nbcnews.com/politics/2020-election/trump-tells-tulsa-crowd-he-wanted-slow-down-covid-19-n1231658); *President Trump Touts US Testing for Coronavirus, But Calls It ‘Double-Edged Sword,’* WUSA9 (June 16, 2020) (online at www.wusa9.com/article/news/health/coronavirus/trump-coronavirus-stop-testing-few-cases/507-806e5347-5636-471b-bde9-d5d46dc3991b).

you find something is wrong with people. If we didn't do any testing, we would have very few cases."⁷ He reiterated the point on June 15, stating, "If we stop testing right now, we'd have very few cases, if any."⁸ Just today, when asked in an interview whether he requested testing be slowed down, the President responded: "If it did slow down – frankly, I think we're way ahead of ourselves, if you want to know the truth. We've done too good of a job."⁹

Experts disagree with the Administration's dismissal of the recent rise in cases as a product of increased testing and with assertions that current testing levels are sufficient to contain the virus. Dr. Ashish Jha of the Harvard Global Health Institute recently warned:

The reality is that the virus is with us. The reality is that the first wave only hit a small number of places—now it's coming to every other place. It's coming to a county or a city or a state near you.¹⁰

Director of the National Institute of Allergy and Infectious Diseases Dr. Anthony Fauci said that he is "concerned" by recent increases in cases, noting, "if you look at the curve of cases in the United States, and look at the total country, that is not a sharp decline by any means."¹¹ Dr. Fauci also rejected the suggestion that increased testing alone accounts for recent spikes in cases, explaining some states "have a real increase in the percent of the tests that are positive" and in the number of hospitalizations.¹²

Public health experts also say the country needs significantly more testing to control the spread of the coronavirus. Last month, Dr. Jha told the Select Subcommittee on the Coronavirus Crisis that a plan developed by his institute shows the United States needs to conduct at least 900,000 tests per day—approximately 6.3 million per week—to reopen the economy safely.¹³

⁷ *Trump: Coronavirus Testing May Be 'Overrated' and Reason for High U.S. Case Count*, Politico (May 14, 2020) (online at www.politico.com/news/2020/05/14/trump-coronavirus-testing-high-case-numbers-259524).

⁸ *Trump on Coronavirus: 'If We Stop Testing Right Now, We'd Have Very Few Cases, If Any'*, The Hill (June 15, 2020) (online at thehill.com/policy/healthcare/502819-trump-on-coronavirus-if-we-stop-testing-right-now-wed-have-very-few-cases).

⁹ *Live Updates: Trump Declines to Say Whether He Ordered a Testing Slowdown*, Washington Post (June 22, 2020) (online at www.washingtonpost.com/nation/2020/06/22/coronavirus-live-updates-us/).

¹⁰ *Pence Tries to Declare Coronavirus Over as Trump Pushes Reopening and Campaigning*, CNN (June 17, 2020) (online at www.cnn.com/2020/06/16/politics/mike-pence-coronavirus-reopen-campaign/index.html).

¹¹ *Fauci Will Oppose Any Rush to Announce COVID-19 Vaccine Before 'Scientifically Sound'*, McClatchy (June 18, 2020) (online at www.mcclatchydc.com/news/coronavirus/article243633232.html).

¹² *Anthony S. Fauci: 'We Are Still in the First Wave' of Coronavirus*, Washington Post (June 18, 2020) (online at www.washingtonpost.com/health/2020/06/18/anthony-fauci-interview-first-wave/).

¹³ Select Subcommittee on the Coronavirus Crisis, *Briefing on "Coronavirus Testing, Tracing, and Targeted Containment: Steps to Reopen the Country"* (May 13, 2020) (online at coronavirus.house.gov/subcommittee-activity/briefings/member-briefing-testing-tracing-and-targeted-containment).

Plans developed by the Rockefeller Foundation and the Edmond J. Safra Center for Ethics at Harvard University estimate that the country will need the capacity to conduct between four and five million tests per day to protect all residents while resuming economic activity.¹⁴

The Administration also appears to be far behind in developing the robust contact tracing infrastructure necessary to address this crisis. Plans developed by experts call for widespread contact tracing and targeted isolation of exposed individuals.¹⁵ For example, one plan released in April calls for “a new national initiative that combines a massive expansion of rapid diagnostic tests in every community with an unprecedented growth in a public health workforce and adoption of new technologies dedicated to case identification and contact tracing in each state.”¹⁶ Although the Centers for Disease Control and Prevention (CDC) has issued recommendations on contact tracing and targeted containment,¹⁷ the Administration does not appear to have developed a national strategy to ensure that states deploy these measures or have the resources to do so. As a result, at least 37 states do not have enough contract tracers to contain outbreaks.¹⁸

Hundreds of Americans are dying every single day from the coronavirus—with nearly 120,000 lives lost to date, and no end in sight.¹⁹ Last week, the CDC announced that its modeling predicts a loss of 130,000 American lives by the Fourth of July.²⁰ A forecast issued by the Institute for Health Metrics and Evaluation on June 11 predicts approximately 170,000 deaths

¹⁴ Rockefeller Foundation, *COVID-19 Testing Action Plan* (Apr. 21, 2020) (online at www.rockefellerfoundation.org/report/covid-19-testing-action-plan/); Edmond J. Safra Center for Ethics, Harvard University, *Roadmap to Pandemic Resilience* (Apr. 20, 2020) (online at ethics.harvard.edu/files/center-for-ethics/files/roadmaptopandemicresilience_final_0.pdf).

¹⁵ American Enterprise Institute, *National Coronavirus Response: A Road Map to Reopening* (Mar. 28, 2020) (online at www.aei.org/wp-content/uploads/2020/03/National-Coronavirus-Response-a-Road-Map-to-Recovering-2.pdf); Rockefeller Foundation, *COVID-19 Testing Action Plan* (Apr. 21, 2020) (online at www.rockefellerfoundation.org/report/covid-19-testing-action-plan/); Edmond J. Safra Center for Ethics, Harvard University, *Roadmap to Pandemic Resilience* (Apr. 20, 2020) (online at ethics.harvard.edu/files/center-for-ethics/files/roadmaptopandemicresilience_final_0.pdf).

¹⁶ Johns Hopkins Bloomberg School of Public Health, *A National Plan to Enable Comprehensive COVID-19 Case Finding and Contact Tracing in the US* (Apr. 10, 2020) (online at www.centerforhealthsecurity.org/our-work/pubs_archive/pubs-pdfs/2020/200410-national-plan-to-contact-tracing.pdf).

¹⁷ Centers for Disease Control and Prevention, *Contact Tracing* (Jun. 21, 2020) (online at www.cdc.gov/coronavirus/2019-ncov/php/open-america/contact-tracing-resources.html).

¹⁸ *As States Reopen, Do They Have The Workforce They Need To Stop Coronavirus Outbreaks?*, National Public Radio (June 18, 2020) (online at www.npr.org/sections/health-shots/2020/06/18/879787448/as-states-reopen-do-they-have-the-workforce-they-need-to-stop-coronavirus-outbre).

¹⁹ Centers for Disease Control and Prevention, *Coronavirus Disease 2019 (COVID-19): Cases in the US* (June 21, 2020) (online at www.cdc.gov/coronavirus/2019-ncov/cases-updates/cases-in-us.html).

²⁰ *CDC Predicts 130,000 US Coronavirus Deaths by July 4, with More New Cases as States Reopen*, CNN (June 12, 2020) (online at www.cnn.com/2020/06/12/health/us-coronavirus-friday/index.html).

in the United States from the coronavirus by October 1, with a possible range between 133,000 and 290,000.²¹

Given that the views of this crisis expressed by senior Administration officials seem to differ greatly from those of public health experts—including on the severity of the problem and the importance of testing, tracing, and targeted containment—the Select Subcommittee is seeking information on the Administration’s projections and how it is determining what amount of testing, contact tracing, targeted containment, and other public health measures are needed.

For these reasons, please produce the following documents and information by July 2, 2020, for the period from January 1, 2020, to present. These requests are consistent with House Resolution 935, which established the Select Subcommittee on the Coronavirus Crisis “to conduct a full and complete investigation” of “issues related to the coronavirus crisis,” including the “preparedness for and response to the coronavirus crisis, including the planning for and implementation of testing, containment, mitigation, and surveillance activities.”

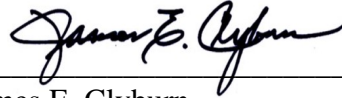
1. All projections, forecasts, models, estimates, and analyses, including underlying data, for the United States and for each U.S. state and territory regarding:
 - a. the number of active new daily coronavirus infections;
 - b. the number of deaths from the coronavirus;
 - c. the number of hospitalizations from the coronavirus;
 - d. the number of viral and antibody tests needed;
 - e. the available supply of viral and antibody tests and required testing materials, including kits, reagents, and swabs;
 - f. the number of contact tracers needed;
 - g. the available number of contact tracers;
 - h. the targeted containment measures needed; and
 - i. the targeted containment measures being taken.
2. All documents describing or analyzing the causes of the increase in coronavirus cases in June 2020 and any proposals or plans to respond to this increase.
3. All documents and communications regarding any efforts, plans, instructions, or proposals to limit or reduce the number of viral or antibody tests for the coronavirus performed in the United States or any state or territory.

²¹ *IHME Models Show Second Wave of COVID-19 Beginning September 15 in US*, Health News (June 11, 2020) (online at www.healthdata.org/news-release/ihme-models-show-second-wave-covid-19-beginning-september-15-us).

The Honorable Michael R. Pence
The Honorable Alex M. Azar II
Dr. Robert R. Redfield
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An attachment to this letter provides additional instructions for responding to the Select Subcommittee's request. If you have any questions regarding this request, please contact Select Subcommittee staff at (202) 225-4400.

Sincerely,

A handwritten signature in black ink, reading "James E. Clyburn", written over a horizontal line.

James E. Clyburn
Chairman

Enclosure

cc: The Honorable Steve Scalise, Ranking Member

Responding to Oversight Committee Document Requests

1. In complying with this request, produce all responsive documents that are in your possession, custody, or control, whether held by you or your past or present agents, employees, and representatives acting on your behalf. Produce all documents that you have a legal right to obtain, that you have a right to copy, or to which you have access, as well as documents that you have placed in the temporary possession, custody, or control of any third party.
2. Requested documents, and all documents reasonably related to the requested documents, should not be destroyed, altered, removed, transferred, or otherwise made inaccessible to the Committee.
3. In the event that any entity, organization, or individual denoted in this request is or has been known by any name other than that herein denoted, the request shall be read also to include that alternative identification.
4. The Committee's preference is to receive documents in electronic form (i.e., CD, memory stick, thumb drive, or secure file transfer) in lieu of paper productions.
5. Documents produced in electronic format should be organized, identified, and indexed electronically.
6. Electronic document productions should be prepared according to the following standards:
 - a. The production should consist of single page Tagged Image File ("TIF"), files accompanied by a Concordance-format load file, an Opticon reference file, and a file defining the fields and character lengths of the load file.
 - b. Document numbers in the load file should match document Bates numbers and TIF file names.
 - c. If the production is completed through a series of multiple partial productions, field names and file order in all load files should match.
 - d. All electronic documents produced to the Committee should include the following fields of metadata specific to each document, and no modifications should be made to the original metadata:

BEGDOC, ENDDOC, TEXT, BEGATTACH, ENDATTACH, PAGECOUNT, CUSTODIAN, RECORDTYPE, DATE, TIME, SENTDATE, SENTTIME, BEGINDATE, BEGINTIME, ENDDATE, ENDTIME, AUTHOR, FROM, CC, TO, BCC, SUBJECT, TITLE, FILENAME, FILEEXT, FILESIZE, DATECREATED, TIMECREATED, DATELASTMOD, TIMELASTMOD,

INTMSGID, INTMSGHEADER, NATIVELINK, INTFILPATH, EXCEPTION,
BEGATTACH.

7. Documents produced to the Committee should include an index describing the contents of the production. To the extent more than one CD, hard drive, memory stick, thumb drive, zip file, box, or folder is produced, each should contain an index describing its contents.
8. Documents produced in response to this request shall be produced together with copies of file labels, dividers, or identifying markers with which they were associated when the request was served.
9. When you produce documents, you should identify the paragraph(s) or request(s) in the Committee's letter to which the documents respond.
10. The fact that any other person or entity also possesses non-identical or identical copies of the same documents shall not be a basis to withhold any information.
11. The pendency of or potential for litigation shall not be a basis to withhold any information.
12. In accordance with 5 U.S.C. § 552(d), the Freedom of Information Act (FOIA) and any statutory exemptions to FOIA shall not be a basis for withholding any information.
13. Pursuant to 5 U.S.C. § 552a(b)(9), the Privacy Act shall not be a basis for withholding information.
14. If compliance with the request cannot be made in full by the specified return date, compliance shall be made to the extent possible by that date. An explanation of why full compliance is not possible shall be provided along with any partial production.
15. In the event that a document is withheld on the basis of privilege, provide a privilege log containing the following information concerning any such document: (a) every privilege asserted; (b) the type of document; (c) the general subject matter; (d) the date, author, addressee, and any other recipient(s); (e) the relationship of the author and addressee to each other; and (f) the basis for the privilege(s) asserted.
16. If any document responsive to this request was, but no longer is, in your possession, custody, or control, identify the document (by date, author, subject, and recipients), and explain the circumstances under which the document ceased to be in your possession, custody, or control.
17. If a date or other descriptive detail set forth in this request referring to a document is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the request, produce all documents that would be responsive as if the date or other descriptive detail were correct.

18. This request is continuing in nature and applies to any newly-discovered information. Any record, document, compilation of data, or information not produced because it has not been located or discovered by the return date shall be produced immediately upon subsequent location or discovery.
19. All documents shall be Bates-stamped sequentially and produced sequentially.
20. Two sets of each production shall be delivered, one set to the Majority Staff and one set to the Minority Staff. When documents are produced to the Committee, production sets shall be delivered to the Majority Staff in Room 2157 of the Rayburn House Office Building and the Minority Staff in Room 2105 of the Rayburn House Office Building.
21. Upon completion of the production, submit a written certification, signed by you or your counsel, stating that: (1) a diligent search has been completed of all documents in your possession, custody, or control that reasonably could contain responsive documents; and (2) all documents located during the search that are responsive have been produced to the Committee.

Definitions

1. The term “document” means any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, data, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, communications, electronic mail (email), contracts, cables, notations of any type of conversation, telephone call, meeting or other inter-office or intra-office communication, bulletins, printed matter, computer printouts, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electric records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape, or otherwise. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.
2. The term “communication” means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether in a meeting, by telephone, facsimile, mail, releases, electronic

message including email (desktop or mobile device), text message, instant message, MMS or SMS message, message application, or otherwise.

3. The terms “and” and “or” shall be construed broadly and either conjunctively or disjunctively to bring within the scope of this request any information that might otherwise be construed to be outside its scope. The singular includes plural number, and vice versa. The masculine includes the feminine and neutral genders.
4. The term “including” shall be construed broadly to mean “including, but not limited to.”
5. The term “Company” means the named legal entity as well as any units, firms, partnerships, associations, corporations, limited liability companies, trusts, subsidiaries, affiliates, divisions, departments, branches, joint ventures, proprietorships, syndicates, or other legal, business or government entities over which the named legal entity exercises control or in which the named entity has any ownership whatsoever.
6. The term “identify,” when used in a question about individuals, means to provide the following information: (a) the individual’s complete name and title; (b) the individual’s business or personal address and phone number; and (c) any and all known aliases.
7. The term “related to” or “referring or relating to,” with respect to any given subject, means anything that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with, or is pertinent to that subject in any manner whatsoever.
8. The term “employee” means any past or present agent, borrowed employee, casual employee, consultant, contractor, de facto employee, detailee, fellow, independent contractor, intern, joint adventurer, loaned employee, officer, part-time employee, permanent employee, provisional employee, special government employee, subcontractor, or any other type of service provider.
9. The term “individual” means all natural persons and all persons or entities acting on their behalf.