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July 14, 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

Dear Vice President Pence and Secretary Azar:

I am writing regarding the Trump Administration's refusal to allow Dr. Anthony Fauci and other key public health officials to testify before the Select Subcommittee on the Coronavirus Crisis, as well as your failure to produce critical documents on the Administration's plans to combat the deadly coronavirus pandemic. The Administration's failure to contain the outbreak earlier this year has led to a wider crisis. It is imperative that Congress and the American people hear directly from the federal government's top health experts about how the Administration intends to address this dire situation.

Containing the coronavirus outbreak in the United States is of the utmost urgency. More than 135,000 Americans have died, and the death rate has gone up by 28% over the last two weeks.¹ The rate of new infections has been climbing for over a month, reaching a record 68,000 new cases on Friday, July 10. Just 12 states are currently conducting the recommended level of testing to contain the virus. Hotspots like Arizona, Florida, Texas, and South Carolina are conducting less than 25% of recommended tests.² In fact, just yesterday, President Trump's former White House Acting Chief of Staff, Mick Mulvaney, wrote:

¹ *Coronavirus in the U.S.: Latest Map and Case Count*, New York Times (July 13, 2020) (online at www.nytimes.com/interactive/2020/us/coronavirus-us-cases.html); New York Times homepage (last viewed July 13, 2020) (online at www.nytimes.com).

² *Is Your State Doing Enough Coronavirus Testing?*, New York Times (July 12, 2020) (online at www.nytimes.com/interactive/2020/us/coronavirus-testing.html?action=click&module=Top%20Stories&pgtype=Homepage).

I know it isn't popular to talk about in some Republican circles, but we still have a testing problem in this country. My son was tested recently; we had to wait 5 to 7 days for results. My daughter wanted to get tested before visiting her grandparents, but was told she didn't qualify. That is simply inexcusable at this point in the pandemic.³

On June 22, 2020, the Select Subcommittee wrote to you requesting documents on the Administration's plans to contain the coronavirus. Specifically, the letter requested documents by July 2, 2020, showing the demand and supply for testing, contact tracing, and other countermeasures; the causes of the recent explosion in cases; and the Administration's efforts to—in the President's words—"slow the testing down." The letter warned, "Our country is now facing an alarming surge in new coronavirus infections," and urged 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."⁴

The Administration did not produce any of the requested documents by the due date. After repeated follow-up efforts by Subcommittee staff, Department of Health and Human Services (HHS) staff stated that a production would arrive on July 10. No production arrived on that date. Since then, Subcommittee staff has continued to engage with Department staff to seek production of these documents.

On June 29, 2020, the Select Subcommittee invited Secretary Azar; Dr. Fauci, Director of the National Institute of Allergy and Infectious Diseases; and Dr. Deborah Birx, the Administration's Coronavirus Response Coordinator, to testify on July 21, 2020, on the Administration's plans for testing, tracing, and targeted containment during the coronavirus pandemic. The Subcommittee also requested their testimony on the Administration's efforts to "ensure that sufficient public health measures are taken to control the spread of the virus and protect American lives." The Subcommittee's letter requested a response by July 6, 2020.⁵

The Administration did not respond to the invitations by the due date, despite outreach from Subcommittee staff. During calls on June 8, 9, and 10, 2020, White House and HHS staff refused to make any of the requested witnesses available, and instead insisted that the Subcommittee accept different, mostly lower-level officials.

³ Mick Mulvaney, *Op-ed: The Next Stimulus Bill Should Focus on Dealing with Covid-19*, CNBC (July 13, 2020) (online at www.cnbc.com/2020/07/13/mick-mulvaney-next-stimulus-bill-should-deal-with-covid-19.html).

⁴ Letter from Chairman James E. Clyburn, Select Subcommittee on the Coronavirus Crisis, to Vice President Mike Pence, Secretary of Health and Human Services Alex M. Azar II, and Centers for Disease Control and Prevention Director Dr. Robert R. Redfield (June 22, 2020) (online at coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2020-06-22.Clyburn%20to%20Task%20Force%20re%20Testing.pdf).

⁵ Letter from Chairman James E. Clyburn, Select Subcommittee on the Coronavirus Crisis, to Secretary of Health and Human Services Alex M. Azar II (June 29, 2020); Letter from Chairman James E. Clyburn, Select Subcommittee on the Coronavirus Crisis, to Dr. Anthony Fauci, Director of the National Institutes of Allergy and Infectious Diseases (June 29, 2020); Letter from Chairman James E. Clyburn, Select Subcommittee on the Coronavirus Crisis, to Dr. Deborah L. Birx, U.S. Global AIDS Coordinator and U.S. Special Representative for Global Health Diplomacy, Department of State (June 29, 2020).

With respect to Dr. Fauci, White House and HHS staff asserted he was unavailable to testify during the entire month of July, claiming, “He is unavailable and is dedicated to the mission at hand.” Yet press reports indicate that the White House has been restricting Dr. Fauci from speaking to the public while simultaneously limiting his role in the Administration’s response efforts. For example, one report states:

[A]s the Trump administration has strayed from the advice of many of its scientists and public health experts, the White House has moved to sideline Fauci, scuttled some of his planned TV appearances and largely kept him out of the Oval Office for more than a month even as coronavirus infections surge in large swaths of the country.⁶

Other reports indicate that the White House is seeking to publicly undermine Dr. Fauci by circulating a critical statement “which resembled opposition research on a political opponent.” According to these reports, some White House officials believe Dr. Fauci is not sufficiently focused on “the best interest of the President.”⁷ It would be highly inappropriate for this Administration to block a distinguished public health official from testifying before Congress because he may provide a perspective that differs from the political views expressed by President Trump.

With respect to Secretary Azar, HHS staff initially stated he will be “on travel” on the day of the hearing. When Subcommittee staff asked about alternate dates in the month of July in order to accommodate the Secretary’s schedule, White House and HHS staff stated that Secretary Azar was unavailable to testify during the entire month of July because he was busy “on the ground” addressing the pandemic. They suggested that Secretary Azar may be willing to testify before Congress in September or October. Secretary Azar is the most senior health official in the executive branch and oversees the Administration’s coronavirus testing plans. Yet he last testified before Congress in February 2020—before the President declared a national emergency due to the coronavirus outbreak on March 13, 2020.

With respect to Dr. Birx, the White House wrote a letter to the Subcommittee on July 10, 2020, stating, “We respectfully decline the invitation to make Dr. Birx available for testimony.”⁸ The letter claimed this refusal was based on “precedent”—despite the fact that more than 90 senior White House officials from both Democratic and Republican administrations have testified before Congress.⁹ Dr. Birx has never testified before Congress regarding the coronavirus pandemic, even though the White House has described her as a “world-renowned

⁶ *Fauci Is Sidelined by the White House as He Steps Up Blunt Talk on Pandemic*, Washington Post (July 11, 2020) (online at www.washingtonpost.com/politics/2020/07/11/fauci-trump-coronavirus/).

⁷ *White House Takes Aim at Fauci as He Disagrees with Trump on Virus*, CNN (July 13, 2020) (online at www.cnn.com/2020/07/12/politics/fauci-trump-coronavirus/index.html).

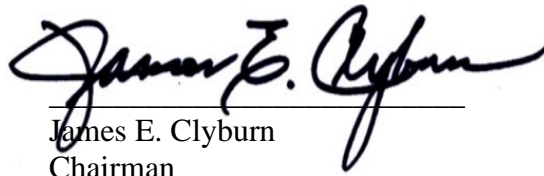
⁸ Letter from Deputy Counsel to the President Michael M. Purpura to Chairman James E. Clyburn, Select Subcommittee on the Coronavirus Crisis (July 10, 2020).

⁹ Co-Equal, *White House Aides* (last viewed July 12, 2020) (online at www.co-equal.org/guide-to-congressional-oversight/white-house-aides).

global health official and physician” who is providing “interagency expertise and coordination” during the coronavirus crisis.¹⁰

The White House has not provided sufficient or timely information to the public and Congress about how it plans to address this outbreak. It stopped providing daily briefings on April 27 and has only held occasional public briefings since.¹¹ With hundreds of Americans dying each day from the coronavirus and no end in sight, it is imperative that the White House and HHS stop obstructing the Select Subcommittee’s inquiry into the steps needed to contain this outbreak. As a further accommodation, I am willing to extend the deadline to respond to the Subcommittee’s requests for documents and testimony until Wednesday, July 15, 2020. As always, the Subcommittee welcomes the opportunity to discuss these issues with you or your staff. However, if the Administration does not produce the requested documents and make these critical witnesses available, I may be forced to consider additional steps to obtain compliance.

Sincerely,



James E. Clyburn
Chairman

cc: The Honorable Steve Scalise, Ranking Member

¹⁰ The White House, *Vice President Pence Announces Ambassador Debbie Birx to Serve as the White House Coronavirus Response Coordinator* (Feb. 27, 2020) (online at www.whitehouse.gov/briefings-statements/vice-president-pence-announces-ambassador-debbie-birx-serve-white-house-coronavirus-response-coordinator/).

¹¹ *White House Coronavirus Task Force Holds First Briefing in Months as Outbreak Spreads*, CNBC (June 26, 2020) (online at www.cnbc.com/2020/06/26/watch-live-coronavirus-task-force-holds-first-briefing-in-months-as-outbreak-spreads.html).