

Congress of the United States  
House of Representatives

SELECT SUBCOMMITTEE ON THE CORONAVIRUS CRISIS

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November 22, 2021

Dr. Stephen M. Hahn  
Austin, TX

Dear Dr. Hahn:

The Select Subcommittee on the Coronavirus Crisis is investigating the federal government's response to the coronavirus pandemic in order to better understand what went wrong, identify ways to improve the country's response, and determine what corrective steps are necessary to ensure our nation is better prepared for any future public health crisis. Our investigations have found that the Trump Administration engaged in a persistent pattern of political interference in the pandemic response and took actions that allowed the virus to spread in an attempt to advance former President Trump's electoral prospects. These efforts included attempts to improperly interfere with the Food and Drug Administration's (FDA) review of coronavirus therapeutics and vaccines. As the former FDA Commissioner and a member of the Trump Administration's White House Coronavirus Task Force, you were personally involved in key events under investigation. I therefore write to you today to request a transcribed interview, as well as any relevant documents that are in your possession.

**Trump Administration Officials Pressured FDA to Authorize Hydroxychloroquine and Convalescent Plasma Therapy**

The Select Subcommittee's investigations have shed new light on efforts within the Trump White House to advocate for the widespread use of hydroxychloroquine, an unproven treatment President Trump touted as a "game changer" to the American public.<sup>1</sup> New documents reveal that in the period immediately following FDA's decision to grant an emergency use authorization (EUA) for chloroquine and hydroxychloroquine, a senior FDA official warned you directly about the questionable science and underlying health risks associated with the use of these drugs as coronavirus treatments.

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<sup>1</sup> See, e.g., Letter from Chairman James E. Clyburn, Select Subcommittee on the Coronavirus Crisis, to Peter K. Navarro, Professor Emeritus, Paul Merage School of Business, University of California, Irvine (Sept. 14, 2021) (online at <https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2021-09-14.Clyburn%20to%20Peter%20Navarro%20re%20Production%20Request.pdf>); Memorandum from Chairman James E. Clyburn, Select Subcommittee on the Coronavirus, to Members of the Select Subcommittee on the Coronavirus Crisis, *Issuance of a Subpoena to Dr. Steven J. Hatfill* (Sept. 23, 2021) (online at <https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2021.09.23%20Memorandum%20from%20Chairman%20Clyburn%20re%20S.%20Hatfill%20Subpoena.pdf>); see also *Drug Promoted by Trump as Coronavirus 'Game Changer' Increasingly Linked to Deaths*, Washington Post (May 15, 2020) (online at [www.washingtonpost.com/politics/drug-promoted-by-trump-as-coronavirus-game-changer-increasingly-linked-to-deaths/2020/05/15/85d024fe-96bd-11ea-9f5e-56d8239bf9ad\\_story.html](https://www.washingtonpost.com/politics/drug-promoted-by-trump-as-coronavirus-game-changer-increasingly-linked-to-deaths/2020/05/15/85d024fe-96bd-11ea-9f5e-56d8239bf9ad_story.html)).

On March 28, 2020, FDA granted an EUA that allowed chloroquine and hydroxychloroquine to be administered to patients hospitalized with the coronavirus. According to public reports, days later, you connected with Dr. Vladimir Zelenko—a New York physician who has become a prominent purveyor of misinformation on hydroxychloroquine and a conspiracy theorist—to discuss Dr. Zelenko’s clinical trial of hydroxychloroquine in an outpatient setting.<sup>2</sup>

New documents obtained by the Select Subcommittee reveal that you and one of your top deputies subsequently discussed internal concerns about hydroxychloroquine, including about data submitted by Dr. Zelenko. In text messages sent to you on April 8, 2020, Dr. Amy Abernethy, Principal Deputy Commissioner of Food and Drugs, warned:

I am reading through the emails you are sending - **this is a real problem (the example from Laura I)** [REDACTED] ... This is what I just sent [FDA Chief of Staff] Keagan [Lenihan] about the Zelenko data (because [REDACTED]).  
**Just want you know what I am worried about...**<sup>3</sup>

Five days later, on April 13, 2020, Dr. Abernethy told you that a study found that chloroquine was potentially unsafe:

I will send you the slides on the Brazil study. **Bottom line is that the dose of CQ [chloroquine] rec by Chinese led to increased deaths and cardiovascular events. DSMB [Data and Safety Monitoring Board] stopped study for safety.**<sup>4</sup>

On April 24, 2020, FDA issued a public warning on the use of chloroquine and hydroxychloroquine outside of hospitals or clinical trials, citing the “risk of heart rhythm

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<sup>2</sup> “I’ll Send You the Contact”: Documents Expose FDA Commissioner’s Personal Interventions on Behalf of Trump’s Favorite Chloroquine Doctor, Vanity Fair (May 27, 2020) (online at [www.vanityfair.com/news/2020/05/documents-expose-fda-commissioners-interventions-on-behalf-of-trump](http://www.vanityfair.com/news/2020/05/documents-expose-fda-commissioners-interventions-on-behalf-of-trump)).

<sup>3</sup> Text messages from Amy Abernethy, Principal Deputy Commissioner of Food and Drugs, Food and Drug Administration, to Stephen Hahn, Commissioner of Food and Drugs, Food and Drug Administration (Apr. 8, 2020) (SSCC-0036430) (online at <https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2020.04.08%20-%20SSCC-0036429%20%5bText%20Messages%20from%20Dr.%20Abernethy%5d%20FN%203%20+%20FN%204.pdf>) (emphases added). “Laura I” may be a reference to Fox News Channel host Laura Ingraham. According to the *Washington Post*, a week earlier Ms. Ingraham met privately with you, President Trump, and two doctors advocating the use of hydroxychloroquine as a coronavirus treatment. Reportedly, President Trump “emerged from that meeting seemingly determined to advocate for hydroxychloroquine to be more widely used.” *What Do You Have to Lose? : Inside Trump’s Embrace of a Risky Drug Against Coronavirus*, Washington Post (Apr. 6, 2020) (online at [www.washingtonpost.com/politics/what-do-you-have-to-lose-inside-trumps-embrace-of-a-risky-drug-against-coronavirus/2020/04/06/0a744d7e-781f-11ea-a130-df573469f094\\_story.html](http://www.washingtonpost.com/politics/what-do-you-have-to-lose-inside-trumps-embrace-of-a-risky-drug-against-coronavirus/2020/04/06/0a744d7e-781f-11ea-a130-df573469f094_story.html)).

<sup>4</sup> Text message from Amy Abernethy, Principal Deputy Commissioner of Food and Drugs, Food and Drug Administration, to Stephen Hahn, Commissioner of Food and Drugs, Food and Drug Administration (Apr. 13, 2020) (SSCC-0036432) (online at <https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2020.04.08%20-%20SSCC-0036429%20%5bText%20Messages%20from%20Dr.%20Abernethy%5d%20FN%203%20+%20FN%204.pdf>) (emphasis added).

problems.”<sup>5</sup> Despite this warning, President Trump claimed publicly the following month that he took hydroxychloroquine as a prophylactic measure outside of these settings.<sup>6</sup> FDA did not revoke the EUA for hydroxychloroquine and chloroquine until June 15.<sup>7</sup> In the months that followed, the National Institutes of Health (NIH) recommended against taking hydroxychloroquine or chloroquine to prevent or treat coronavirus infections because the drugs had been proven ineffective and instead could cause severe illness.<sup>8</sup>

Counter to FDA’s and NIH’s recommendations and in the face of opposing science, Trump White House officials continued to advocate for the widespread use of hydroxychloroquine and sought to pressure FDA to reverse its decision to revoke the EUA.<sup>9</sup> At a White House meeting immediately following FDA’s revocation of the EUA, then-Director of the White House Office of Trade and Manufacturing Policy Peter Navarro reportedly threatened you and accused FDA of being the “fucking Deep State.”<sup>10</sup> Documents recently released by the Select Subcommittee show that Mr. Navarro’s then-Senior Medical Advisor, Dr. Steven Hatfill, called for your dismissal in a September 22, 2020, letter to White House Chief of Staff Mark Meadows and advocated for “outpatient and prophylactic use of hydroxychloroquine with Zinc supplementation.”<sup>11</sup> Dr. Hatfill also corresponded with Dr. Zelenko, stating in an October 22 email that “The fight now is with the COVID Test Panel at NIH and the FDA,” and raising the possibility of a “Presidential commission for early use HCQ.”<sup>12</sup>

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<sup>5</sup> Food and Drug Administration, *FDA Cautions Against Use of Hydroxychloroquine or Chloroquine for COVID-19 Outside of the Hospital Setting or a Clinical Trial Due to Risk of Heart Rhythm Problems* (Apr. 24, 2020) (online at [www.fda.gov/drugs/fda-drug-safety-podcasts/fda-cautions-against-use-hydroxychloroquine-or-chloroquine-covid-19-outside-hospital-setting-or](https://www.fda.gov/drugs/fda-drug-safety-podcasts/fda-cautions-against-use-hydroxychloroquine-or-chloroquine-covid-19-outside-hospital-setting-or)).

<sup>6</sup> *Trump Says He’s Taking Hydroxychloroquine, Unproven Drug He’s Touted for COVID-19*, ABC News (May 19, 2020) (online at <https://abcnews.go.com/Politics/trump-taking-hydroxychloroquine-unproven-drug-touted-covid-19/story?id=70751728>).

<sup>7</sup> Food and Drug Administration, *Press Release: Coronavirus (COVID-19) Update: FDA Revokes Emergency Use Authorization for Chloroquine and Hydroxychloroquine* (June 15, 2020) (online at [www.fda.gov/news-events/press-announcements/coronavirus-covid-19-update-fda-revokes-emergency-use-authorization-chloroquine-and](https://www.fda.gov/news-events/press-announcements/coronavirus-covid-19-update-fda-revokes-emergency-use-authorization-chloroquine-and)).

<sup>8</sup> National Institutes of Health, *Chloroquine or Hydroxychloroquine and/or Azithromycin* (July 8, 2021) (online at [www.covid19treatmentguidelines.nih.gov/therapies/antiviral-therapy/chloroquine-or-hydroxychloroquine-and-or-azithromycin/](https://www.covid19treatmentguidelines.nih.gov/therapies/antiviral-therapy/chloroquine-or-hydroxychloroquine-and-or-azithromycin/)).

<sup>9</sup> Memorandum from Chairman James E. Clyburn, Select Subcommittee on the Coronavirus, to Members of the Select Subcommittee on the Coronavirus Crisis, *Issuance of a Subpoena to Dr. Steven J. Hatfill* (Sept. 23, 2021) (online at <https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2021.09.23%20Memorandum%20from%20Chairman%20Clyburn%20re%20S.%20Hatfill%20Subpoena.pdf>).

<sup>10</sup> “A Tsunami of Randoms”: *How Trump’s COVID Chaos Drowned the FDA in Junk Science*, Vanity Fair (Jan. 19, 2021) (online at [www.vanityfair.com/news/2021/01/how-trumps-covid-chaos-drowned-the-fda-in-junk-science](https://www.vanityfair.com/news/2021/01/how-trumps-covid-chaos-drowned-the-fda-in-junk-science)).

<sup>11</sup> Letter from Steven J. Hatfill, Senior Medical Advisor, The White House, to Mark Meadows, Chief of Staff, The White House (GWU-0001135 – 36) (Sept. 22, 2020) (online at <https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2020.09.22%20-%20GWU-0001135.pdf>).

<sup>12</sup> Email from Steven J. Hatfill, Senior Medical Advisor, The White House, to Vladimir Zelenko (Oct. 22, 2020) (GWU-0001934 – 35) (online at [https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2020.10.22%20-%20GWU-0001934\\_Redacted\\_0.pdf](https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2020.10.22%20-%20GWU-0001934_Redacted_0.pdf)). The email also discussed an October 16, 2020, White House petition authored by

In another widely reported incident, FDA rushed to issue an EUA for convalescent plasma on August 23, 2020, after President Trump pressured the agency to move faster in approving coronavirus treatments and vaccines. Previous reports indicate that the EUA for convalescent plasma was granted, notwithstanding the objections of National Institute of Allergy and Infectious Diseases Director Dr. Anthony Fauci and NIH Director Dr. Francis Collins, who believed insufficient data was available to determine if convalescent plasma provided a benefit to coronavirus patients.<sup>13</sup> At the press conference announcing this decision, you, along with President Trump and Department of Health and Human Services (HHS) Secretary Alex Azar, cited grossly inaccurate statistics on the effectiveness of plasma therapy. Specifically, you stated:

A 35 percent improvement in survival is a pretty substantial clinical benefit. What that means is—and if the data continue to pan out—100 people who are sick with COVID-19, 35 would have been saved because of the administration of plasma.

In an email in which you discussed your proposed talking points hours before the press conference began, you told FDA officials, “I like 35% increase in survival.” In response, Emily Miller, FDA’s top spokesperson at the time, told you to “[m]essage positive always.”<sup>14</sup> You later apologized for these inaccuracies, although Secretary Azar and President Trump did not.<sup>15</sup>

The Trump Administration’s political interference in FDA’s coronavirus work was so alarming that career FDA scientists took to the media to defend their work. On September 10, 2020, the eight senior career FDA officials who directed the agency’s scientific centers published an op-ed in *USA Today* in which they emphasized that “[p]rotecting the FDA’s independence is

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Dr. Zelenko, in which he accused Dr. Anthony Fauci, Dr. Deborah Birx, and other officials of “crimes against humanity” and “mass murder” for blocking hydroxychloroquine. See, e.g., V.Z., The White House, *We the People Ask the Federal Government to Take or Explain a Position on an Issue or Policy: Crimes Against Humanity / Mass Murder* (Oct. 16, 2020) (online at <https://web.archive.org/web/20201028205642/https://petitions.whitehouse.gov/petition/crimes-against-humanity-mass-murder>); *Dr. Vladimir Zelenko Leads a White House Petition Asking Dr. Fauci and 3 Others Be Charged and Brought to Justice for “Crimes Against Humanity / Mass Murder,”* Tech Startups (Oct. 17, 2020) (online at <https://techstartups.com/2020/10/17/dr-vladimir-zelenko-leads-white-house-petition-asking-dr-fauci-3-others-charged-brought-justice-crimes-humanity-mass-murder/>).

<sup>13</sup> *F.D.A.’s Emergency Approval of Blood Plasma Is Now on Hold*, New York Times (Aug. 19, 2020) (online at [www.nytimes.com/2020/08/19/us/politics/blood-plasma-covid-19.html](http://www.nytimes.com/2020/08/19/us/politics/blood-plasma-covid-19.html)); *Trump Touts FDA’s Emergency Authorization of Convalescent Plasma as Historic Breakthrough, But Scientists Are Doubtful*, Washington Post (Aug. 23, 2020) (online at [www.washingtonpost.com/health/2020/08/23/trump-convalescent-plasma-okay/](http://www.washingtonpost.com/health/2020/08/23/trump-convalescent-plasma-okay/)).

<sup>14</sup> Email from Emily Miller, Assistant Commissioner for Media Affairs, Food and Drug Administration, to Stephen Hahn, Commissioner, Food and Drug Administration, et al. (Aug. 23, 2020) (online at <https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2020.08.23%20FDA%20Email%20re%20Update%20TPs%20%5bEmail%20from%20Emily%20Miller%20to%20Stephen%20Hahn%5d%20FN%2014.pdf>).

<sup>15</sup> *FDA’s Hahn Apologizes for Overselling Plasma’s Benefits as a COVID-19 Treatment*, National Public Radio (Aug. 25, 2020) (online at [www.npr.org/sections/health-shots/2020/08/25/905792261/fdas-hahn-apologizes-for-overselling-plasmas-benefits-as-a-covid-19-treatment](http://www.npr.org/sections/health-shots/2020/08/25/905792261/fdas-hahn-apologizes-for-overselling-plasmas-benefits-as-a-covid-19-treatment)); *Two P.R. Experts at F.D.A. Have Been Ousted After Blood Plasma Fiasco*, New York Times (Aug. 28, 2020) (online at [www.nytimes.com/2020/08/28/health/blood-plasma-fda.html](http://www.nytimes.com/2020/08/28/health/blood-plasma-fda.html)).

essential to saving lives” and cautioned: “If the agency’s credibility is lost because of real or perceived interference, people will not rely on the agency’s safety warnings.”<sup>16</sup>

Given the sustained campaigns to promote the use of dubious coronavirus treatments, the Select Subcommittee seeks to understand the full extent and impact of Trump Administration officials’ efforts to influence these FDA decisions.

### **The Trump Administration Injected Politics into FDA’s Authorization of Coronavirus Vaccines**

Despite the September 10, 2020, public statement by FDA officials, Trump Administration officials’ attempts to improperly interfere in FDA’s pandemic-related work persisted. On September 23, President Trump injected electoral politics into FDA’s efforts to implement rigorous safety and effectiveness guidelines for any forthcoming EUA of coronavirus vaccines. At a White House press conference, the former President said that FDA’s plan “sounds like a political move” and that it “has to be approved by the White House. We may or may not approve it.”<sup>17</sup> Top White House officials reportedly blocked the vaccine approval guidelines, and Mr. Meadows “questioned the need for two months of follow-up data” prior to approval while suggesting you were “overly influenced by [your] agency’s career scientists.”<sup>18</sup> On October 6, FDA initially released the guidelines in an agency document ahead of a meeting with its outside advisory group—reportedly in an attempt to overcome the Trump White House’s efforts to block their release—after which the Trump White House finally approved the guidelines. President Trump continued to insinuate that FDA’s decisions were influenced by the upcoming election, tweeting at you directly the next day: “New FDA Rules make it more difficult for them to speed up vaccines for approval before Election Day... Just another political hit job! @SteveFDA.”<sup>19</sup>

Even after these guidelines were in place and were being followed, the Trump Administration attempted to rush the final stages of the vaccine EUA process. On December 11, 2020, amid reports that FDA was imminently planning to issue an EUA for the Pfizer-BioNTech vaccine, President Trump tweeted, “stop playing games and start saving lives,” adding: “Get the dam [sic] vaccines out NOW, Dr. Hahn.” Earlier that morning, it was reported that

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<sup>16</sup> *Senior FDA Career Executives: We’re Following the Science to Protect Public Health in Pandemic*, USA Today (Sept. 10, 2020) (online at [www.usatoday.com/story/opinion/2020/09/10/sound-science-to-meet-covid-challenges-fda-career-officials-column/5756948002](http://www.usatoday.com/story/opinion/2020/09/10/sound-science-to-meet-covid-challenges-fda-career-officials-column/5756948002)).

<sup>17</sup> *Trump Says May or May Not Approve Stricter FDA Guidelines for COVID-19 Vaccine*, Reuters (Sept. 23, 2020) (online at [www.reuters.com/article/health-coronavirus-usa-vaccine-trump/trump-says-may-or-may-not-approve-stricter-fda-guidelines-for-covid-19-vaccine-idUKW1N2G100J](http://www.reuters.com/article/health-coronavirus-usa-vaccine-trump/trump-says-may-or-may-not-approve-stricter-fda-guidelines-for-covid-19-vaccine-idUKW1N2G100J)).

<sup>18</sup> *White House Blocks New Coronavirus Vaccine Guidelines*, New York Times (Oct. 5, 2020) (online at [www.nytimes.com/2020/10/05/us/politics/coronavirus-vaccine-guidelines.html](http://www.nytimes.com/2020/10/05/us/politics/coronavirus-vaccine-guidelines.html)).

<sup>19</sup> *Trump Lashes out at FDA over Vaccine Guidelines*, The Hill (Oct. 6, 2020) (online at <https://thehill.com/homenews/administration/519929-trump-lashes-out-after-fda-shares-vaccine-guidelines>); *FDA Releases High Coronavirus Vaccine Standards Despite White House Resistance*, Roll Call (Oct. 6, 2020) (online at [www.rollcall.com/2020/10/06/fda-releases-high-coronavirus-vaccine-standards-despite-white-house-resistance/](http://www.rollcall.com/2020/10/06/fda-releases-high-coronavirus-vaccine-standards-despite-white-house-resistance/)).

Mr. Meadows threatened you in a telephone call that you would be fired if you did not authorize the vaccine that day.<sup>20</sup>

The Select Subcommittee seeks to understand the full extent of Trump Administration officials' efforts to interfere with FDA's authorization of coronavirus vaccines, President Trump's unrelenting pressure campaign directed towards FDA and you personally, and how these events may have impacted FDA's work in this area.

### **Top Trump Administration Officials Embraced a Dangerous Herd Immunity Strategy**

In December 2020, the Select Subcommittee released a staff memorandum revealing that Trump Administration officials in HHS had advocated for policies that would have allowed the virus to spread throughout much of the American population in a dangerous attempt to achieve herd immunity without a vaccine.<sup>21</sup> These officials, including then-Assistant Secretary for Public Affairs Michael Caputo and his then-senior advisor, Dr. Paul Alexander, appealed to you directly in their advocacy of this reckless policy. In a July 24 email to you, Dr. Alexander suggested "it will be best if we open up and flood the zone and let the kids and young folks get infected."<sup>22</sup> President Trump publicly voiced his support for herd immunity in an August 31 interview, stating, "Once you get to a certain number, you know—we use the word herd, right? Once you get to a certain number, it's going to go away."<sup>23</sup>

By late August 2020, Dr. Scott Atlas, then-Special Advisor to the President, had become an influential voice pushing for a herd immunity strategy within the Trump White House.<sup>24</sup> Information recently obtained by the Select Subcommittee suggests you were in close communication around this time with Dr. Atlas, who contacted you directly on August 23.<sup>25</sup> In a recent interview with the Select Subcommittee, Dr. Deborah Birx, the former White House

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<sup>20</sup> *Id.*

<sup>21</sup> Memorandum from Majority Staff to Members, Select Subcommittee on the Coronavirus Crisis, *Supplemental Memorandum on Investigation into Political Interference with Coronavirus Response* (Dec. 16, 2020) (online at <https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/Staff%20Report%20re%20Political%20Messaging%20and%20Herd%20Immunity.pdf>).

<sup>22</sup> Email from Paul Alexander, Senior Advisor, Department of Health and Human Services, to Michael Caputo, Assistant Secretary for Public Affairs, Department of Health and Human Services, Stephen Hahn, Commissioner, Food and Drug Administration, et al. (July 24, 2020) (SSCC-0005315 – 37, at SSCC-0005323 – 26) (online at [https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2020.07.26%20SSCC-0005315-37\\_Redacted.pdf](https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2020.07.26%20SSCC-0005315-37_Redacted.pdf)).

<sup>23</sup> *'That's Certainly Not My Approach': Fauci Rejects Pursuing Herd Immunity*, Politico (Sept. 2, 2020) (online at [www.politico.com/news/2020/09/02/anthony-fauci-rejects-herd-immunity-407747](http://www.politico.com/news/2020/09/02/anthony-fauci-rejects-herd-immunity-407747)).

<sup>24</sup> *New Trump Pandemic Adviser Pushes Controversial 'Herd Immunity' Strategy, Worrying Public Health Officials*, Washington Post (Aug. 31, 2020) (online at [www.washingtonpost.com/politics/trump-coronavirus-scott-atlas-herd-immunity/2020/08/30/925e68fe-e93b-11ea-970a-64c73a1c2392\\_story.html](http://www.washingtonpost.com/politics/trump-coronavirus-scott-atlas-herd-immunity/2020/08/30/925e68fe-e93b-11ea-970a-64c73a1c2392_story.html)).

<sup>25</sup> Email from Scott Atlas, Senior Advisor to President, The White House, to Stephen Hahn, Commissioner, Food and Drug Administration (Aug. 23, 2020) (online at <https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2020.08.23%20FDA%20Email%20re%20Please%20call%20me%20II%20%5bEmail%20from%20Scott%20Atlas%20to%20Stephen%20Hahn%5d%20FN%2025.pdf>).

Coronavirus Response Coordinator, detailed Dr. Atlas's influence and described his "strong belief that anybody who was only going to have mild disease or asymptomatic disease should be allowed and actually encouraged to get the virus and spread the virus because that was your pathway, although it's never said that way, to herd immunity."<sup>26</sup> Dr. Birx further stated that you, Dr. Fauci, and then-Director of the Centers for Disease Control and Prevention Dr. Robert Redfield, shared similar concerns about Dr. Atlas and the "reckless" views he promoted within the White House.<sup>27</sup>

The Select Subcommittee seeks to understand the extent to which herd immunity theories promoted in the White House contributed to an unparalleled loss of life. More than 250,000 Americans tragically lost their lives during the coronavirus wave that began in the fall of 2020.<sup>28</sup>

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The Select Subcommittee is tasked with ensuring that our nation's response to the coronavirus crisis is effective, efficient, and equitable and with determining how to improve the response to the next public health crisis. Our public health institutions must never again be compromised by decision-makers more concerned with politics than keeping Americans safe. It is therefore imperative that Congress receive a full accounting of what occurred under the prior Administration's watch.

For all of these reasons, please produce by December 6, 2021, all documents and communications in your possession, custody, or control related to your involvement in the federal government's response to the coronavirus, including your duties at FDA or as a member of the White House Coronavirus Task Force. In addition, the Select Subcommittee requests that you sit for a transcribed interview on December 13, 2021.

These requests are consistent with the House of Representatives' authorization of 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" and "executive branch policies, deliberations, decisions, activities, and internal and external communications related to the coronavirus crisis."<sup>29</sup>

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<sup>26</sup> Select Subcommittee on the Coronavirus Crisis, Transcribed Interview of Deborah Birx (Oct. 13, 2021) (online at <https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/Birx%20Testimony%20Excerpts10.26pdf.pdf>).

<sup>27</sup> *Id.*; see also Email from Deborah Birx, White House Coronavirus Response Coordinator, The White House, to Anthony Fauci, Director, National Institute of Allergy and Infectious Diseases (Aug. 21, 2020) (FOIA00000948 – 49) (online at [https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2020.08.21%20FOIA-00000948%20-949\\_Redacted%20%5bEmail%20from%20Deborah%20Birx%20to%20Anthony%20Fauci%20%5d%20FN%2027.pdf](https://coronavirus.house.gov/sites/democrats.coronavirus.house.gov/files/2020.08.21%20FOIA-00000948%20-949_Redacted%20%5bEmail%20from%20Deborah%20Birx%20to%20Anthony%20Fauci%20%5d%20FN%2027.pdf)).

<sup>28</sup> Centers for Disease Control and Prevention, *Trends in Number of COVID-19 Cases and Deaths in the US Reported to CDC, by State/Territory* (online at [https://covid.cdc.gov/covid-data-tracker/#trends\\_dailydeaths](https://covid.cdc.gov/covid-data-tracker/#trends_dailydeaths)) (last accessed Nov. 19, 2021).

<sup>29</sup> H.Res. 8, sec. 4(f); H.Res. 935, 116th Cong. (2020).

Dr. Stephen M. Hahn

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Please confirm by November 29, 2021, that you have received my letter and will comply with these requests. 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". The signature is written in a cursive style with a horizontal line underneath it.

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.