



*Congress of the United States
House of Representatives
Washington, D.C. 20515*

*Anna G. Eshoo
Eighteenth District
California*

May 12, 2020

The Honorable Michael C. Burgess, Ranking Member
Subcommittee on Health
Committee on Energy and Commerce
2322 Rayburn House Office Building
Washington, D.C. 20515

Dear Ranking Member Burgess,

Thank you for your letter of today (5/12/20). In your letter, you suggested the Subcommittee is moving too fast, that we should not hold a hearing until there has been "an investigation by either the Office of Special Counsel or the Subcommittee on Oversight and Investigations," and that we need to contact "the relevant agency at least 14 days prior to the intended hearing date."

I respectfully disagree. The reason we are acting quickly should be obvious. We need to immediately learn what has gone wrong so changes can be made and the American people can be protected. Every day we delay, and the federal government continues its dysfunctional approach to this crisis, more lives are endangered.

Dr. Bright has firsthand knowledge of the incompetence, indecision, and rejection of science that has characterized the federal response to the coronavirus crisis from day one. This disorganized and chaotic response has exacted a terrible toll on our nation. To date, over 80,000 Americans have died, many more are dying each day, and tens of millions are unemployed. We are facing an unprecedented public health and economic emergency and we need to respond with urgency.

I join you in your respect of Dr. Bright, a world-renowned immunologist who has given distinguished service to our nation. On May 14th our Subcommittee will once again benefit from his testimony.

I am pleased to answer the inquiries from your letter of today:

1. Dr. Bright is a federal employee. As you know, the Lloyd LaFollette Act (5 U.S.C. 7211) protects "the rights of employees . . . to furnish information to either House of Congress, or to a committee or Member thereof." Contrary to your suggestion, the exercise of this right does not require review by the Office of Management and Budget or any other federal official. In fact, it would be a violation of the Consolidated Appropriations Act, 2020 (P.L. 116-93) and the Anti-Deficiency Act (31 U.S.C. 1341) if any federal official "attempts or threatens to prohibit any other officer or employee of the Federal Government from having any direct oral or written communication with any Member, Committee, or subcommittee of the Congress."
2. I do not plan to require Dr. Bright or Mr. Bowen to be sworn in. As you know, it is illegal for anyone to lie to Congress.
3. For further background about the substance of the hearing, I am enclosing a copy of the Subcommittee's official notice of the hearing which was published on May 7th and sent to you. I am also enclosing the Subcommittee's background memorandum regarding the hearing and the testimony of the witnesses, which were sent to you earlier today.
4. The bipartisan staff briefing regarding the hearing is scheduled for May 13th at 1:00 pm.

You also raised important questions about the logistics of the hearing and the need to protect the safety of the public, Members, and their staff. The Committee will publish a memorandum tomorrow describing the social distancing guidelines for the hearing that were developed with the expertise of the Attending Physician of the United States Congress. I hope that all Members of the Subcommittee will agree to follow the guidelines described in the memorandum.

You suggested a potential future hearing on the Strategic National Stockpile. I agree and I'm enclosing a copy of my May 10th letter to you on the subject.

In your letters of today, you also suggest a future hearing on COVID-19's impact on mental health and the racial disparities of COVID-19. I stand ready to hold hearings on your suggestions. As you recall, on May 1st, I chaired a bipartisan Health Subcommittee briefing with our Subcommittee members and our guest, the Centers for Disease Control and Prevention Principal Deputy Director Anne Schuchat. In that briefing, several Members urged the CDC to secure the comprehensive demographic data needed to help Congress direct resources and support to close the racial gap in health outcomes from COVID-19. More work needs to be done on this subject, and I plan to hold a hearing on it.

This week's hearing will help our Subcommittee better understand what was needed in the early days of this public health crisis to protect the American people and our nation's health care workers and with lessons learned we can move forward to save lives.

Sincerely,

A handwritten signature in blue ink, appearing to read "Anna Eshoo", with a stylized, flowing script.

Anna G. Eshoo
Chairwoman
Subcommittee on Health
Committee on Energy and Commerce

Enclosures