

**Opening Statement of Republican Leader Michael C. Burgess, M.D.
Subcommittee on Health
“Protecting Scientific Integrity in the COVID-19 Response”
May 14, 2020**

As Prepared for Delivery

Thank you, Madam Chair. The Energy and Commerce Subcommittee on Health is the premier health subcommittee in Congress. We have a broad jurisdiction and a long-standing tradition of tackling important health care issues in a bipartisan manner. I have been sounding the alarm about COVID-19 since January. So why is this the first official hearing we are having on the topic? To say this is a disappointment is an understatement.

Not only am I disappointed but, quite frankly, I am concerned it took five months to have a hearing on COVID-19. Instead of tackling any of the issues suggested in the letters I wrote to you this week, we are examining a week-old whistleblower complaint before a proper investigation. In these letters, I outlined the importance of addressing the Strategic National Stockpile, COVID-19's impact on mental health, testing, racial disparities, and provider relief. The lack of attention to these issues is detrimental to our nation's overall response to this pandemic. Yet, we continue to stand on the sidelines instead of becoming fully engaged.

Every whistleblower deserves to be heard. Dr. Bright has raised serious allegations that should be investigated. Whistleblowers must have their rights

protected and deserve to have their allegations investigated with policies and procedures that have been long established and upheld as independent and fair.

Madam Chair, on April 23, CNN reported that you planned to call Dr. Bright to testify. Dr. Bright did not actually file his whistleblower complaint with the Office of Special Counsel until Tuesday, May 5. That same day, it was announced on Twitter that you planned to hold a hearing, but it was not officially noticed until two days later.

By Friday, May 8, the Office of Special Counsel recommended that Dr. Bright be temporarily reinstated as director of BARDA so that it could conduct its investigation and move forward with its usual process of thoroughly reviewing a whistleblower complaint.

Despite your misleading hearing memo – no final determination of a violation of whistleblower statute has been made. Following a robust investigation process, the customary setting for a whistleblower hearing in the Energy and Commerce Committee would be under oath in the Oversight and Investigations Subcommittee. This hearing is premature and a disservice to the investigation of Dr. Bright's complaint.

You disrespected [trampled] minority rights and neglected the tradition of this Committee in the manner this hearing was called. The number of procedural

fouls committed in advance of this hearing would certainly have led the Chair to foul out of multiple basketball games. Apparently in a world without sports, this subcommittee has become a political football.

More than 80,000 American lives have been lost to this pandemic. COVID-19 continues to wreak havoc on our communities not only in terms of physical health, but mental health and financial health. We should be conducting a hearing on the real-time implementation of the Pandemic and All-Hazards Preparedness and Advancing Innovation Act. As the Democratic counterpart to the primary author, Rep. Susan Brooks, on this legislation, you should have great interest in holding such a hearing.

In my district, we have seen deaths among young African Americans from COVID-19. We should hear from some of these families and medical professionals to analyze why this virus has disproportionately impacted minority communities.

Not all heroes wear capes. Hospitals, doctors, and other health care providers are on the front lines every day battling this virus. They go to work so we can stay home. The inability to conduct non-essential procedures and visits has led to financial difficulties. How are states and the country preparing to ease back into providing medical care? Is the distribution of the Provider Relief Fund in the CARES Act working? These are the questions we should be asking experts today.

I appreciate Chairman Pallone's willingness to hold telephone briefings on testing since we all have our own questions about it. Because of its importance to re-opening the economy, it is critical that this subcommittee promptly holds a public hearing to hear from experts.

In conclusion, this pandemic is about the public health of our nation. Thank you for your commitment to hold future hearings on the strategic national stockpile, mental health and racial disparities. I hope you will commit to additional hearings on testing and the Provider Relief Fund.

I request that my letters and your responses be inserted into the record, and I yield back.