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United States Senate

COMMITTEE ON HEALTH, EDUCATION,
LABOR, AND PENSIONS

WASHINGTON, DC 20510-6300

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<http://help.senate.gov>

December 5, 2017

Dr. Brenda Fitzgerald, M.D.
Director
Centers for Disease Control and Prevention
1600 Clifton Road
Atlanta, GA 30333

Dear Director Fitzgerald:

The Department of Health and Human Services (HHS) has provided me with a copy of your completed Ethics Agreement dated September 7, 2017. The agreement, which is subject to the Freedom of Information Act, sets forth that you and your spouse are retaining investments that will require you to recuse yourself from involvement in significant issues central to the work of the Centers for Disease Control and Prevention (CDC). In order to ensure the CDC is led by an individual who can engage on all issues under its purview, it is imperative that you resolve the issues that are currently limiting your ability to divest from these holdings.

The CDC mission statement explains: “[w]hether diseases start at home or abroad, are chronic or acute, curable or preventable, human error or deliberate attack, CDC fights disease and supports communities and citizens to do the same.” Your continued investments will prevent you from leading on critical issues that fall under this mission.

Your Ethics Agreement explains that you are currently unable to divest from certain investments. While you retain these investments, you will be unable to engage in key matters relating to cancer, the disease that is the number two cause of death in our country. You may also be unable to engage in the response to the opioid crisis given your apparent conflict with regard to opioids and specifically with prescription drug monitoring programs (PDMPs). PDMPs are an essential tool in tracking and monitoring the use of opioids and are a central part of the conversation regarding how to effectively address the crisis of opioid addiction. On at least three occasions since your appointment in July, CDC has sent your deputies to testify at Congressional hearings, alongside the heads of other government agencies, which explored the federal response to the opioid crisis. At a time when the need for a comprehensive and ongoing response from the federal government is clear, Congress must be able to hold federal agencies accountable for their role in the response to the opioid crisis, which includes the head of the agency participating in relevant Congressional hearings.

I am concerned that you cannot perform the role of CDC Director while being largely recused from matters pertaining to cancer and opioids, two of the most pervasive and urgent health

challenges we face as a country. I therefore request that you, together with HHS, make your ethics agreement public immediately, schedule a briefing with the HELP Committee so we can better understand the extent of your recusals, and clarify whether you will be able to resolve your ongoing conflicts of interest by December 19, 2017.

Sincerely,

A handwritten signature in blue ink that reads "Patty Murray". The signature is written in a cursive style with a large initial "P" and a long, sweeping underline.

Patty Murray
United States Senator