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United States Senate

COMMITTEE ON HEALTH, EDUCATION,
LABOR, AND PENSIONS

WASHINGTON, DC 20510-6300

EVAN T. SCHATZ, STAFF DIRECTOR
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<http://help.senate.gov>

June 10, 2021

Delivered via E-Mail

Dr. Rochelle Walensky
Director
Centers for Disease Control and Prevention
1600 Clifton Road
Atlanta, GA 30329

Dear Dr. Walensky:

We write today out of concern that you may have given incomplete or inaccurate testimony during the May 11, 2021, U.S. Senate Committee on Health, Education, Labor, and Pensions (Committee) hearing regarding the clearance process for the Centers for Disease Control and Prevention's (CDC) *Operational Strategy for K-12 Schools* ("School Re-Opening Guidance" or "Guidance").¹ Specifically, your testimony appears to be inconsistent with representations in your April 22, 2021, letter to Ranking Member Burr and with email correspondence between the CDC, Biden Administration political appointees, and teachers' unions that was recently made public.

The Committee's May 11th hearing was the first opportunity for Senators to question you about the school re-opening guidance since the extent of the CDC's cooperation with the teachers' unions was made public. You testified that edits from the teachers' unions were limited to addressing "what happens if you have immunocompromised teachers." You further testified that the level of collaboration between the teachers' unions and the CDC was routine, "[a]s a matter of practice, the CDC engages with stakeholders, with consumers who take our guidance, who use our guidance before it is finalized so we can understand whether it addresses their needs. For our school guidance, we did that with 50 different stakeholders, over 50, actually."

Compared to the emails between the CDC and the teachers' unions, your testimony seems – at a minimum incomplete – if not inaccurate. The email correspondence makes clear that the involvement of the teachers' unions went well beyond accommodations for high-risk teachers. Equally troubling, your testimony was also inconsistent with the representations in your April 22, 2021, letter responding to questions Ranking Member Burr had concerning the CDC's

¹ [Operational Strategy for K-12 Schools through Phased Mitigation | CDC](#); [Science Brief: Transmission of SARS-CoV-2 in K-12 schools | CDC](#); [COVID-19 - School Reopening: Indicators to Inform Decision Making | CDC](#)

guidance for vaccinated people. In the letter you outlined CDC's "Emergency Response Clearance Protocol" which was "applicable to all CDC-authored or CDC-branded information products related to an active or ongoing response, such as the COVID-19 response." At no point in the clearance process described in your letter do groups outside of the federal government, such as teachers' unions, edit CDC's pre-decisional, deliberative draft guidance.

Americans need to be able to trust the CDC to give them accurate, unbiased health information, especially during the COVID-19 pandemic. That your agency would give teachers' unions privileged access to the agency's internal decision-making process on an issue as critical as school re-openings is a betrayal of that trust. That you then would appear to try to avoid Congressional scrutiny by providing incomplete testimony is deeply troubling. As a first step to rebuilding public confidence, the CDC needs to be transparent about how the teachers' unions came to have such extraordinary input in school re-opening guidance. As CDC Director, you need to explain and, if necessary, correct the inconsistencies between your testimony, your letter, and the CDC emails. For these reasons, please provide the following information and documents by June 23, 2021:

Questions Regarding CDC's Collaboration with Teachers' Unions

1. On what date did the CDC first share its draft guidance school re-opening guidance with the American Federation of Teachers (AFT) and the National Education Association (NEA)?
2. Please identify the CDC personnel who shared the draft guidance with the AFT and the NEA?
3. Did the Office of Management and Budget review the CDC's draft re-opening guidance before the AFT and the NEA?
4. Please identify all non-governmental stakeholders that received the draft school re-opening guidance either on the same day or before the AFT and NEA received the draft guidance.
5. According to a January 22, 2021, email, CDC's Principal Deputy Incident Manager Dr. Michael Beach expected the school re-opening guidance to be publicly released during the week of January 25. Please answer the following:
 - a. Why did CDC delay posting the guidance until February 12, 2021?
 - b. Who at the CDC ordered the release of the guidance be delayed?
 - c. Please identify any individuals outside of the CDC who requested or ordered the CDC to delay posting the guidance.
 - d. Please provide a copy of the version of the school re-opening guidance that Dr. Beach refers to in his January 22 email.

6. Please identify all meetings or phone calls between the CDC and the AFT or the NEA. For each meeting and phone call, please provide the following:
 - a. CDC personnel who attended;
 - b. Other federal government personnel who attended;
 - c. White House personnel who attended;
 - d. AFT and NEA representatives, personnel, and members who attended; and
 - e. Any written materials shared by the AFT or NEA related to the meetings or phone calls.

7. Please identify “the parents” that you testified CDC engaged with prior to finalizing its school reopening guidance. For each individual please provide the following information:
 - a. The phone number and email address used to communicate with the parent;
 - b. The date the CDC first contacted the parent;
 - c. Whether the CDC shared its draft school re-opening guidance with the parent, if so include the date the parent received the draft guidance;
 - d. Whether the parent submitted edits to the draft re-opening guidance, if so include the date the parent submitted edits;
 - e. Whether the parent’s edits or feedback were accepted, in whole or in part, by CDC;
 - f. How the parent was identified for CDC engagement, including whether anyone outside of the CDC instructed or requested CDC engage with the parent; and
 - g. Meetings between the parent and CDC personnel regarding the school re-opening guidance, include the date and a list of all meetings attendees.

8. Please identify the “over 50” different stakeholders that you testified CDC engaged with prior to finalizing its school re-opening guidance. For each stakeholder please provide the following information:
 - a. The date the CDC first contacted the stakeholder;
 - b. Whether the CDC shared its draft school re-opening guidance with the stakeholder, if so include the date the stakeholder received the draft guidance;
 - c. Whether the stakeholder submitted edits to the draft re-opening guidance, if so include the date the stakeholder submitted edits;
 - d. Whether the stakeholder’s edits or other feedback were accepted, in whole or in part, by CDC;
 - e. How the stakeholder was identified, including whether anyone outside of the CDC instructed or requested CDC engage with the stakeholder; and
 - f. Any meetings between the stakeholder and CDC personnel regarding the school re-opening guidance, include a list of all attendees to any meetings.

9. All documents and communications between or among the following CDC officials and any employees or members of the AFT and NEA:

- a. CDC Director Dr. Rochelle Walensky;
- b. Principal Deputy Director Dr. Anne Schuchat;
- c. CDC Chief of Staff Sherri Berger;
- d. Deputy Director for Infectious Disease Dr. Jay Butler;
- e. Former NCIRD Director Dr. Nancy Messonnier;
- f. CDC Incident Manager Dr. Henry Walke; and
- g. CDC Principal Deputy Incident Manager Dr. Michael Beech.

Questions Concerning the Accuracy of Your April 22nd Letter and May 11th Hearing Testimony

1. Please either reaffirm that your May 11th hearing testimony was a complete and accurate account of the involvement of the teachers' unions in the development of CDC's school re-opening guidance, or submit a statement amending your testimony and explain why you provided incomplete information to the Committee.
2. You testified that the edits from the teacher's unions were limited to addressing "what happens if you have immunocompromised teachers." Is that a complete and accurate statement of the teachers' unions' involvement in drafting CDC's school reopening guidance?
3. Please either reaffirm that the representations in your April 22nd letter were a complete and accurate description of CDC's "Emergency Response Clearance Protocol" or submit a statement amending the letter and explain why you provided different information to the Committee. For example, please explain how it is appropriate for teachers' unions to receive a draft of the guidance and how this is consistent with your April 22nd letter.
4. Explain the clearance process for CDC's letters to Congress. Include in your answer how such documents are reviewed by the CDC, the Department of Health and Human Services (HHS), and the White House and by whom.
5. Please identify all CDC, HHS, and White House personnel, including political appointees, senior officials, employees, and contractors, who prepared, drafted, edited, or reviewed your April 22nd letter.

Thank you for your prompt attention to this matter.

Sincerely,



Richard Burr
Ranking Member
Committee on Health, Education,
Labor and Pensions



Susan M. Collins
Ranking Member
Subcommittee on Primary Health and
Retirement Security