

CATHY McMORRIS RODGERS, WASHINGTON
CHAIR

FRANK PALLONE, JR., NEW JERSEY
RANKING MEMBER

ONE HUNDRED EIGHTEENTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON ENERGY AND COMMERCE

2125 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6115

Majority (202) 225-3641

May 5, 2023

Rochelle P. Walensky, MD, MPH
Director
Centers for Disease Control and Prevention
395 E Street, S.W.
Washington, D.C. 20024

Dear Director Walensky,

Pursuant to Rules X and XI of the U.S. House of Representatives, we are examining the Centers for Disease Control and Prevention's (CDC's) *Moving Forward Initiative*, which was started in April 2022, first publicly announced in August 2022, and is currently being implemented. As you have publicly acknowledged, the CDC's response to the COVID-19 pandemic response has been widely criticized. From early pandemic test kit failures to the revelation that teachers' unions were provided an opportunity to opine on and revise the CDC's school reopening guidance, the CDC committed multiple unforced errors during the COVID-19 response. More recently, the CDC's insistence that children as young as three years old continue to receive COVID-19 shots and wear masks has made it an outlier among global public health agencies. In short, CDC has lost the American people's trust.¹

The *Moving Forward Initiative* appears to consist of two parallel reviews with a resulting reorganization of the agency based on the reviews' findings. The first review, titled the *Scientific and Programmatic Review*, focused on identifying methods "to improve and institutionalize how CDC develops and deploys its science, both in pandemic and non-emergency times."² The second, titled the *Structural Review*, sought to "gather feedback on the agency's current processes,

¹ Selena Simmons-Duffin, *CDC is Criticized for Failing to Communicate, Promises to Do Better*, NPR, Jan. 7, 2022, <https://www.npr.org/sections/health-shots/2022/01/07/1071449137/cdc-is-criticized-for-failing-to-communicate-promises-to-do-better>; see also: Sharon LaFraniere & Noah Weiland, *Walensky, Citing Botched Pandemic Response, Calls for C.D.C. Reorganization*, N.Y. TIMES (Aug. 17, 2022), <https://www.nytimes.com/2022/08/17/us/politics/cdc-rochelle-walensky-covid.html>.

² CDC, *CDC Moving Forward Summary Report* (2022), <https://www.cdc.gov/about/organization/cdc-moving-forward-summary-report.html>.

systems, and structure and solicit suggestions for strategic change, with a strong focus on the agency's core capabilities.”³

The CDC conducted the *Moving Forward Initiative* largely in secret. The public notice and comment period for it was only open for 10 days and resulted in just three public comments being submitted.⁴ There appears to have been only one public meeting on the initiative.⁵ In contrast with the small amount of public input allowed by the CDC, the *Scientific and Programmatic Review* included approximately 120 interviews with internal CDC leadership, staff, and unidentified external partners presumably solicited by the CDC for input.⁶ Similarly, the *Structural Review* included more than 50 internal interviews.⁷ None of the interviews conducted during the reorganization have been made public, nor has CDC publicly revealed the outside stakeholders it consulted during the *Moving Forward Initiative*. To date, the CDC has made public only two short summaries of the reviews' findings. Taken together, those summaries total eight pages.

As a result of the findings of the two *Moving Forward* reviews, CDC is undertaking a large-scale reorganization. The *Federal Register* notice announcing the reorganization – one of the few public documents outlining any details on the effort – states the reorganization eliminated 20 different offices, divisions, and centers while creating 16 new entities within the agency.⁸ Most notably, the reorganization appears to expand greatly the size and power of the Office of the Director at the expense of the agency's national centers.

Beyond structural changes, the findings of *Moving Forward Initiative* are being used to support CDC's requests to Congress for additional authority to, among other things, mandate data reporting from state, local, territorial, and tribal (SLTT) public health agencies.⁹ This authority would dramatically change the nature of CDC's relationship with its SLTT partners from one based on the principles of cooperative federalism to one where CDC can compel SLTT agencies to hand over individualized public health data. To date, CDC has not articulated any restrictions on how it would exercise the requested data authority. CDC's past data collection practices suggest the agency would use such authority on matters totally outside of CDC's core mission.¹⁰

³ *Id.*

⁴ CDC, Notice of Meeting and Request for Comment: Advisory Committee to the Director, 87 F.R. 62105-62106 (Oct. 13, 2022).

⁵ *Id.*

⁶ CDC, *Moving Forward Summary Report*, *supra* note 3.

⁷ *Id.*

⁸ CDC, Centers for Disease Control and Prevention Reorganization, 88 F.R. 9290 (effective date Feb. 2, 2023).

⁹ CDC, *Moving Forward Summary Report*, *supra* note 3.

¹⁰ Theo Wayt, *CDC Brought Cellphone Data to Track Vaccination, Lockdown Compliance: Report*, THE NEW YORK POST (May 4, 2022); *see also*, Joseph Cox, *CDC Tracked Millions of Phones to See If Americans Followed COVID Lockdown Orders*, MOTHERBOARD (May 3, 2022); *see also* Off. of Info. & Regul. Affairs, Off. of Mgmt. & Budget, Exec. Off. of the Pres., *Information Collection Search Results: CDC* <https://www.reginfo.gov/public/do/PRASearch> (last visited Apr. 19, 2023) (on file with Committee) (Since January 1, 2020 to the present, CDC has submitted 258 unique requests for information collection from the public to the OMB for approval, continuation, or modification).

The CDC must provide the Committee with more than a cursory, summarized overview of the findings of the *Moving Forward Initiative* before the Committee can even begin to consider the agency's request for additional authority. According to principles for government reorganization recommended by the Government Accountability Office (GAO), Congress "has an important role to play in both its legislative and oversight capacities in establishing, monitoring, and maintaining both governmentwide and agency-specific management reforms."¹¹ This Committee has serious reservations regarding CDC's approach to public engagement, stakeholder outreach, and information gathering during the *Moving Forward Initiative*. The CDC has been rightly criticized in the past for its insular culture and lack of transparency.¹² To restore public trust and implement effective reforms, the agency must be more forthcoming to this Committee, Congress, and the American people.

In light of these concerns regarding the CDC's *Moving Forward Initiative*, please provide the following by May 19, 2023:

1. As relating to the *Scientific and Programmatic Review* and *Structural Review*, separately:
 - a. Produce the full report submitted to CDC leadership;
 - b. Produce all presentations and findings provided to CDC leadership;
 - c. Produce all draft reports and recommendations;
 - d. Produce all interview notes; and
 - e. Identify all members of the implementation team.

2. As relating to stakeholders who were consulted for or contributed to the *Scientific and Programmatic Review*, the *Structural Review*, or any other aspect of the *Moving Forward Initiative*:
 - a. Provide the names and details of all groups or individuals who were consulted or contributed to the reports or the *Moving Forward Initiative*, including any external groups or individuals and CDC employees;
 - b. Produce notes from all meetings related to the reports or the *Moving Forward Initiative*;
 - c. Produce all comments the CDC received from internal and external stakeholders related to the reports or *Moving Forward Initiative*;
 - d. Produce documents sufficient to show how external groups were selected for consultation;

¹¹ U.S. Gov't Accountability Off., GAO/T-GGD/AIMD-95-166, *Government Reorganization: Issues and Principles 15* (1995), <https://www.gao.gov/products/t-ggdaimd-95-166>.

¹² CDC Moving Forward Summary Report, *supra* note 3; See also J. Stephen Morrison & Tom Inglesby, *Building the CDC the Country Needs*, CTR. FOR STRATEGIC & INT'L STUDIES (Jan. 12, 2023), <https://www.csis.org/analysis/building-cdc-country-needs>; see also Stuart Buck, *CDC Reform – Where Should We Start?*, SENSIBLE MEDICINE (Apr. 17, 2023), <https://sensiblemed.substack.com/p/cdc-reformwhere-should-we-start>.

- e. Produce all requests from any external groups requesting to participate in any consultations related to the reports or *Moving Forward Initiative*;
 - f. Produce names and details of all groups or individuals that requested to be included in consultations, but whom the CDC did not meet with; and
 - g. Provide explanations for why groups or individuals who requested inclusion were otherwise excluded.
3. As relating to the CDC's new governance model:
 - a. Produce documents sufficient to show how these members were selected; and
 - b. Provide details of the proposed leadership development courses focused on adaptive leadership.
 4. Copies of all decision memoranda related to the *Moving Forward Initiative*.
 5. Copies of any contracts with outside companies or non-profits related to the *Moving Forward Initiative*, including contracts or task orders for management consulting services.

In addition, the Committee believes that interviews and possibly testimony from CDC officials and employees about these, and related matters may be necessary. Finally, this letter serves as a formal request to preserve all existing and future records and materials in CDC's possession relating to the topics addressed in this letter. You should construe this preservation notice as an instruction to take all reasonable steps to prevent the destruction or alteration, whether intentionally or negligently, of all documents, communications, and other information, including electronic information and metadata, that are or may be responsive to this congressional inquiry. This instruction includes all electronic messages sent using official and personal accounts or devices, including records created using text messages, phone-based message applications, or encryption software.

An attachment to this letter provides additional instructions for responding to the committee's request. If you have questions about this correspondence, please contact Majority Committee Staff.

Sincerely,

A handwritten signature in blue ink that reads "Cathy McMorris Rodgers". The signature is fluid and cursive, with the first name "Cathy" being the most prominent.

Cathy McMorris Rodgers
Chair
Energy and Commerce Committee



Brett Guthrie
Chair
Subcommittee on Health



H. Morgan Griffith
Chair
Subcommittee on Oversight and Investigations

CC: Frank Pallone Jr., Ranking Member, Energy and Commerce Committee
Anna Eshoo, Ranking Member, Subcommittee on Health
Kathy Castor, Ranking Member, Subcommittee on Oversight and Investigations