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United States Senate

COMMITTEE ON
HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

WASHINGTON, DC 20510-6250

November 15, 2023

DAVID M. WEINBERG, STAFF DIRECTOR
WILLIAM E. HENDERSON III, MINORITY STAFF DIRECTOR
LAURA W. KILBRIDE, CHIEF CLERK

The Honorable Xavier Becerra
Secretary
Department of Health and Human Services

Dear Secretary Becerra:

I recently obtained a June 17, 2021 email that appears to show a concerted effort led by Dr. David Morens, a senior scientific advisor at the National Institute for Allergy and Infectious Diseases (NIAID) who previously reported to Dr. Anthony Fauci, to circumvent federal record keeping requirements and avoid producing responsive documents to congressional oversight requests including my own request from June 2021. This email raises serious concerns about the extent to which Department of Health and Human Services (HHS) employees, like Dr. Morens, deliberately and inappropriately removed, deleted, or destroyed records relating to the origins of COVID-19.

On June 11, 2021, I along with four other members of the Senate Homeland Security and Governmental Affairs Committee sent a letter to you and then-National Institutes of Health (NIH) Director Francis Collins requesting documents related to NIH's handling of the COVID-19 pandemic and the origins of SARS-CoV-2 (see Enclosure A).¹ The letter was sent pursuant to 5 U.S.C. § 2954 that requires HHS to fully comply with any requests sent by five members of the Committee.²

Six days later, on June 17, 2021, Dr. Morens sent an email from a private Gmail address regarding my letter to ten individuals he referred to as his "ASTMH [American Society of Tropical Medicine & Hygiene] Colleagues."³ This group of individuals included Dr. Peter Daszak, the president of EcoHealth Alliance, and at least three people with ".edu" email addresses.⁴ In the email with the subject line: "CONFIDENTIAL WITHIN OUR SMALL GROUP, PLEASE," Dr. Morens attached my June 11, 2021 letter, summarized the requests relating to COVID-19 origins, and then informed his colleagues he has retained "very few" records on "these matters" and reiterated his preference that "correspondence on sensitive issues be sent to [him] at [his] gmail [sic] address[.]"⁵ Dr. Morens' complete email is copied below:

¹ Letter from Ron Johnson, Ranking Member, Permanent Subcomm. on Investigations, and Sens. Rand Paul, James Lankford, Rick Scott, and Josh Hawley to Xavier Becerra, Secretary, Department of Health and Human Services and Francis Collins, M.D., Ph.D., Director, National Institutes of Health, June 11, 2021, <https://www.ronjohnson.senate.gov/services/files/53ED3ED4-1652-4F46-B89F-F0058382E9CA> (Enclosure A).

² 5 U.S.C. § 2954 states, "An Executive agency, on request of the Committee on [Oversight and Accountability] of the House of representatives, or of any seven members thereof, or on request of the Committee on [Homeland Security and] Governmental Affairs of the Senate, or any five members thereof, shall submit any information requested of it relating to any matter within the jurisdiction of the committee."

³ Email from David Morens, National Institute for Allergy and Infectious Diseases, to Peter Daszak, EcoHealth Alliance, et al., June 17, 2021 (on file with Subcomm.).

⁴ *Id.*

⁵ *Id.*

June 17, 2021 Email from Dr. Morens to colleagues⁶

Dear ASTMH Colleagues,

The attached request for document production from 5 US Senators relates to some of the issues we have been dealing with over the past year, focusing on the origins of COVID- 19, the termination [sic] of NIH's major sarbecovirus grant, and related issues.

It requests documents from myself and the senior leadership of NIAID, and also mentions two other ASTMH members.

As you may know, NIH correspondence between me and others, including my boss, concerning COVID- 19 origins, had previously been FOIA'd and published in the press.

This request is NOT A FOIA, and I have not yet been asked to respond directly because, presumably, **HHS is deciding how to respond, if at all.**

Nevertheless, a couple things should be said here....

First, I have retained very few emails or documents on these matters, and continue to request that correspondence on sensitive issues be sent to me at my gmail [sic] address, [Dr. Morens' Gmail address].

I have tried to make sure I have retained no documents that might lead other members of ASTMH to be approached for similar document production. The exception is normal correspondence surrounding last year's publication in AJTMH of the two pieces on this subject. There is NO PROBLEM with those publications, and no reason to worry, since the papers were published and are widely available in the public domain, and I, as a co-author on one of those papers, have made my views widely known in a variety of venues in the press and in public.

My feeling about this is that I have nothing to hide or worry about, and that my views are based on scientific evidence, and I am comfortable in explaining and defending those. Furthermore, I am comfortable in defending the importance of the work done in [sic] terminated grant and why I believe this work must continue. I feel certain that the leadership here agrees with this.

So, in other words, I don't think there is anything to worry about because there is no "there" there.

But this is yet another reminder that it is important to speak up as scientists on critically important issues of the day. ASTMH can be proud that we have spoken up about these matters in the past, and I hope we will continue to do so.

Thanks, David Morens

⁶ *Id.* (emphasis added).

Based on this email, it appears that Dr. Morens may have intentionally deleted or destroyed records relating to the origins of COVID-19 given his admission that he has “retained very few emails or documents on these matters.”⁷ Further, Dr. Morens’ stated preference to receive correspondence on “sensitive issues” through Gmail shows an apparent evasion of federal record keeping requirements and a complete disregard for transparency.⁸

In August 2023, I wrote to HHS Inspector General Christi Grimm requesting an investigation into Dr. Morens’ use of personal email accounts to conduct official business and possible record mishandling and destruction.⁹ In that letter I highlighted a September 9, 2021 email from Dr. Morens to his colleagues, including Dr. Daszak, where he stated he, “[tries] to always communicate on gmail [sic] because my NIH email is FOIA’d constantly.”¹⁰ Dr. Morens further asserted that for emails sent to his accounts that presumably could be subject to FOIA requests, he “will delete anything I don’t want to see in the New York Times.”¹¹

In addition to potentially violating federal record keeping requirements and transparency laws, Dr. Morens’ apparent actions may have directly obstructed my oversight efforts. During a March 22, 2023 hearing, when I asked you about HHS’s lack of responsiveness to my June 11, 2021, you assured me that my colleagues and I “are absolutely entitled to the information that by law a member of the Senate or the House should get.”¹² However, HHS has not even come close to providing all of the requested records in the June 2021 letter and the March 2023 follow-up.¹³ Now, in light of the information I recently obtained regarding Dr. Morens’ efforts to hinder HHS’s response to my June 11, 2021 letter, I am deeply concerned that HHS officials may have intentionally removed or destroyed responsive records on the origins of COVID-19 or on other aspects of the pandemic.

⁷ *Id.*

⁸ *Id.*

⁹ Letter from Ron Johnson, Ranking Member, Permanent Subcomm. on Investigations, to Christi Grimm, Inspector General, Dep’t of Health and Human Services, Aug. 14, 2023, <https://www.ronjohnson.senate.gov/services/files/2706FDB3-5161-4017-B231-40626B5149CB> (Enclosure B).

¹⁰ Letter from Chairman Brad Wenstrup, Select Subcommittee on the Coronavirus Pandemic, to Dr. David Morens, National Institute of Allergy and Infectious Diseases (June 29, 2023) at 2, available at https://oversight.house.gov/wp-content/uploads/2023/06/2023.06.29-BRW-Letter-to-DM-Re.-Origins_Redacted_Final.pdf.

¹¹ *Id.*

¹² The President’s Fiscal Year 2024 Health and Human Services Budget: Hearing before the S. Comm. On Finance (Mar. 22, 2023), transcript available at <https://plus.cq.com/doc/congressionaltranscripts-7694673?1>.

¹³ Letter from Ron Johnson, Ranking Member, Permanent Subcomm. on Investigations, and Sens. Rand Paul, Rick Scott, Josh Hawley, and Roger Marshall, to Xavier Becerra, Secretary, Department of Health and Human Services and Francis Collins, M.D., Ph.D., Director, National Institutes of Health, March 31, 2023, <https://www.ronjohnson.senate.gov/services/files/6059A1B8-00BB-49C6-92F5-3288F3CF4739> (Enclosure C).

I request you immediately provide complete responses to my June 2021 and March 2023 letters on the origins of COVID-19—including responsive records contained in Dr. Morens' Gmail account—produce all text messages or communications contained in Dr. Morens' HHS-issued cell phone(s) dated from June 1, 2019 – present, and provide a detailed explanation for how HHS will hold Dr. Morens accountable for his apparent mishandling of federal records and potential violations of federal record keeping laws. I also request that HHS make Dr. Morens available for an interview with my Subcommittee staff. Please provide this information and interview by no later than December 6, 2023.

Thank you for your attention to this matter.

Sincerely,



Ron Johnson
Ranking Member
Permanent Subcommittee on Investigations

Enclosure

cc: The Honorable Richard Blumenthal
Chairman
Permanent Subcommittee on Investigations

The Honorable Christi Grimm
Inspector General
Department of Health and Human Services

The Honorable Colleen Shogan
Archivist of the United States
National Archives and Records Administration

Enclosure A

GARY C. PETERS, MICHIGAN, CHAIRMAN
THOMAS R. CARPER, DELAWARE
MAGGIE HASSAN, NEW HAMPSHIRE
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United States Senate

COMMITTEE ON
HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS
WASHINGTON, DC 20510-6250

June 11, 2021

The Honorable Xavier Becerra
Secretary
Department of Health and Human Services
200 Independence Ave S.W.
Washington, D.C. 20201

The Honorable Francis Collins, M.D., Ph.D.
Director
National Institutes of Health
9000 Rockville Pike
Rockville, MD 20892

Dear Secretary Becerra and Director Collins,

Pursuant to 5 U.S.C. § 2954 we, as members of the United States Senate Committee on Homeland Security and Governmental Affairs, write to request documents regarding the National Institutes of Health's (NIH) handling of the COVID-19 pandemic. The recent release of approximately 4,000 pages of NIH email communications and other documents from early 2020 has raised serious questions about NIH's handling of COVID-19.

Between June 1 and June 4, 2021, the news media and public interest groups released approximately 4,000 pages of NIH emails and other documents these organizations received pursuant to Freedom of Information Act requests.¹ These documents, though heavily redacted, have shed new light on NIH's awareness of the virus' origins in the early stages of the COVID-19 pandemic. In a January 9, 2020 email, Dr. David Morens, Senior Scientific Advisor to Dr. Fauci, emailed Dr. Peter Daszak, President of EcoHealth Alliance, asking for "any inside info on this new coronavirus that isn't yet in the public domain[.]"² In a January 27, 2020 reply, Dr. Daszak emailed Dr. Morens, with the subject line: "Wuhan novel coronavirus – NIAID's role in bat-origin Covs" and stated:

¹ See Damian Paletta and Yasmeen Abutaleb, *Anthony Fauci's pandemic emails: 'All is well despite some crazy people in this World'*, Washington Post June 1, 2021 <https://www.washingtonpost.com/politics/interactive/2021/tony-fauci-emails/> (discussing 800 pages of NIAID emails); Natalie Bertendorf and Jason Leopold, *Anthony Fauci's Emails Reveal The Pressure That Fell on One Man*, BuzzFeed News, June 1, 2021, <https://www.buzzfeednews.com/article/nataliebettendorf/fauci-emails-covid-response> (discussing more than 3000 pages of NIAID emails); Press release: *Judicial Watch Obtains Records Showing NIAID under Dr. Fauci Gave Wuhan Lab \$826k for Bat Coronavirus Research From 2014 to 2019*, Judicial Watch, June 4, 2021, <https://www.judicialwatch.org/press-releases/fauci-wuhan-826k/> (discussing 280 pages of NIAID emails and documents).

² Email from David Morens, Senior Scientific Advisor, Office of the Director, NIAID, to Peter Daszak, President, EcoHealth Alliance, Jan. 9, 2020.

Happy to have a phone call. re the Wuhan CoV, but just wanted to mention a few things for your information and hopefully to pass on to Tony Fauci for when he's being interviewed re. the new CoV: NIAID has been funding coronavirus research for the past 5 years...Collaborators include Wuhan Institute of Virology (currently working on the nCoV) and Ralph Baric.³

On February 1, 2020, just five days after Dr. Daszak's email about the Wuhan laboratory, Dr. Fauci sent an email to Dr. Hugh Auchincloss, with the subject line "Important" and attached a 2015 study by Dr. Ralph Baric and Zheng Li Shi of the Wuhan Institute of Virology, which discussed creating a "chimeric virus",⁴ Dr. Fauci wrote:

Hugh: It is essential that we speak this AM. Keep your cell phone on...Read this paper as well as the email that I will forward you now. You will have tasks today that must be done.⁵

It is unclear the extent to which NIH officials, including Dr. Fauci, considered the possibility that the virus originated in a laboratory and what, if any, actions they took to seriously investigate this possibility. It is also unclear why NIAID officials eventually decided to downplay the likelihood that the virus originated in a laboratory and, instead, promote that it originated naturally.⁶ In order to better assist Congress in performing its oversight function, please provide the following information:

1. All records involving Anthony Fauci, Hugh Auchincloss, David M. Morens, F. Gray Handley, Francis Collins, Ping Chen, Peter Daszak, Ralph Baric, Zheng Li Shi, Lawrence Tabak, Jeremy Farrar, Kristian Anderson, Feihu Yan, Steven Holland, or James Le Duc referring or relating to the Wuhan Institute of Virology, COVID-19, coronavirus,

³ Email from Peter Daszak, President, EcoHealth Alliance, to David Morens, Senior Scientific Advisor, Office of the Director, NIAID, Jan. 27, 2020.

⁴ Ralph Baric et al., *A SARS-like cluster of circulating bat coronaviruses shows potential for human emergence*, Nature Medicine, Nov. 9, 2015, <https://www.nature.com/articles/nm.3985>.

⁵ Email from Dr. Anthony Fauci, Director, NIAID, to Hugh Auchincloss, Principal Deputy Director, NIAID, Feb. 1 2020.

⁶ See e.g. Email from Dr. Kristian G. Anderson, Associate Professor, Scripps Research Institute, to Dr. Anthony Fauci, Director, NIAID Mar. 8, 2020 (Dr. Anderson thanks Dr. Fauci for his "leadership and guidance" on a paper on COVID-19's origins, that paper, published in Nature magazine 6 days after the email definitively rejected any "laboratory construct or a purposefully manipulated [SARS-CoV-2]", Kristian G. Anderson, et. Al. *The proximal origin of SARS-CoV-2*, Nature Medicine, Mar. 17, 2020, <https://www.nature.com/articles/s41591-020-0820-9>); Email from Dr. Jeremy Farrar, Director, Wellcome to Dr. Anthony Fauci, Director, NIAID Feb. 1, 2020 (discussing a teleconference with the authors of the Anderson paper, as well as Drs. Farrar and Christian Dorsten who would later sign the March 2020 Lancet letter stating SARS-CoV-2 had a natural origin, Peter Daszak, Christian Drosten, Jeremy Farrar, et. Al., *Statement in support of the scientists, public health professionals, and medical professionals of China combatting COVID-19*, Mar. 7, 2020, [https://www.thelancet.com/journals/lancet/article/PIIS0140-6736\(20\)30418-9/fulltext](https://www.thelancet.com/journals/lancet/article/PIIS0140-6736(20)30418-9/fulltext)).

EcoHealth Alliance, or Dr. Baric's 2015 coronavirus study;⁷

2. Complete and unredacted copies of all documents and communications responsive to the Washington Post's Freedom of Information Act (FOIA) request described in the June 1, 2021 article;⁸
3. Complete and unredacted copies of all documents and communications responsive to BuzzFeed News' FOIA request as described in the June 1, 2021 article;⁹
4. Complete and unredacted copies of all documents and communications responsive to Judicial Watch's FOIA request as described in the June 4, 2021 post;¹⁰ and
5. Complete and unredacted copies of all documents and communications responsive to the following FOIA request IDs:¹¹
 - a. 53801;
 - b. 54064;
 - c. 54085;
 - d. 54086;
 - e. 54087;
 - f. 55004;
 - g. 55006;
 - h. 55007; and
 - i. 55185.

5 U.S.C. § 2954 states:

An Executive agency, on request of the Committee on [Oversight and Reform] of the House of Representatives, or of any seven members thereof, or on request of the Committee on [Homeland Security and] Governmental Affairs of the Senate,

⁷ Ralph Baric et al., *A SARS-like cluster of circulating bat coronaviruses shows potential for human emergence*, Nature Medicine, Nov. 9, 2015, <https://www.nature.com/articles/nm.3985>. "Records" include any written, recorded, or graphic material of any kind, including letters, memoranda, reports, notes, electronic data (emails, email attachments, and any other electronically-created or stored information), calendar entries, inter-office communications, meeting minutes, phone/voice mail or recordings/records of verbal communications, and drafts (whether or not they resulted in final documents).

⁸ Damian Paletta and Yasmeen Abutaleb, *Anthony Fauci's pandemic emails: 'All is well despite some crazy people in this World'*, Washington Post June 1, 2021 <https://www.washingtonpost.com/politics/interactive/2021/tony-fauci-emails/> (discussing 800 pages of NIAID emails).

⁹ Natalie Bertendorf and Jason Leopold, *Anthony Fauci's Emails Reveal The Pressure That Fell on One Man*, BuzzFeed News, June 1, 2021, <https://www.buzzfeednews.com/article/nataliebettendorf/fauci-emails-covid-response> (discussing more than 3000 pages of NIAID emails).

¹⁰ Press release: *Judicial Watch Obtains Records Showing NIAID under Dr. Fauci Gave Wuhan Lab \$826k for Bat Coronavirus Research From 2014 to 2019*, Judicial Watch, June 4, 2021, <https://www.judicialwatch.org/press-releases/fauci-wuhan-826k/> (discussing 280 pages of NIAID emails and documents).

¹¹NIH 2020 FOIA Log, <https://www.nih.gov/sites/default/files/institutes/foia/20210414-foia-log-2020.pdf>.

or any five members thereof, shall submit any information requested of it relating to any matter within the jurisdiction of the committee.¹²

The Senate Committee on Homeland Security and Governmental Affairs is charged with studying:

the efficiency and economy of operations of all branches of the Government including the possible existence of fraud, misfeasance, malfeasance, collusion, mismanagement, incompetence, corruption or unethical practices, waste, extravagance, conflicts of interest, and the improper expenditure of Government funds in transactions, contracts, and activities of the Government or of Government officials and employees and any and all such improper practices between Government personnel and corporations, individuals, companies, or persons affiliated therewith, doing business with the Government, and the compliance or noncompliance of such corporations, companies, or individuals or other entities with the rules, regulations, and laws governing the various governmental agencies and the Governments relationships with the public.¹³

Please provide the information requested in this letter as soon as possible, but no later than 5:00 PM on June 25, 2021.

Sincerely,



Ron Johnson
Ranking Member
Permanent Subcommittee on Investigations



Rand Paul
U.S. Senator



James Lankford
U.S. Senator



Rick Scott
U.S. Senator



Josh Hawley
U.S. Senator

¹² 5 U.S.C. § 2954.

¹³ S. Res. 70 (117th Cong.).

Enclosure B

United States Senate

COMMITTEE ON
HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS
WASHINGTON, DC 20510-6250

DAVID M. WEINBERG, STAFF DIRECTOR
WILLIAM E. HENDERSON III, MINORITY STAFF DIRECTOR
LAURA W. KILBRIDE, CHIEF CLERK

August 14, 2023

The Honorable Christi A. Grimm
Inspector General
Department of Health and Human Services
330 Independence Avenue, SW
Washington, DC 20201

Dear Inspector General Grimm:

On June 29, 2023, the House Select Subcommittee on the Coronavirus Pandemic revealed that when Dr. David Morens served as a Senior Scientific Advisor to Dr. Anthony Fauci, former director of the National Institute for Allergy and Infectious Diseases (NIAID), Dr. Morens used a personal email account to evade Freedom of Information Act (FOIA) requests.¹ The revelation that a senior NIAID official sought to circumvent federal record keeping and transparency laws follows similar allegations of record mishandling at the National Institutes of Health (NIH) dating as far back as 2014.² I write to request that the Office of the Inspector General (OIG) investigate the use of personal email accounts for official business, along with the destruction of records, at the Department of Health and Human Services (HHS), particularly within NIH and NIAID.

On September 9, 2021, Dr. Morens emailed Drs. Kristian Andersen, Robert Garry, and Edward Holmes, contributors to an article discussing the origins of COVID-19 entitled, *The proximal origin of SARS-CoV-2*, as well as the Chief Executive Officer of EcoHealth Alliance, Dr. Peter Daszak, among others.³ In his email, Dr. Morens stated he “[tries] to always communicate on gmail [sic] because my NIH email is FOIA’d constantly.”⁴ Dr. Morens further asserted that for emails sent to his accounts that presumably could be subject to FOIA requests, he “will delete anything I don’t want to see in the New York Times.”⁵ These statements reveal an attempt to limit public access to certain communications directly related to the COVID-19 pandemic, potentially in violation of federal record keeping requirements.⁶

¹ See Letter from Chairman Brad Wenstrup, Select Subcommittee on the Coronavirus Pandemic, to Dr. David Morens, National Institute of Allergy and Infectious Diseases (June 29, 2023) at 2, available at https://oversight.house.gov/wp-content/uploads/2023/06/2023.06.29-BRW-Letter-to-DM-Re.-Origins_Redacted_Final.pdf.

² See Letter from Rep. James Comer et al., H.R. Committee on Oversight and Reform, to Secretary Xavier Becerra, Department of Health and Human Services, and Acting Director Dr. Lawrence Tabak, National Institutes of Health (Feb. 2, 2022) at 3, <https://oversight.house.gov/wp-content/uploads/2022/02/Letter-to-NIH-Follow-Up1.pdf>.

³ See Letter from Chairman Brad Wenstrup, Select Subcommittee on the Coronavirus Pandemic, to Dr. David Morens, National Institute of Allergy and Infectious Diseases (June 29, 2023) at 2, available at https://oversight.house.gov/wp-content/uploads/2023/06/2023.06.29-BRW-Letter-to-DM-Re.-Origins_Redacted_Final.pdf.

⁴ *Id.*

⁵ *Id.*

⁶ See 5 U.S.C. § 552; 18 U.S.C. § 2071.

In the same September 2021 email, Dr. Morens wrote that his “gmail [sic] was hacked” and that “until IT can get it fixed, I may have to occasionally email from my NIH account.”⁷ This suggests that agency resources were being diverted to assist Dr. Morens in resolving problems with his personal email account. If official agency IT services were used to assist Dr. Morens’ use of private email for official purposes, it raises questions about whether agency resources are being used appropriately and whether NIAID leadership is aware of or accepts these practices.

Dr. Morens’ statements have already drawn the attention of the National Archives and Records Administration (NARA). On July 10, 2023, NARA’s Chief Records Officer sent a letter to NIH requesting they investigate Dr. Morens’ potential “unauthorized disposition of [NIH] records.”⁸

NIH, which includes NIAID, also appears to have engaged in the destruction of federal records. According to a whistleblower allegation made public on February 2, 2022, NIH has allegedly instructed staff to destroy records, in particular records related to the Wuhan Institute of Virology (WIV).⁹ The whistleblower alleged that he or she “signed a confidentiality agreement in which I agreed ... that I would destroy any notes taken during the meeting (we did this by tossing them in shred box [sic] in the meeting room).”¹⁰ Upon the release of the whistleblower allegation, NARA requested that NIH investigate potential unauthorized dispositions of information pertaining to the WIV and grant-making decisions.¹¹ An internal investigation by NIAID, NIH, and HHS failed to substantiate the whistleblower’s allegation, leading NARA to close its request for an investigation.¹² However, because it is unclear how HHS conducted its investigation, and in light of the recent information regarding Dr. Morens’ email usage, it is necessary for an independent entity, such as the OIG, to investigate these matters.

It is unclear the extent to which your office has taken steps to investigate or review these recent allegations of record mishandling and destruction, as well as the use of personal email accounts to conduct official business, at NIH. On July 12, 2023, my staff emailed your office to request a briefing

⁷ See Letter from Chairman Brad Wenstrup, Select Subcommittee on the Coronavirus Pandemic, to Dr. David Morens, National Institute of Allergy and Infectious Diseases (June 29, 2023) at 2, available at https://oversight.house.gov/wp-content/uploads/2023/06/2023.06.29-BRW-Letter-to-DM-Re.-Origins_Redacted_Final.pdf.

⁸ See Letter from Laurence Brewer, Chief Records Officer, National Archives and Records Administration, to Anthony Gibson, National Institutes of Health (July 10, 2023) <https://www.documentcloud.org/documents/23872063-nara-nih-morens-letter>.

⁹ See Letter from Rep. James Comer et al., H.R. Committee on Oversight and Reform, to Secretary Xavier Becerra, Department of Health and Human Services, and Acting Director Dr. Lawrence Tabak, National Institutes of Health (Feb. 2, 2022) at 3, <https://oversight.house.gov/wp-content/uploads/2022/02/Letter-to-NIH-Follow-Up1.pdf>.

¹⁰ *Id.* at 3, note 10.

¹¹ See Letter from Laurence Brewer, Chief Records Officer, National Archives and Records Administration, to Anthony Gibson, National Institutes of Health (Feb. 28, 2022) at 2, <https://www.archives.gov/files/records-mgmt/resources/ud-2022-0027-hhs-nih-open-close-letter.pdf>.

¹² See Letter from Laurence Brewer, Chief Records Officer, National Archives and Records Administration, to Anthony Gibson, National Institutes of Health (Nov. 2, 2022) at 4, <https://www.archives.gov/files/records-mgmt/resources/ud-2022-0027-hhs-nih-open-close-letter.pdf>.

on what, if anything, was being done regarding Dr. Morens' questionable email practices.¹³ On July 19, 2023, your office responded, offering only a general briefing on HHS staff's email use, and stated, "[i]t is our standard practice to neither confirm nor deny the existence of any ongoing investigations, therefore we would not be able to provide any information on Dr. Morens[.]"¹⁴

I am disappointed with the OIG's unwillingness to provide any information on whether it has taken any steps to investigate Dr. Morens' potential disregard for federal record keeping policies and procedures. While I understand that there may be certain constraints and limitations on what OIGs can share with Congress regarding ongoing matters, your office's refusal to provide any information on this topic is unacceptable. Dr. Morens' actions are serious and Congress must know whether your office is going to take appropriate action to investigate this apparent wrongdoing. Therefore, because of your office's lack of transparency and failure to provide my office with any information on this matter, I write to request the OIG to investigate NIH and NIAID's handling of federal records. Specifically, I ask that you investigate:

1. The extent to which officials with HHS and its sub-agencies, including Dr. David Morens, utilized non-official personal email account(s) to conduct agency business;
2. The extent to which HHS and its sub-agencies preserve records from employees using non-official messaging platforms, such as Slack, for official agency business;
3. The extent to which officials with HHS and its sub-agencies, including Dr. David Morens, deleted or destroyed official agency records; and
4. The extent to which officials with HHS and its sub-agencies, including Dr. David Morens, have attempted to avoid or subvert the Freedom of Information Act.

If your office chooses to reconsider my office's initial request to provide a briefing on this matter, I ask that your office provide that briefing as soon as possible.

Sincerely,



Ron Johnson
Ranking Member
Permanent Subcommittee on Investigations

¹³ Email from PSI staff to the Department of Health and Human Services Office of Inspector General (July 12, 2023) (on file with Subcommittee).

¹⁴ Email from The Department of Health and Human Services Office of Inspector General to PSI Staff (July 19, 2023) (on file with Subcommittee).

The Honorable Christi A. Grimm

Aug. 14, 2023

Page 4

cc: The Honorable Richard Blumenthal
Chairman
Permanent Subcommittee on Investigations

Enclosure C

GARY C. PETERS, MICHIGAN, CHAIRMAN

THOMAS R. CARPER, DELAWARE
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United States Senate

COMMITTEE ON
HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS
WASHINGTON, DC 20510-6250

March 31, 2023

The Honorable Xavier Becerra
Secretary
Department of Health and Human Services
200 Independence Ave S.W.
Washington, D.C. 20201

Dear Secretary Becerra:

On June 11, 2021, we sent you and then-National Institutes of Health (NIH) Director Francis Collins a letter pursuant to 5 U.S.C. § 2954 requesting documents related to NIH's handling of the COVID-19 pandemic and the origin of SARS-CoV-2.¹ To date, the Department of Health and Human Services (HHS) has failed to fully comply with its legal obligation under that statute to provide the information requested. We write to reiterate our request, as well as request additional information relating to government officials' communications about SARS-CoV-2.

During a March 22, 2023 hearing, Senator Johnson asked you about HHS's lack of compliance with 5 U.S.C. § 2954.² The senator called on you to commit to providing the documents requested in our June 11, 2021 letter pursuant to that statute. In response, you affirmed that we **“are absolutely entitled to the information that by law a member of the Senate or the House should get.”**³

We appreciate HHS's acknowledgement that we are “entitled...by law” to the information we have requested.⁴ In order to assist HHS in meeting its acknowledged legal obligation, the requests from our June 11, 2021 letter are listed below:

1. All records involving Anthony Fauci, Hugh Auchincloss, David M. Morens, F. Gray Handley, Francis Collins, Ping Chen, Peter Daszak, Ralph Baric, Zheng Li Shi, Lawrence Tabak, Jeremy Farrar, Kristian Anderson, Feihu Yan, Steven Holland, or James Le Duc referring or relating to the Wuhan Institute of Virology, COVID-19, coronavirus,

¹ Letter from Ron Johnson, Ranking Member, Permanent Subcommittee on Investigations, and Sens. Rand Paul, James Lankford, Rick Scott, and Josh Hawley to Xavier Becerra, Secretary, Department of Health and Human Services and Francis Collins, M.D., Ph.D., Director, National Institutes of Health (June 11, 2021) (Enclosure A).

² The President's Fiscal Year 2024 Health and Human Services Budget: Hearing before the S. Comm. On Finance (Mar. 22, 2023), transcript available at <https://plus.cq.com/doc/congressionaltranscripts-7694673?1>.

³ *Id.* (emphasis added).

⁴ *Id.*

EcoHealth Alliance, or Dr. Baric's 2015 coronavirus study;⁵

2. Complete and unredacted copies of all documents and communications responsive to the Washington Post's Freedom of Information Act (FOIA) request described in the June 1, 2021 article;⁶
3. Complete and unredacted copies of all documents and communications responsive to BuzzFeed News' FOIA request as described in the June 1, 2021 article;⁷
4. Complete and unredacted copies of all documents and communications responsive to Judicial Watch's FOIA request as described in the June 4, 2021 post;⁸ and
5. Complete and unredacted copies of all documents and communications responsive to the following FOIA request IDs:⁹
 - a. 53801;
 - b. 54064;
 - c. 54085;
 - d. 54086;
 - e. 54087;
 - f. 55004;
 - g. 55006;
 - h. 55007; and
 - i. 55185.

In addition, pursuant to 5 U.S.C. § 2954, we request that you provide the following:

6. All records referring or relating to SARS-CoV-2 contained in any Slack workspace, including any Slack workspace where an individual other than an HHS employee was the administrator.

⁵ Ralph Baric et al., *A SARS-like cluster of circulating bat coronaviruses shows potential for human emergence*, Nature Medicine, Nov. 9, 2015, <https://www.nature.com/articles/nm.3985>. "Records" include any written, recorded, or graphic material of any kind, including letters, memoranda, reports, notes, electronic data (emails, email attachments, and any other electronically-created or stored information), calendar entries, inter-office communications, meeting minutes, phone/voice mail or recordings/records of verbal communications, and drafts (whether or not they resulted in final documents).

⁶ Damian Paletta and Yasmeen Abutaleb, *Anthony Fauci's pandemic emails: 'All is well despite some crazy people in this World'*, Washington Post June 1, 2021 <https://www.washingtonpost.com/politics/interactive/2021/tony-fauci-emails/> (discussing 800 pages of NIAID emails).

⁷ Natalie Bertendorf and Jason Leopold, *Anthony Fauci's Emails Reveal The Pressure That Fell on One Man*, BuzzFeed News, June 1, 2021, <https://www.buzzfeednews.com/article/nataliebettendorf/fauci-emails-covid-response> (discussing more than 3000 pages of NIAID emails).

⁸ Press release: *Judicial Watch Obtains Records Showing NIAID under Dr. Fauci Gave Wuhan Lab \$826k for Bat Coronavirus Research From 2014 to 2019*, Judicial Watch, June 4, 2021, <https://www.judicialwatch.org/press-releases/fauci-wuhan-826k/> (discussing 280 pages of NIAID emails and documents).

⁹ NIH 2020 FOIA Log, <https://www.nih.gov/sites/default/files/institutes/foia/20210414-foia-log-2020.pdf>.

5 U.S.C. § 2954 states:

An Executive agency, on request of the Committee on [Oversight and Accountability] of the House of representatives, or of any seven members thereof, **or on request of the Committee on [Homeland Security and] Governmental Affairs of the Senate, or any five members thereof, shall submit any information any information requested of it** relating to any matter within the jurisdiction of the committee.¹⁰

The Senate Committee on Homeland Security and Governmental Affairs is authorized to study or investigate:

the efficiency and economy of operations of all branches of the Government including the possible existence of fraud, misfeasance, malfeasance, collusion, mismanagement, incompetence, corruption or unethical practices, waste, extravagance, conflicts of interest, and the improper expenditure of Government funds in transactions, contracts, and activities of the Government or of Government officials and employees and any and all such improper practices between Government personnel and corporations, individuals, companies, or persons affiliated therewith, doing business with the Government, and the compliance or noncompliance of such corporations, companies, or individuals or other entities with the rules, regulations, and laws governing the various governmental agencies and the Government's relationships with the public.¹¹

Please provide the information requested in this letter as soon as possible, but no later than 5:00 pm on April 14, 2023. As with our previous request, we remain willing to work with your department on rolling productions of the requested documents. We ask that the department prioritize the immediate production of the documents identified in the enclosed list (see Enclosure B) without redactions.

Sincerely,



Ron Johnson
Ranking Member
Permanent Subcommittee
on Investigations



Rand Paul
Ranking Member
Committee on Homeland Security
and Governmental Affairs

¹⁰ 5 U.S.C. § 2954 (emphasis added)

¹¹ S. Res 59 § 12 (e)(1)(A) (118th Cong.).



Rick Scott
U.S. Senator



Josh Hawley
U.S. Senator



Roger Marshall
U.S. Senator

Enclosures

cc: The Honorable Gary Peters
Chairman
Committee on Homeland Security and Governmental Affairs

The Honorable Richard Blumenthal
Chairman
Permanent Subcommittee on Investigations

The Honorable Christi Grimm
Inspector General
Department of Health and Human Services

Priority Documents

1. JohNIH-00000866
2. JohNIH-00000867
3. JohNIH-00001483
4. JohNIH-00001484
5. JohNIH-00001747
6. JohNIH-00001748
7. JohNIH-00002049
8. JohNIH-00002050
9. JohNIH-00002051
10. JohNIH-00002052
11. JohNIH-00002089
12. JohNIH-00002090
13. JohNIH-00002091
14. JohNIH-00002092
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21. JohNIH-00002099
22. JohNIH-00002100
23. JohNIH-00002101
24. JohNIH-00002102
25. JohNIH-00002238
26. JohNIH-00002239
27. JohNIH-00002240
28. JohNIH-00002241
29. JohNIH-00002242
30. JohNIH-00002294
31. JohNIH-00003383
32. JohNIH-00003800
33. JohNIH-00003933
34. JohNIH-00003949
35. JohNIH-00003958
36. JohNIH-00004091
37. JohNIH-00004095
38. JohNIH-00004096
39. JohNIH-00004097
40. JohNIH-00004098
41. JohNIH-00004109
42. JohNIH-00004110
43. JohNIH-00004111
44. JohNIH-00004112

45. JohNIH-00004126
46. JohNIH-00004127
47. JohNIH-00004128
48. JohNIH-00004183
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52. JohNIH-00004187
53. JohNIH-00004193
54. JohNIH-00004194