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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

Enclosure A

GARY C. PETERS, MICHIGAN, CHAIRMAN
THOMAS R. CARPER, DELAWARE
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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
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 - 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>.

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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

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
15. JohNIH-00002093
16. JohNIH-00002094
17. JohNIH-00002095
18. JohNIH-00002096
19. JohNIH-00002097
20. JohNIH-00002098
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
49. JohNIH-00004184
50. JohNIH-00004185
51. JohNIH-00004186
52. JohNIH-00004187
53. JohNIH-00004193
54. JohNIH-00004194