

# 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

March 15, 2024

The Honorable Xavier Becerra  
Secretary  
Department of Health and Human Services

Dear Secretary Becerra:

In June 2021, I along with four other members of the Senate Committee on Homeland Security and Governmental Affairs, sent you a letter requesting records related to Anthony Fauci and the origins of COVID-19.<sup>1</sup> In response, the Department of Health and Human Services (HHS) produced approximately 4,000 pages of records containing Freedom of Information Act (FOIA) redactions.<sup>2</sup> As you are aware, Congressional oversight is not subject to FOIA redactions. In September 2021, my office identified approximately 400 pages of priority records that we requested to review unredacted.<sup>3</sup> Despite your own assertion that I am “absolutely entitled to the information that by law a member of the Senate or the House should get,” nearly three years after my initial request, the complete contents of approximately 50 pages of priority records are still hidden under HHS’s heavy redactions.<sup>4</sup>

During a March 14, 2024 hearing before the Senate Committee on Finance, I asked you “[w]hy haven’t you turned [the unredacted 50 priority pages] over to us,” despite your legal obligation.<sup>5</sup> I further stated, “if you’re withholding information from Congress . . . at minimum you should be providing me a privilege log justifying the reason you’re withholding this information.”<sup>6</sup> As I stated during the hearing, HHS has never provided my office a written privilege log identifying the exact privilege it is asserting for each redaction on the approximately 50 pages of priority records.<sup>7</sup>

<sup>1</sup> 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), <https://www.ronjohnson.senate.gov/services/files/53ED3ED4-1652-4F46-B89F-F0058382E9CA>.

<sup>2</sup> See Letter from Jeff Hild, Acting Secretary for Legislation, Department of Health and Human Services, to Ron Johnson, Ranking Member, Permanent Subcommittee on Investigations (July 27, 2021) (on file with the Subcommittee); and Letter from Jeff Hild, Acting Secretary for Legislation, Department of Health and Human Services, to Ron Johnson, Ranking Member, Permanent Subcommittee on Investigations (Aug. 17, 2021) (on file with the Subcommittee).

<sup>3</sup> Email from PSI Minority staff to HHS (Sept. 2, 2021) (on file with the Subcommittee) (providing a spreadsheet identifying approximately 400 pages of priority records for review).

<sup>4</sup> *The President’s Fiscal Year 2024 Health and Human Services Budget: Hearing Before the S. Comm. On Finance*, 118th Cong. (2023), transcript available at <https://plus.cq.com/doc/congressionaltranscripts-7694673?1>.

<sup>5</sup> *The President’s Fiscal Year 2025 Health and Human Services Budget: Hearing Before the S. Comm. On Finance*, 118th Cong. (2024), transcript available at <https://plus.cq.com/doc/congressionaltranscripts-7963627?0>.

<sup>6</sup> *Id.*

<sup>7</sup> *Id.* During a conference call with PSI staff on February 9, 2022, HHS provided general reasons for withholding records, which included broad assertions such as “HHS equities”, “White House equities”, and that records were still being reviewed. HHS did not make specific privilege assertions for these records. See Email from PSI staff to HHS

It is well past time for HHS to meet its legal obligation and produce, without redactions, the approximately 50 pages of priority records my office identified in 2021. You previously testified that I am “absolutely entitled” to that information.<sup>8</sup> Congress and the American people expect you to fulfill your responsibility and live up to your word.

As I mentioned at the March 14, 2024 hearing, I request HHS provide a detailed privilege log for the approximately 50 pages of priority records listed in the enclosure. For each redaction contained in those records, I expect HHS to identify the specific privilege that HHS believes prevents it from removing the redaction. If HHS cannot identify a valid privilege, those records should be produced to me without redactions immediately. Please provide this information by April 8, 2024. In addition, at the March 14, 2024 hearing I requested that you make yourself available for a phone call as soon as possible to discuss the steps HHS will take to respond to the June 2021 letter as well as other outstanding requests. I expect to schedule this phone call or in-person meeting by the week of April 8, 2024.

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

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(Feb. 9, 2022) (on file with the Subcommittee) (memorializing a conference call between HHS and PSI on Feb. 9, 2022).

<sup>8</sup> *The President's Fiscal Year 2024 Health and Human Services Budget: Hearing Before the S. Comm. On Finance, 118th Cong. (2023)*, transcript available at <https://plus.cq.com/doc/congressionaltranscripts-7694673?1>.

**Enclosure**

## **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