

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

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WASHINGTON, DC 20515-6143

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MINORITY (202) 225-5074

<https://oversight.house.gov>

February 2, 2022

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

Dr. Lawrence Tabak, D.D.S., Ph.D.
Acting Director
National Institutes of Health
9000 Rockville Pike
Rockville, MD 20892

Dear Secretary Becerra and Acting Director Tabak:

On May 28, 2021, we wrote former Director Francis Collins requesting documents regarding the National Institutes of Health (NIH) 2014 grant awarded to EcoHealth Alliance, Inc. (EcoHealth).¹ The subgrantee was the Wuhan Institute of Virology (WIV). NIH failed to produce a single document responsive to that first request. On July 15, 2021, we again wrote to NIH, pursuant to 5 U.S.C. §2954, requesting the same documents and information previously requested on May 28, 2021 (hereinafter collectively referred to as “the Requests”).² To date, the Department of Health and Human Services (HHS) and NIH have refused to produce any responsive documents or information not previously or immediately thereafter made public through a Freedom of Information Act (FOIA) request. This request is urgent as no one disputes the necessity of understanding the origins of the ongoing pandemic.

A series of events documented in communications from February to April 2020 raise serious concerns about conflicts of interest and abuse of government resources. On February 1, 2020, Dr. Anthony Fauci, Dr. Francis Collins, and at least eleven other scientists convened a conference call to discuss COVID-19.³ On this conference call, Drs. Fauci and Collins were first warned by top virologists that COVID-19 may have leaked from the WIV, and further, may have been intentionally genetically manipulated. It is unclear if either Dr. Fauci or Dr. Collins ever passed these warnings along to other government officials or if they simply ignored them.

¹ Letter from Hon. James Comer, Ranking Member, H. Comm. on Oversight & Reform, and Hon. Jim Jordan, Ranking Member, H. Comm. on the Judiciary, to Hon. Francis Collins, Director, U.S. Nat’l Insts. Of Health, and Anthony Fauci, Director, Nat’l Inst. Of Allergy & Infectious Diseases (May 28, 2021).

² Letter from Hon. James Comer, et. al., Ranking Member, H. Comm. on Oversight & Reform, to Hon. Francis Collins, Director, U.S. Nat’l Insts. Of Health, and Anthony Fauci, Director, Nat’l Inst. Of Allergy & Infectious Diseases (July 15, 2021).

³ Email from Jeremy Farrar to Anthony Fauci, et. al. (Feb. 1, 2020) (On file with Comm. Staff).

On February 4, 2020, six participants of the conference call—who warned about the likelihood of a lab leak just three days earlier—authored or were involved with a paper entitled, “The Proximal Origin of SARS-CoV-2.” The paper dismissed their previously held lab leak theory, and a first draft was sent to Drs. Fauci and Collins.⁴ Prior to final publication in *Nature Medicine*, the paper was sent to Dr. Fauci for editing and approval.⁵ It is unclear whether Drs. Collins or Fauci edited the paper. It is also unclear if any new evidence was presented or if the underlying science suddenly changed. But it is clear that after speaking with Drs. Fauci and Collins, the authors abandoned their belief COVID-19 was the result of a laboratory leak.

On April 16, 2020, a few months after the original conference call, Dr. Collins emailed Dr. Fauci expressing dismay that the *Nature Medicine* article—which they saw prior to publication and were given the opportunity to edit—did not squash the lab leak hypothesis and asked if the NIH can do more to “put down” the lab leak hypothesis.⁶ The next day, Dr. Fauci cited the *Nature Medicine* paper from the White House podium in an effort to further stifle the hypothesis COVID-19 leaked from the WIV.⁷

Since our July 15, 2021, request invoking §2954, Republican Committee staff have provided the following accommodations to HHS and NIH: time extensions, reducing the scope of the request, prioritizing certain documents, and engaging in *in camera* review of certain documents.⁸ Throughout this time, Republican Committee staff made clear to HHS staff that Committee Republicans may, at a later date, request full, unredacted copies of the documents reviewed *in camera* and all other documents responsive to the Requests.⁹

⁴ Email from Jeremy Farrar to Anthony Fauci & Francis Collins (Feb. 4, 2020) (On file with Comm. Staff)

⁵ Email from Kristian Andersen to Anthony Fauci, Francis Collins, & Jeremy Farrar (Mar. 6, 2020) (On file with Comm. staff).

⁶ Email from Francis Collins to Anthony Fauci, et. al. (Apr. 16, 2020) (On file with Comm. Staff).

⁷ John Haltiwanger, *Dr. Fauci throws cold water on conspiracy theory that coronavirus was created in a Chinese lab*, BLOOMBERG (Apr. 18, 2020).

⁸ Email from Republican Comm. Staff to U.S. Dep’t of Health & Human Servs. (July 29, 2021 07:53 p.m.) (“For the productions, please prioritize the 15 unredacted documents that were previously released over FOIA.”); Email from U.S. Dept’ of Health & Human Servs. To Republican Comm. Staff (Sept. 9, 2021) (“I think we can move forward scheduling the *in camera* next week.”); Email from Republican Comm. Staff to U.S. Dep’t of Health & Human Servs. (Oct. 15, 2021) (“Today, as an accommodation to HHS, we are narrowing that request to the documents listed below and the attachment mentioned in NIH-002160, if HHS has custody and control of that attachment.”); Email from Republican Comm. Staff to U.S. Dep’t of Health & Human Servs. (Oct. 28, 2021) (“...we would preliminary like to schedule an *in camera* review of the documents listed in (2) below for early next week.”).

⁹ *In camera* review (Sept. 16, 2021) (Comm. staff reiterated to U.S. Dep’t of Health & Human Servs. the Committee’s request for physical, unredacted documents.); Email from Republican Comm. Staff to U.S. Dep’t of Health & Human Servs. (Sept. 20, 2021) (“Just wanted to check in on the production of the unredacted set of documents we reviewed on Thursday.”); Email from Republican Comm. Staff to U.S. Dep’t of Health & Human Servs. (Oct. 15, 2021) (“After the *in camera* review of the documents requested pursuant to Ranking Member Comer and other Committee Members’ July 15, 2021 Sec. 2954 letter, we requested HHS produce unredacted physical copies of those documents reviewed.”) *Id.* (“However, we reserve the right to request a full and complete production as requested on July 15.”); Email from Republican Comm. Staff to U.S. Dep’t of Health & Human Servs. (Oct. 28, 2021) (“As discussed, reserving our right to request physical copies of all documents below as they are responsive to the Committee’s July 15 letter...”).

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Dr. Lawrence Tabak, D.D.S., Ph.D.
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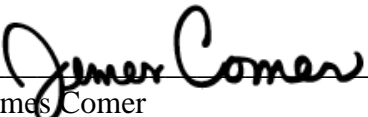
Rather than be transparent with Committee Republicans, HHS and NIH have chosen to hide, obfuscate, and shield the truth. This stonewalling is particularly troubling considering NIH's direct involvement in responding to the COVID-19 pandemic, and the agency's policy or practice to destroy potentially pertinent documents related to grant making decisions. For example, we know that an NIH advisor was forced by NIH to shred notes and other documents pertaining to the WIV grants as early as 2014.¹⁰

By continuing to refuse to cooperate with our request, HHS and NIH are choosing to hide information that will help inform the origins of the ongoing pandemic, prevent future pandemics, strengthen the United States' national security posture, and restore confidence in our public health experts and infrastructure. The agencies' continued obstruction is likely to cause irreparable harm to the credibility of these institutions. By providing the requested documents and information, HHS and NIH will have the opportunity to help our country move forward in a positive, transparent direction following the COVID-19 pandemic.


As an additional accommodation, we are providing more specificity to our original Requests. Therefore, we request the documents and information listed in the Appendix as soon as possible but no later than February 16, 2022. If HHS and NIH are unable to meet this deadline, please contact Committee Republican staff as soon as possible.


Thank you for your attention to this important inquiry.

Sincerely,


James Comer
Ranking Member
Committee on Oversight and Reform


Jody Hice
Ranking Member
Subcommittee on Government
Operations


Glenn S. Grothman
Ranking Member
Subcommittee on National Security


Michael Cloud
Ranking Member
Subcommittee on Economic and
Consumer Policy

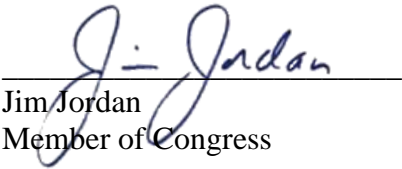
¹⁰ Email from [redacted] to Republican Comm. Staff (Nov. 5, 2021) ("I signed a confidentiality agreement in which I agreed not to discuss any grant with anyone except with other members of the study section, and - once the meeting was over - that I would destroy any notes that I had taken during the meeting (we did this by tossing them in shred box in the meeting room)).".



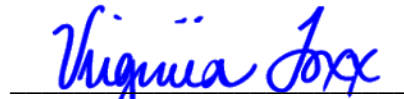
Ralph Norman
Ranking Member
Subcommittee on Environment



Nancy Mace
Ranking Member
Subcommittee on Civil Rights and
Civil Liberties



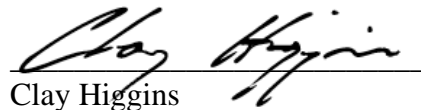
Jim Jordan
Member of Congress



Virginia A. Foxx
Member of Congress



Bob Gibbs
Member of Congress



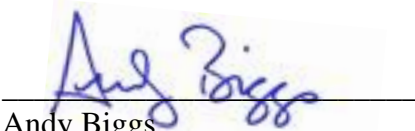
Clay Higgins
Member of Congress



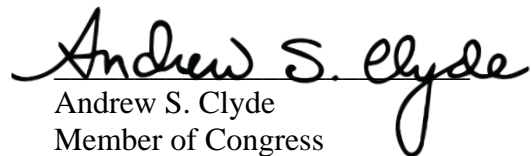
Pete Sessions
Member of Congress



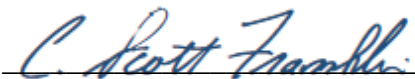
Fred Keller
Member of Congress



Andy Biggs
Member of Congress



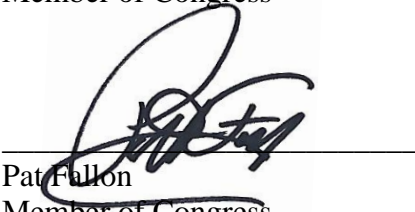
Andrew S. Clyde
Member of Congress



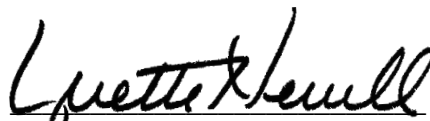
Scott Franklin
Member of Congress



Jake LaTurner
Member of Congress



Pat Fallon
Member of Congress



Yvette Herrell
Member of Congress

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Byron Donalds
Member of Congress

cc: The Honorable Carolyn Maloney, Chairwoman
Committee on Oversight and Reform

The Honorable Gerald E. Connolly, Chairman
Subcommittee on Government Operations

The Honorable Stephen F. Lynch, Chairman
Subcommittee on National Security

The Honorable Raja Krishnamoorthi, Chairman
Subcommittee on Economic and Consumer Policy

The Honorable Ro Khanna, Chairman
Subcommittee on Environment

The Honorable Jamie Raskin, Chairman
Subcommittee on Civil Rights and Civil Liberties

Appendix: Document and Information Requests

Pursuant to July 15 request number 5:

1. All documents and communications regarding Scientific Review Group, including but not limited to the Clinical Research and Field Studies of Infectious Diseases Study Section, review of R01AI110964, including but not limited to meeting minutes and a final report, memorandum, decision, or summary statement.
2. All documents and communications regarding NIAID National Advisory Allergy and Infectious Disease Council review of R01AI110964, including but not limited to meeting minutes and a final report, memorandum, decision, or summary statement.
3. All documents and communications between and amongst NIH, NIAID, and HHS regarding grant R01AI110964, to include all grant years and any subsequent related grants, from January 1, 2014 through present. Requested e-mail custodians must include but are not limited to:
 - a. Dr. Francis Collins
 - b. Dr. Lawrence Tabak
 - c. Dr. Michael Lauer
 - d. Dr. Anthony Fauci
 - e. Dr. Hugh Auchincloss
 - f. Mr. Greg Folkers
 - g. Dr. Ping Chen
 - h. Dr. Jodi Black
 - i. Dr. Erik Stemmy
 - j. Dr. Emily Erbelding
 - k. Ms. Emily Linde
 - l. Ms. Michelle Bulls
 - m. Dr. Matthew Fenton
 - n. Dr. Jill Harper
 - o. Dr. Cliff Lane
 - p. Ms. Melinda Haskins
4. All documents and communications amongst NIH, NIAID, and/or HHS regarding the WIV from January 1, 2014, through present. Requested email custodians include, but are not limited to, all in request (3).

Pursuant to July 15 request number 2:

5. All documents and communications between NIH and/or NIAID and the WIV from January 1, 2014, through present. Requested email custodians include, but are not limited to, all in request (3).

Pursuant to July 15 request number 1:

6. All documents and communications between NIH, NIAID, and/or HHS and EcoHealth Alliance, Inc. (EcoHealth) regarding grant R01AI110964, to include all grant years and any subsequent related grants, from January 1, 2014, through present. Requested email custodians include, but are not limited to, all in request (3). Specifically including but not limited to:
 - a. July 23, 2021 letter from either Dr. Tabak or Dr. Lauer to Dr. Daszak/Dr. Chmura (EcoHealth);
 - b. October 20, 2021 letter from either Dr. Tabak or Dr. Lauer to Dr. Daszak/Dr. Chmura (EcoHealth);
 - c. November 5, 2021 letter from Dr. Lauer to Dr. Daszak/Dr. Chmura (EcoHealth); and,
 - d. November 18, 2021 letter from Dr. Daszak/Dr. Chmura (EcoHealth) to Dr. Lauer

Pursuant to July 15 request number 4:

7. All documents and communications between NIH and/or NIAID and HHS regarding referring or not referring R01AI110964 for Potential Pandemic Pathogen Care and Oversight Framework (P3CO) review. Requested email custodians include, but are not limited to, all in request (3) and:
 - a. Dr. David Christian Hassell

Pursuant to July 15 request number 5:

8. All documents and communications regarding the convening of a teleconference on February 1, 2020.
9. All documents and communications resulting from a teleconference on February 1, 2020. Particularly unredacted versions of the documents attached in Appendix I.
10. All documents and communications regarding the drafting and publication of “The Proximal Origins of SARS-CoV-2” subsequently published in *Nature Magazine* with, including but not limited to, the following custodians:
 - a. Dr. Francis Collins
 - b. Dr. Anthony Fauci
 - c. Dr. Lawrence Tabak
11. All drafts of “The Proximal Origins of SARS-CoV-2” from January 31, 2020 through March 17, 2020.