

Congress of the United States

Washington, DC 20515

September 14, 2023

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

Dear Secretary Becerra:

The Select Subcommittee on the Coronavirus Pandemic, the Committee on Oversight and Accountability, and the Committee on Energy and Commerce (“the Committees”) are jointly investigating the origins of the COVID-19 pandemic. At the beginning of this Congress, the Committees sent requests for responsive documents and communications from the Department of Health and Human Services (“HHS” or the “Department”), specifically but not limited to documents in the custody of the National Institutes of Health (NIH) and the National Institute of Allergy and Infectious Diseases (NIAID).

We have a Constitutional duty to conduct thorough oversight and evaluate legislative solutions to address deficiencies and engrain proficiencies within the federal government. The Committees will use this investigation to inform potential legislation to improve pandemic preparedness, strengthen grant processes and oversight, and enhance biosafety and biosecurity of laboratory and field research. This may also include amending or strengthening current criminal laws regarding defrauding the United States.

This letter consolidates our previous requests regarding the origins of COVID-19 and, as a further accommodation to the Department, tables some requests, adds significant topic specificity, scopes down the time frame of our previous requests, and prioritizes requests most important to the Committees. Considering these significant accommodations, we expect full and timely compliance with each request.

If the Department fails to meet any of the prescribed deadlines, the Committees will be forced to consider the use of the compulsory process.

THE COMMITTEES’ FEBRUARY 2 AND 13, 2023 LETTER

I. EcoHealth Alliance, Inc.

Please produce the following documents and communications as soon as possible but no later than **September 21, 2023**:

1. All documents and communications between or among NIH, NIAID, and/or HHS employees regarding grant R01AI110964, to include all grant years and any subsequent related grants, from January 1, 2014 through present.

This request should be construed broadly to include documents and communications including but not limited to involving the below individuals, other government agencies, or non-governmental individuals.

The Department should prioritize searching the following individuals' communications:

- a. Dr. Francis Collins;
 - b. Dr. Anthony Fauci;
 - c. Dr. Lawrence Tabak;
 - d. Dr. Hugh Auchincloss;
 - e. Mr. Greg Folkers;
 - f. Dr. Cliff Lane;
 - g. Dr. Ping Chen;
 - h. Dr. Gray Handley;
 - i. Dr. Erik Stemmy;
 - j. Dr. Michael Lauer;
 - k. Dr. Emily Erbelding; and
 - l. Dr. David Morens.
2. All documents and communications between and among NIH, NIAID, and/or HHS employees and EcoHealth employees, or affiliated individuals, regarding grant R01AI110964, to include all grant years and any subsequent related grants, from January 1, 2014, through present.

The Department should prioritize searching the following individuals' communications:

- a. Dr. Francis Collins;
- b. Dr. Anthony Fauci;
- c. Dr. Lawrence Tabak;
- d. Dr. Hugh Auchincloss;
- e. Mr. Greg Folkers;
- f. Dr. Cliff Lane;
- g. Dr. Ping Chen;
- h. Dr. Gray Handley;
- i. Dr. Erik Stemmy;
- j. Dr. Michael Lauer;
- k. Dr. Emily Erbelding; and
- l. Dr. David Morens

For Requests (1) and (2) the Department should prioritize the production of the following documents in a single production:

- a. May 27, 2014, Notice of Award (NoA) for Grant Number 1R01AI110964-01, awarded by NIAID to EcoHealth;

- b. May 28, 2016, letter from NIAID to EcoHealth;
 - c. June 8, 2016, letter from EcoHealth to NIAID;
 - d. July 7, 2016, letter from NIAID to EcoHealth;
 - e. November 30, 2016, Revised NoA for Grant Number 5R01AI110964-03, awarded by NIAID to EcoHealth;
 - f. May 26, 2017, NoA for Grant Number 5R01AI110964-04, awarded by NIAID to EcoHealth;
 - g. June 18, 2018, NoA for Grant Number 5R01AI110964-05, awarded by NIAID to EcoHealth;
 - h. July 24, 2019, NoA for Grant Number 2R01AI110964-06, awarded by NIAID to EcoHealth;
 - i. April 19, 2020, letter from the NIH to EcoHealth;
 - j. April 24, 2020, letter from the NIH to EcoHealth;
 - k. May 22, 2020, letter from the law firm of Tarter, Kinsky, and Drogin, to the NIH;
 - l. July 8, 2020, letter from the NIH to EcoHealth;
 - m. July 23, 2021, letter from the NIH to EcoHealth;
 - n. October 20, 2021, letter from the NIH to EcoHealth;
 - o. October 26, 2021, letter from EcoHealth to the NIH;
 - p. Year 4 Research Performance Progress Report (RPPR), for Grant Number 5R01AI110964-05;
 - q. Year 5 Interim-Research Performance Progress Report (I-RPPR) for Grant Number R01AI110964-05;
 - r. November 5, 2021, letter from the NIH to EcoHealth;
 - s. November 18, 2021, letter from EcoHealth to the NIH;
 - t. January 6, 2022, letter from the NIH to EcoHealth;
 - u. January 21, 2022, letter from EcoHealth to the NIH; and
 - v. August 19, 2022, letter from the NIH to EcoHealth.
3. All documents and communications between and among NIH, NIAID, and/or HHS employees and EcoHealth employees, or affiliated individuals, regarding the letter in *The Lancet* entitled “Statement in support of the scientists, public health professionals, and medical professionals of China combatting COVID-19.”

The Department should prioritize searching the following individuals’ communications:

- a. Dr. Francis Collins;
- b. Dr. Anthony Fauci;
- c. Dr. Lawrence Tabak;
- d. Dr. Hugh Auchincloss;
- e. Mr. Greg Folkers;
- f. Dr. Cliff Lane;
- g. Dr. Ping Chen;
- h. Dr. Gray Handley;
- i. Dr. Erik Stemmy;
- j. Dr. Michael Lauer;
- k. Dr. Emily Erbelding; and

1. Dr. David Morens.

II. The February 1, 2020, Teleconference and *Proximal Origin*

Please produce the following documents and communications as soon as possible but no later than **September 28, 2023**:

4. All documents and communications regarding, referring to, or relating to the February 1, 2020, teleconference or any subsequent telephone call, conference, or meeting regarding the origins of COVID-19.

This request should be construed broadly to include documents and communications including but not limited to involving the below individuals, other government agencies, or non-governmental individuals.

The Department should prioritize searching the following individuals' communications:

- a. Dr. Francis Collins;
- b. Dr. Anthony Fauci;
- c. Dr. Lawrence Tabak;
- d. Dr. Hugh Auchincloss;
- e. Dr. David Christian Hassell;
- f. Mr. Greg Folkers;
- g. Dr. Cliff Lane;
- h. Dr. Ping Chen;
- i. Dr. Erik Stemmy;
- j. Dr. Michael Lauer;
- k. Dr. Emily Erbelding; and
- l. Dr. David Morens.

The Department should search the above custodians for documents and communications involving, referencing, or regarding the following individuals or any iterations thereof:

- a. Dr. Jeremy Farrar;
- b. Dr. Kristian Andersen;
- c. Dr. Robert Garry;
- d. Dr. W. Ian Lipkin;
- e. Dr. Edward Holmes;
- f. Dr. Michael Farzan;
- g. Dr. Christian Drosten;
- h. Dr. Ron Fouchier;
- i. Dr. Marion Koopmans;
- j. Dr. Ralph Baric;
- k. Dr. Peter Daszak;
- l. Dr. James LeDuc;

- m. Dr. Victor Dzau;
 - n. Dr. Shi Zhengli;
 - o. Dr. Ben Hu;
 - p. Dr. Yu Ping;
 - q. Dr. Yan Zhu; and
 - r. Dr. Zhou Yusen.
5. All documents and communications regarding the drafting, publication, and critical reception of “The Proximal Origin of SARS-CoV-2” published in *Nature Magazine* on March 17, 2020.

This request should be construed broadly to include documents and communications involving the below individuals, other government agencies, including but not limited to the U.S. Department of State, and non-governmental individuals. It should also be construed to include documents and communications regarding the drafting, preparation, and critical reception of “The Proximal Origin of SARS-CoV-2” published in *Virological* on February 16, 2020.

The Department should prioritize searching the following individuals’ communications:

- a. Dr. Francis Collins;
- b. Dr. Anthony Fauci;
- c. Dr. Lawrence Tabak;
- d. Dr. Hugh Auchincloss;
- e. Mr. Greg Folkers;
- f. Dr. Cliff Lane;
- g. Dr. Ping Chen;
- h. Ms. Adrienne Hallett;
- i. Dr. Erik Stemmy;
- j. Dr. Michael Lauer;
- k. Dr. Emily Erbelding; and
- l. Dr. David Morens.

The Department should search the above custodians for documents and communications involving, referencing, or regarding the following individuals or any iterations thereof:

- a. Dr. Jeremy Farrar;
- b. Dr. Kristian Andersen;
- c. Dr. Robert Garry;
- d. Dr. W. Ian Lipkin;
- e. Dr. Edward Holmes;
- f. Dr. Michael Farzan;
- g. Dr. Christian Drosten;
- h. Dr. Ron Fouchier;
- i. Dr. Marion Koopmans;
- j. Dr. Ralph Baric;

- k. Dr. Peter Daszak;
- l. Dr. James LeDuc;
- m. Dr. Victor Dzau;
- n. Dr. David Asher;
- o. Dr. Shi Zhengli;
- p. Dr. Ben Hu;
- q. Dr. Yu Ping;
- r. Dr. Yan Zhu; and
- s. Dr. Zhou Yusen.

III. The Wuhan Institute of Virology (WIV)

Please produce the following documents and communications as soon as possible but no later than **October 5, 2023**:

- 6. All documents and communications between and among NIH, NIAID, and/or HHS employees regarding the WIV from January 1, 2014 through present.

The Department should prioritize searching the following individuals' communications:

- a. Dr. Francis Collins;
- b. Dr. Anthony Fauci;
- c. Dr. Lawrence Tabak;
- d. Dr. Hugh Auchincloss;
- e. Mr. Greg Folkers;
- f. Dr. Cliff Lane;
- g. Dr. Ping Chen;
- h. Dr. Erik Stemmy;
- i. Dr. Michael Lauer; and
- j. Dr. Emily Erbeling.

- 7. All documents and communications between and among NIH and/or NIAID employees and employees of the WIV from January 1, 2014, through present. The likely responsive e-mail addresses would end with "@wh.iov.cn."

The Department should prioritize searching the following individuals' communications:

- a. Dr. Francis Collins;
- b. Dr. Anthony Fauci;
- c. Dr. Lawrence Tabak;
- d. Dr. Hugh Auchincloss;
- e. Mr. Greg Folkers;
- f. Dr. Cliff Lane;
- g. Dr. Ping Chen;
- h. Dr. Erik Stemmy;
- i. Dr. Michael Lauer; and
- j. Dr. Emily Erbeling.

SELECT SUBCOMMITTEE'S JULY 13, 2023 LETTER

Please produce the following documents and communications as soon as possible but no later than **October 12, 2023**:

1. Any document, summary, memo, one pager, or other work product that was produced because of the February 1, 2020, conference call.

This document was referenced by Dr. Anthony Fauci as drafted by Mr. Lawrence Kerr (potentially in possession of Mr. Garrett Grigsby) in an e-mail on February 2, 2020, produced to the Select Subcommittee and BATES numbered SSCP_NIH001796.

2. All notes in the custody and control of the Department or any of its sub-agencies resulting from the February 1, 2020, conference call.

The existence of contemporaneous notes regarding the February 1 conference call was confirmed to the Select Subcommittee by [REDACTED], who was on the call.

SELECT SUBCOMMITTEE'S AUGUST 3, 2023 LETTER

Please produce the following documents and communications as soon as possible but no later than **October 19, 2023**:

1. All Coronavirus-based research proposals that included any work to be conducted or supported by individuals or institutions in China or Southeast Asia submitted by applicants or reviewed by NIH or NIAID between January 1, 2018 and January 1, 2020, that NIH or NIAID declined, denied, or otherwise did not fund.

Pursuant to the terms of the Select Subcommittee's February 13, 2023, letter, we reiterate our previous request that the following individuals testify at voluntary transcribed interviews on the following dates:

- | | |
|--------------------------|-------------------|
| 1. Dr. Erik Stemmy: | October 23, 2023 |
| 2. Dr. Emily Erbelding: | October 26, 2023 |
| 3. Dr. Michael Lauer: | November 2, 2023 |
| 4. Dr. Cliff Lane: | November 16, 2023 |
| 5. Dr. Hugh Auchincloss: | November 28, 2023 |
| 6. Dr. Lawrence Tabak: | December 5, 2023 |
| 7. Dr. Francis Collins: | December 12, 2023 |

If a witness is unable to participate on the requested dates, please inform the Committees at least one week prior. If any of these dates are missed by the Department for invalid reasons, the Committees will consider the use of the compulsory process.

Additionally, for each of the above letters, provide the Committees with how many new or unique searches or pulls of information conducted by the Department and on what dates, a list of search terms used for these pulls, and a list of custodial inboxes searched as soon as possible but no later than **September 21, 2023**. Within the terms of the February 13, 2023 letter, if the Department fails to meet this deadline and considering the pace of production and recent concerns regarding excessive redactions, we reiterate our previous request that the following individual testify at a voluntary transcribed interview on the following date:

1. Ms. Melanie Egorin: September 28, 2023

If this date is missed by the Department for invalid reasons, the Select Subcommittee will be forced to consider the use of the compulsory process. However, if the Department meets the September 24 deadline, Ms. Egorin's transcribed interview request will be withdrawn.

The Select Subcommittee on the Coronavirus Pandemic is authorized to investigate "the origins of the Coronavirus pandemic, including but not limited to the Federal Government's funding of gain-of function research" and "executive branch policies, deliberations, decisions, activities, and internal and external communications related to the coronavirus pandemic" under H. Res. 5. The Committee on Oversight and Accountability is authorized to investigate "any matter" at "any time" pursuant to House Rule X. The Committee on Energy and Commerce is the authorizing committee with jurisdiction and oversight responsibilities for public health service agencies, including the NIH and the entities it funds, as well as federal biomedical research and development.

Further, House Rule XI clause 2(m)(1)(B) grants Committees of the House of Representatives with the authority "to require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents as it considers necessary."

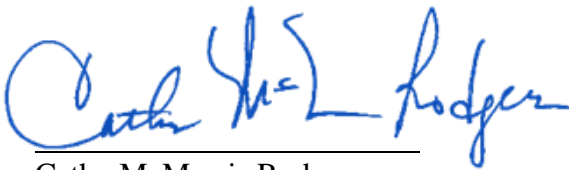
Sincerely,




Brad Wenstrup, D.P.M.
Chairman
Select Subcommittee on the
Coronavirus Pandemic



James Comer
Chairman
Committee on Oversight and
Accountability



Cathy McMorris Rodgers
Chair
Committee on Energy and
Commerce



Morgan Griffith
Chair
Subcommittee on Oversight and
Investigations



Brett Guthrie
Chair
Subcommittee on Health

cc: The Honorable Raul Ruiz, M.D., Ranking Member
Select Subcommittee on the Coronavirus Pandemic

The Honorable Jamie Raskin, Ranking Member
Committee on Oversight and Accountability

The Honorable Frank Pallone, Jr. Ranking Member
Committee on Energy and Commerce

The Honorable Kathy Castor, Ranking Member,
Subcommittee on Oversight and Investigations

The Honorable Anna Eshoo, Ranking Member,
Subcommittee on Health