

US Sen. Johnson: Colleagues to HHS Secretary Becerra: Follow the law and provide Congress records on COVID-19 origins

Posted on Thursday, Apr 6, 2023

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WASHINGTON – On Friday, U.S. Sen. Ron Johnson (R-Wis.), ranking member of the Senate Permanent Subcommittee on Investigations, along with four senators from the Senate Homeland Security and Governmental Affairs Committee, including Ranking Member Rand Paul (R- Ky.), Rick Scott (R-Fla.), Josh Hawley (R-Mo.), and Roger Marshall (R-Kan.), sent a letter to Secretary of Health and Human Services (HHS) Xavier Becerra demanding that he follow the law and produce records relating to the origins of COVID-19.

Pursuant to federal statute 5 U.S.C. § 2954, HHS must produce the requested documents so long as five Homeland Security and Governmental Affairs Committee members sign the letter. Sen. Johnson previously led a five-committee member letter to HHS on [June 11, 2021](#). Since then, HHS has failed to follow the law and produce the requested documents to the committee.

During a March 22, 2023 hearing, Sen. Johnson [confronted](#) Sec. Becerra about HHS's lack of compliance with the federal statute and called on him to produce all responsive records requested in the June 11, 2021 letter. Sec. Becerra affirmed that the senators "are absolutely entitled to the information that by law a member of the Senate or the House should get."

The senators wrote, "[w]e appreciate HHS's acknowledgement that we are 'entitled...by law' to the information we have requested."

The senators' most recent letter reiterates the requests made in the June 2021 letter and includes an additional request for HHS's communications on Slack.

The full text of the letter can be found [here](#) and below:

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, 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 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

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

^[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.*

^[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 Berttendorf 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>.

^[10] 5 U.S.C. § 2954 (emphasis added)

[\[11\]](#) S. Res 59 § 12 (e)(1)(A) (118th Cong.).