

June 18, 2024

Christi A Grimm
Inspector General
Department of Human Services
200 Independence Avenue, SW
Washington D.C. 20201

Gene Dodaro
Comptroller General of the United States
Government Accountability Office
441 G Street, NW
Washington, DC 20548

Dear Ms. Grimm and Mr. Dodaro,

I write to you today to express my concerns with the Freedom of Information Act (FOIA) protocols and procedures at agencies under the Department of Health and Human Services' supervision, namely the National Institute of Health (NIH) and the National Institute of Allergy and Infectious Diseases (NIAID). Due to the recent revelations of disturbing behavior by NIH and NIAID officials, I demand a full audit of all FOIA production at NIH and NIAID, including a thorough assessment of compliance with the law. If this investigation determines that any federal employees have committed legal offenses, I recommend you immediately refer those individuals to the Department of Justice (DOJ) for criminal investigation.

On May 28, 2024, the House of Representatives Select Subcommittee on the Coronavirus Pandemic released details of what may be an NIH and NIAID conspiracy to avoid transparency and accountability related to the COVID-19 pandemic. The most perplexing admissions include:

1. David Morens, Senior Scientific Advisor at NIAID, giving forewarning of potentially damaging FOIA productions to individuals outside the government, in particular, EcoHealth President Peter Daszak, who had done extensive work with the Wuhan Institute of Virology in Wuhan, China. This also underscores potential NIH-wide efforts to shield EcoHealth from public scrutiny relating to the origins of the COVID-19 pandemic, or, as Dr. Morens, put it, "steer through this with minimal damage to you, Peter [Daszak], and colleagues."¹
2. Dr. Morens admitted that the NIH FOIA Office, led in part by Margaret Moore at the time, may have assisted in the destruction of official federal records.² These individuals in the FOIA office may have also coached NIH and NIAID employees on how to evade FOIA searches, such as by intentionally misspelling words assumed to be queried during upcoming searches.
3. High level officials at NIAID, including Dr. Morens and Dr. Anthony Fauci, may have intentionally used their personal emails to discuss sensitive work related to the origins of

¹ Morens, David. *Re: PLEASE READ -- Re: Please Read and Acknowledge Receipt – Actions Needed Regarding 2Ro1A1110964-06*, <https://www.ecohealthalliance.org/wp-content/uploads/2024/04/Emails-04.pdf>, April 26, 2020.

² Brad Wenstrup to Monica M. Bertagnolli, "Letter to Monica M. Bertagnolli," May 28, 2024, https://oversight.house.gov/wp-content/uploads/2024/05/2024.05.28-BRW-Letter-to-NIH-Re.-FOIA_Redacted.pdf.

the COVID-19 pandemic. Furthermore, there is evidence that Dr. Morens deleted emails when he believed a topic, such as COVID-19 origins, was “getting sensitive.”³ If true, this represents destruction of official records and, at a minimum, must be referred to the DOJ for investigation.

If substantiated, this behavior is unbecoming of a federal official entrusted with the faith and confidence of the American people, a people who are still without an answer as to where COVID-19 originated.

I am appreciative that the Senate Committee on Homeland Security and Government Affairs is dedicating a June 18 hearing to this very topic, entitled “Origins of Covid-19: An Examination of Available Evidence.” However, I realize that this discussion will be hindered by the Chinese Communist Party’s (CCP) unwillingness to divulge valuable data from the early days of the pandemic.

Since November 2019, when several researchers within the Wuhan Institute of Virology (WIV) first became sick with an illness that exhibited symptoms consistent with COVID-19,⁴ the CCP has covered up, obfuscated, or outright blocked independent attempts to discover the origins of the COVID-19 pandemic. For example, the CCP has directed the WIV to:

1. not hand over notebooks belonging to EcoHealth Alliance, which may have provided evidence that EcoHealth and other researchers at the WIV were conducting gain-of-function research on coronaviruses⁵
2. cover up the fact that it has collaborated extensively with the People’s Liberation Army on classified research, including laboratory animal experiments, since at least 2017⁶
3. not be transparent regarding its record of studying viruses most similar to the COVID-19 virus, including “RaTG13,” which shares genetic sequencing 96% similar to COVID-19⁷

We are already dealing with a regime that is blocking access to critical information that could prove valuable to establishing the origin of COVID-19. What we cannot have, and what the American people do not deserve, is their own federal officials misleading the public and attempting to shield potentially compromising information regarding the origins of COVID-19.

³ David Morens, June 28, 2021, pg. 15 https://oversight.house.gov/wp-content/uploads/2024/05/Underlying-Docs_Morens-Memo-5.22.pdf.

⁴ Ken Dilanian, “U.S. Intel Report Identified 3 Wuhan Lab Researchers Who Fell Ill in November 2019,” NBCNews.com, May 24, 2021, <https://www.nbcnews.com/health/health-news/u-s-intel-report-identified-3-wuhan-lab-researchers-who-n1268327>.

⁵ Select Subcommittee on the Coronavirus Pandemic, report, An Evaluation of the Evidence Surrounding EcoHealth Alliance, Inc.’s Research Activities, https://oversight.house.gov/wp-content/uploads/2024/04/2024.05.01-SSCP-Report_FINAL.pdf, pg. 41.

⁶ Fact sheet: Activity at the Wuhan Institute of Virology - United States Department of State, January 15, 2021, <https://2017-2021.state.gov/fact-sheet-activity-at-the-wuhan-institute-of-virology/>.

⁷ Fact sheet: Activity at the Wuhan Institute of Virology - United States Department of State, January 15, 2021, <https://2017-2021.state.gov/fact-sheet-activity-at-the-wuhan-institute-of-virology/>.

For this reason, I demand a full audit of all FOIA production at NIH, including a thorough assessment of compliance with the law, going back to at least calendar year 2014. This should include, at a minimum:

1. a forensic audit of all FOIA production conducted by Margaret Moore during her time as NIAID's FOIA public liaison.
2. a similar audit to determine whether there were any other "insider threats" to the internal FOIA process at the NIH or NIAID FOIA Office
3. an assessment of NIH and NIAID FOIA compliance, produced in a report for the public's viewing

Please complete your audit by August 18, 2024. The American people, who may have inadvertently funded a lab responsible for creating and leaking the COVID-19 virus that killed 1.1 million of their fellow citizens, deserve this transparency and accountability.

Sincerely,

Roger Marshall, M.D.
United States Senator