

Congress of the United States

House of Representatives

SELECT SUBCOMMITTEE ON THE CORONAVIRUS PANDEMIC

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WASHINGTON, DC 20515-6143

Majority (202) 225-5074
Minority (202) 225-5051

October 5, 2023

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

Dear Acting Director Tabak:

On September 15, 2023, the Select Subcommittee requested information pertaining to the National Institutes of Health's (NIH) investigation into the highly concerning allegations of Senior Scientific Advisor of the National Institute of Allergy and Infectious Disease Dr. David Morens's use of personal e-mail to thwart the Freedom of Information Act (FOIA) as well as the deletion of federal records.¹ In addition to potentially violating the law, reports that a senior U.S. scientist purposefully engaged in activities to avoid transparency² are serious matters that the Select Subcommittee views as undermining its investigation into the origins of COVID-19 and the United States' response to the pandemic. The mere suggestion of hiding government communications ever, is extremely concerning and suggests dishonesty.

To properly execute the Select Subcommittee's mission, including investigating the origins of the coronavirus pandemic and executive branch's decisions and activities related to the coronavirus pandemic, we must have the full cooperation of federal agencies. Thus far, NIH has failed to produce a single document responding to our previous requests. Accordingly, we write to reiterate our previous requests to be produced as soon as possible but no later than October 12, 2023. If the NIH fails to comply with our legitimate oversight requests, we will be forced to evaluate the use of the compulsory process. For your ready reference, our previous requests are below:

1. All notes, records, or any other form of memorialization of the interview between the Executive Officer, NIAID, and Dr. Morens where he was made formally aware of the allegations cited in the Select Subcommittee's letter.

¹ Letter from Brad Wenstrup, D.P.M., Chairman, Select Subcomm. on the Coronavirus Pandemic, to Lawrence Tabak, D.D.S., Ph.D., Acting Dir., Nat'l Inst. of Health, (Sept. 15, 2023).

² See E-Mail from David Morens, M.D., Senior Scientific Advisor, Nat'l Inst. of Allergy & Infectious Diseases, to Peter Daszak, Ph.D., *et. al.*, President, EcoHealth Alliance, Inc., (Sept. 9, 2021) (Dr. Morens wrote he "always [tries] to communicate over gmail because my NIH email is FOIA'd constantly...[d]on't worry, just send to any of my addresses and I will delete anything I don't want to see in the New York Times.").

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2. A copy of the *Knowledge of Agreement* letter provided to Dr. Morens on July 19, 2023 and signed on July 20, 2023.
3. All notes, documents, communications, or materials describing how Dr. Morens searched his personal e-mail accounts as of July 26, 2023.
4. A copy of all records, documents, data, and information, emails, texts, or instant messages (“communications”) from Dr. Morens’ government or personal email or any other associated accounts/mobile devices, whether government-furnished or personal, produced in response to the inquiry directed by NARA.
5. A copy of the Department guidance issued to all staff referenced in paragraph 3E of Mr. Gibson’s letter to NARA dated August 9, 2023.

The Select Subcommittee is authorized to investigate “the origins of the Coronavirus pandemic” and “executive branch policies, deliberations, decisions, activities, and internal and external communications related to the coronavirus pandemic” under H. Res. 5. To ask any follow-up or related questions please contact Committee staff at (202) 225-5074.

Thank you for your attention to this very important matter.

Sincerely,



Brad R. Wenstrup, D.P.M.
Chairman

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