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COMMITTEE ON OVERSIGHT AND ACCOUNTABILITY,
SELECT SUBCOMMITTEE ON THE CORONAVIRUS PANDEMIC,
U.S. HOUSE OF REPRESENTATIVES,
WASHINGTON, D.C.

INTERVIEW OF: JEFFREY STURCHIO

Tuesday, August 13, 2024

Washington, D.C.

The interview in the above matter was held in 4400 O'Neill House Office Building,
commencing at 9:58 a.m.

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2 Appearances:

3

4

5 For the SELECT SUBCOMMITTEE ON THE CORONAVIRUS PANDEMIC:

6

7 MITCH BENZINE, STAFF DIRECTOR.

8 MADELINE BREWER, COUNSEL

9 ANNA-BLAKE LANGLEY, PROFESSIONAL STAFF MEMBER

10 ERIC OSTERHUES, CHIEF COUNSEL

11 DANIEL HUGUENIN-VIRCHAUX, INTERN

12 [REDACTED], MINORITY SENIOR INVESTIGATIVE COUNSEL

13 [REDACTED] MINORITY CHIEF COUNSEL

14

15

16 For JEFFREY STURCHIO:

17

18 BRADLEY PRICE, ESQ.

19 CHRIS FETZER, ESQ.

20 BEN KEANE, ESQ.

21 Dentons Davis Brown, PC,

1 Mr. Benzine. This is a transcribed interview of Dr. Jeffrey Sturchio, conducted by
2 the House Select Subcommittee on the Coronavirus Pandemic under the authority
3 granted to it by House Resolution 5 and the rules of the Committee on Oversight and
4 Accountability.

5 This interview was requested by Chairman Brad Wenstrup as part of the select
6 subcommittee's oversight of the Federal Government's response to the coronavirus
7 pandemic.

8 Further, pursuant to House Resolution 5, the select subcommittee has
9 wide-ranging jurisdiction, but specifically to investigate the origins of the coronavirus
10 pandemic, including but not limited to the Federal Government's funding of
11 gain-of-function research.

12 Can the witness please state his name and spell his last name for the record.

13 Dr. Sturchio. Jeffrey L. Sturchio, S-t-u-r-c-h-i-o.

14 Mr. Benzine. Thank you. Dr. Sturchio, my name is Mitch Benzine, and I am the
15 staff director for the majority staff of the select subcommittee. I want to thank you for
16 coming in today for this interview. We recognize that you are here voluntarily and I
17 appreciate that.

18 Under the select subcommittee and Committee on Oversight and Accountability's
19 rules, you are allowed to have an attorney present to advise you during this interview.

20 Do you have an attorney representing you in a personal capacity with you today?

21 Dr. Sturchio. Yes.

22 Mr. Benzine. Will counsel please identify themselves.

23 Mr. Price. Bradley Price from Dentons.

24 Mr. Fetzer. Chris Fetzer from Dentons.

25 Mr. Keane. Ben Keane from Dentons.

1 Mr. Benzine. And considering your previous relationship with EcoHealth, I want
2 to ask as well is there an attorney present representing EcoHealth Alliance?

3 Dr. Sturchio. No.

4 Mr. Benzine. For the record, starting with the remainder of the majority staff,
5 can the additional staff members please introduce themselves with their name, title, and
6 affiliation.

7 Ms. Brewer. Madeline Brewer, majority counsel, select subcommittee.

8 Mr. Osterhues. Eric Osterhues, majority chief counsel, select subcommittee.

9 Mr. Huguenin-Virchaux. Daniel Huguenin-Virchaux, intern, majority, select
10 subcommittee.

11 Ms. Langley. Anna Blake Langley, professional staff member, majority.

12 ██████████. ██████████, Democratic chief counsel.

13 ██████████. ██████████, senior investigative counsel for the Democratic
14 side, select subcommittee.

15 Mr. Benzine. I will take a minute and congratulate both the minority colleagues
16 on their recent promotions.

17 ██████████. Thank you.

18 Mr. Benzine. Congratulations.

19 Dr. Sturchio, before we begin, I would like to go over the ground rules for this
20 interview. The way the interview will proceed is as follows: The majority and minority
21 staff will alternate asking you questions, one hour per side per round, until each side is
22 finished with their questioning.

23 The majority staff will begin and proceed for an hour, and then the minority staff
24 will have an hour to ask questions. We will then alternate back and forth in this manner
25 until both sides have no more questions.

1 If either side is in the middle of a specific line of questions, they may choose to
2 end a few minutes past an hour to ensure completion of that specific line of questioning,
3 including any pertinent followups. In this interview, while one member of the staff for
4 each side may lead the questioning, additional staff may ask questions.

5 There is a court reporter taking down everything I say and everything you say to
6 make a written record of the interview. For the record to be clear, please wait until the
7 staffer questioning you finishes each question before you begin your answer, and the
8 staffer will wait until you finish your response before proceeding to the next question.

9 Further, to ensure the court reporter can properly record this interview, please
10 speak clearly, concisely, and slowly. Also, the court reporter cannot record nonverbal
11 answers, such as nodding or shaking your head, so it is important that you answer each
12 question with an audible verbal answer.

13 Exhibits may be entered into the record. Majority exhibits will be identified
14 numerically. Minority exhibits will be identified alphabetically.

15 Do you understand?

16 Dr. Sturchio. Yes.

17 Mr. Benzine. We want you to answer our questions in the most complete and
18 truthful manner possible, so we will take our time. If you have any questions or do not
19 fully understand the question, please let us know. We will attempt to clarify, add
20 context to you, or rephrase our questions.

21 Do you understand?

22 Dr. Sturchio. Yes.

23 Mr. Benzine. If we ask about specific conversations or events in the past and you
24 are unable to recall the exact words or details, you should testify to the substance of
25 those conversations or events to the best of your recollection.

1 If you recall only a part of a conversation or event, you should give us your best
2 recollection of those events or parts of conversations that you do recall.

3 Do you understand?

4 Dr. Sturchio. Yes.

5 Mr. Benzine. Although you are here voluntarily and we will not swear you in,
6 you are required, pursuant to Title 18, Section 1001 of the United States Code, to answer
7 questions from Congress truthfully. This also applies to questions posed by
8 congressional staff in this interview.

9 Do you understand?

10 Dr. Sturchio. I do.

11 Mr. Benzine. If at any time you knowingly make false statements, you could be
12 subject to criminal prosecution.

13 Do you understand?

14 Dr. Sturchio. Yes.

15 Mr. Benzine. Is there any reason you are unable to provide truthful testimony
16 today?

17 Dr. Sturchio. No.

18 Mr. Benzine. The select subcommittee follows the rules of the Committee on
19 Oversight and Accountability. Please note that if you wish to assert a privilege over any
20 statement today, that assertion must comply with the rules of the Committee on
21 Oversight and Accountability.

22 Pursuant to that, Committee Rule 16(c)(1) states, "For the chair to consider
23 assertions of privilege over testimony or statements, witnesses or entities must clearly
24 state the specific privilege being asserted and the reason for the assertion on or before
25 the scheduled date of testimony or appearance."

1 Do you understand?

2 Dr. Sturchio. Yes.

3 Mr. Benzine. Ordinarily, we take a 5-minute break at the end of each hour of
4 questioning, but if you need a longer break or a break before that, please let us know and
5 we will be happy to accommodate. However, to the extent there is a pending question,
6 we would ask that you finish answering the question before we take the break.

7 Do you understand?

8 Dr. Sturchio. Yes.

9 Mr. Benzine. Do you have any other questions before we begin?

10 Dr. Sturchio. No.

11 Mr. Benzine. I want to start with one more. Again, we recognize that you are
12 here voluntarily. I want to state for the record if you refuse or otherwise decline to
13 answer any questions without a valid assertion of privilege, the select subcommittee has
14 the authority to compel your testimony.

15 Do you understand?

16 Dr. Sturchio. Yes.

17 EXAMINATION

18 BY MR. BENZINE:

19 Q I want to run through real quick your background, education, and
20 experience. Where did you attend undergraduate school and what degree did you
21 graduate with?

22 A Princeton University, and I have an AB in history.

23 Q Have you received any further degrees?

24 A Yes. I have a Ph.D. in History and Sociology of Science.

25 Q Who is your current employer and your current job title?

1 A I am self-employed.

2 Q Is that JLS Consulting?

3 A Yes, JLS Consulting, LLC.

4 Q When did you become a contract consultant for EcoHealth Alliance?

5 A In June of 2021.

6 Q Can you explain how the arrangement came to be?

7 A I received a phone call from a friend of mine who was on the board of
8 EcoHealth Alliance, asking me if I would speak with Peter Daszak about potentially
9 providing some communications advice to EcoHealth Alliance.

10 Q And then -- you did a little bit, but in a little bit more detail -- your general
11 responsibilities pursuant to that contract.

12 A Well, I was -- I was engaged to provide advice on external communications
13 that EcoHealth Alliance was engaged in about comments and critiques of their research
14 on coronavirus, on coronaviruses.

15 Q Did it include responding to congressional inquiries?

16 A Yes.

17 Q Did it include responding to HHS inquiries?

18 A Yes.

19 Q How many hours per week did you devote to that contract?

20 A It varied. It was, you know, never more than 20 hours a week. Most
21 weeks, it was less than that.

22 Q And then your -- you explained your broad responsibilities, but what did that
23 kind of look like, editing press releases, doing reactive or proactive statements? Can you
24 explain a little bit in more detail?

25 A Yes. Well, in general, it was reviewing and editing external

1 communications. That could include press releases. It could include statements. It
2 could include responses to media inquiries and a wide variety of different external
3 communications.

4 Q Anything, for lack of a better word, like affirmative on your part? Was it
5 always Dr. Daszak or Dr. Chmura coming to you, would be like can you edit this, or would
6 you go to them and say, we should put a statement on X?

7 A Generally, it was editing documents that were responding to questions that
8 they posed to me.

9 Q Are you currently still on contract?

10 A No.

11 Q When did the relationship end?

12 A Shortly after I received a letter from Chairman Wenstrup.

13 Q From -- did you end it or did EcoHealth?

14 A I ceased communicating with them.

15 Q And then generally, do you currently hold or previously held any honorary
16 academic positions?

17 A I have, yes.

18 Q Where?

19 A Right now, I have an honorary position at Johns Hopkins University.

20 Q And then do you currently hold or previously held any positions on boards of
21 companies or nonprofits?

22 A Yes.

23 Q Which?

24 A I am currently chairman of Friends of the Global Fight against AIDS, TB and
25 Malaria. I'm chairman of the International Society for Urban Health, and I serve on a

1 number of other nonprofit boards.

2 Q Thank you.

3 I'm going to ask for your patience as I go through a relatively long list of names
4 and just ask if you had any personal communications with them, and we'll go from when
5 you were retained by EcoHealth June 2021 until you terminated that relationship.

6 A Okay.

7 Q Specifically regarding COVID-19.

8 Dr. Francis Collins?

9 A You -- just to be clear, you asked if I had personal communications?

10 Q Correct.

11 A No.

12 Q Dr. Anthony Fauci?

13 A No.

14 Q Dr. Lawrence Tabak?

15 A No.

16 Q Dr. Hugh Auchincloss?

17 A No.

18 Q Dr. Cliff Lane?

19 A No.

20 Q Dr. David Morens?

21 A Yes.

22 Q Dr. Ping Chen?

23 A No.

24 Q Dr. Michael Lauer?

25 A No.

- 1 Q Dr. Jeremy Farrar?
- 2 A No.
- 3 Q Dr. Kristian Andersen?
- 4 A No.
- 5 Q Dr. Michael Farzan?
- 6 A No.
- 7 Q Dr. Eddie Holmes?
- 8 A No.
- 9 Q Dr. Ian Lipkin?
- 10 A No.
- 11 Q Dr. Andrew Rambaut?
- 12 A No.
- 13 Q Dr. Christian Drosten?
- 14 A No.
- 15 Q Dr. Ron Fouchier?
- 16 A No.
- 17 Q Dr. Marion Koopmans?
- 18 A No.
- 19 Q Dr. Michael Worobey?
- 20 A No.
- 21 Q Dr. Jonathan Pekar?
- 22 A No.
- 23 Q Dr. Florence Debarre?
- 24 A No.
- 25 Q Dr. James LeDuc?

1 A No.

2 Q Dr. Shi Zhengli?

3 A No.

4 Q Dr. Ralph Baric?

5 A No.

6 Q I'm going to ask more specifics shortly, but can you generally discuss your
7 conversations with Dr. Morens?

8 A I was part of conversations that David Morens and Peter Daszak had from
9 time to time about the issues that EcoHealth Alliance was facing.

10 Q Specific to NIAID and NIH issues?

11 A Well, since most of the issues that EcoHealth Alliance was facing had to do
12 with research that they had done with NIAID funding, the answer is yes.

13 Q Did you ever meet Dr. Morens?

14 A Yes.

15 Q Did you ever have any conversations with Dr. Morens regarding his own
16 investigation?

17 A No.

18 Q Did you ever have any conversations with him regarding his testimony?

19 A No.

20 Q I'm going to shift and ask kind of like the same scope of question specific to
21 some EcoHealth employees. I think the answer is probably yes to all of them, but I just
22 want to --

23 A Uh-huh.

24 Q Dr. Peter Daszak?

25 A Sorry, what's the question that I'm answering?

1 Q Communications regarding COVID-19 while you were retained.

2 A Okay. Peter Daszak, yes.

3 Q Dr. Aleksei Chmura?

4 A Yes.

5 Q Dr. Jonathan Epstein?

6 A Yes.

7 Q Dr. Honying Li?

8 A No, I don't recall ever speaking with Honying Li.

9 Q And John Feigelson?

10 A Yes.

11 Q We'll talk mostly about Daszak.

12 Dr. Chmura, were there any conversations with him like outside of Dr. Daszak? I
13 think most of the email communication that we've seen is you. Dr. Chmura is cc'd or on
14 the to/from line of everything. Was there anything specific between you and
15 Dr. Chmura?

16 A Occasionally, I would speak to Aleksei about -- most of those were just
17 routine conversations about preparing for a meeting with Peter Daszak, trying to schedule
18 a meeting with Peter Daszak. That's the sort of -- you know, if I had any individual
19 conversations with Aleksei, it was about that.

20 Q Okay. Nothing like COVID substantive?

21 A No. Any of the substantive conversations would have been with Peter
22 Daszak and Aleksei.

23 Q What about Dr. Epstein, what were the nature of those communications?

24 A There were just a few times when Peter would ask me to be involved in
25 briefings for his senior staff about the issues that they were facing with respect to

1 COVID-19. So Jonathan was part of those conversations.

2 Q And then Mr. Feigelson?

3 A John Feigelson was -- was and I guess still is Peter's communications
4 manager. So I had a lot of conversations with John about external communications for
5 EcoHealth Alliance.

6 Q And then how did the communications usually take place? Was it over the
7 phone, over email, text?

8 A Well, generally, communicate -- well, it depended. With John Feigelson, I
9 generally communicated via email, because we were exchanging drafts of documents that
10 would become external communications from EcoHealth Alliance.

11 With Peter and Aleksei, those were generally communications either over the
12 phone or via Zoom or in person, where we have -- in fact, we had weekly meetings where
13 we would discuss the issues that -- that they had asked me to address. So that pretty
14 much covers it.

15 Q And email?

16 A Oh, well, yeah, email, yes, of course.

17 Q Any text messages?

18 A Occasionally, but those tended to just be scheduling. I mean, I think, yeah,
19 there were relatively few occasions where we used text messages for any substantive
20 communication.

21 Q And then did Dr. Daszak always communicate with you via his EcoHealth
22 email address?

23 A Yes. I don't recall any other -- any other -- using any other address.

24 Q What about any other messaging services, like WhatsApp or Signal?

25 A Occasionally, there might have been WhatsApp messages. I've never used

1 Signal in my life, so --

2 Q Do you recall were the WhatsApp messages between you and Dr. Daszak or
3 do you have any specific recollection?

4 A I don't recall specifically, but, you know, again, they might have been -- it
5 might have just been a WhatsApp saying, have you checked your email? I mean,
6 that's -- it was that nature. It wasn't something we used regularly.

7 Q He travels quite a lot, so I imagine WhatsApp was beneficial in --

8 A Or -- well, when he was traveling, we'd generally -- we would generally
9 communicate via email, but --

10 Q When was the last time you spoke with Dr. Daszak?

11 A I'd have to check. It was probably in June sometime.

12 Q Do you recall the contents of the conversation?

13 A I don't.

14 Q Did -- understanding that the relationship was -- the official relationship was
15 severed, but did you and Dr. Daszak ever discuss the letter that Chairman Wenstrup sent
16 you?

17 A I do recall mentioning that I'd received a letter from Chairman Wenstrup, but
18 shortly after that I stopped communicating with him.

19 Q So no communication with Dr. Daszak regarding the contents of your
20 document production?

21 A No.

22 Q And no communication with Dr. Daszak regarding this interview?

23 A No, no.

24 Q On July 9th, 2024, you received notice from your counsel that during the
25 process of producing documents to the select subcommittee, EcoHealth's counsel at

1 Tarter Krinsky & Drogin intervened to block, temporarily block the production of some of
2 those documents, claiming the intervention was to evaluate for privileges, specifically
3 attorney-client.

4 Did you ever sign a retainer agreement or otherwise maintain an attorney-client
5 relationship with Tarter Krinsky?

6 A No.

7 Q During the course of the select subcommittee's investigation and while you
8 were on contract with EcoHealth, were you involved in any communications between Dr.
9 Daszak and Tarter Krinsky?

10 A I was involved in communications between -- or with Peter Daszak and
11 Tarter Krinsky, yes.

12 Q So you were on phone calls or Zoom calls or emails with Tarter Krinsky on
13 them?

14 A Occasionally, yes.

15 Q To the best of your recollection, did any of those conversations include how
16 to prepare draft letters in response to the select subcommittee?

17 A Yes, occasionally they did.

18 Q What about preparation or production of documents?

19 A I was involved occasionally in production of documents. Not managing the
20 production of documents, but I was involved in conversations about that.

21 Q And preparation for Dr. Daszak's transcribed interview?

22 A Yes.

23 Q And preparation for Dr. Daszak's public hearing?

24 A Yes.

25 Q What about responding to the select subcommittee's bipartisan requests

1 after the hearing?

2 A Yes, I was involved in those discussions.

3 Q I want to go back and ask a couple more specifics. We'll get more specific
4 again later.

5 What were the contents of the conversation regarding letters in response to the
6 select subcommittee?

7 A Well, when -- when Dr. Daszak first heard from the subcommittee, you
8 know, as -- the common practice was when he received a communication like that from
9 the subcommittee or from a Federal agency, he would send it to me and ask what did I
10 think about the communication and how should they respond.

11 So, for instance, when he was first asked to respond to produce documents to the
12 subcommittee, he asked me to draft a response that he could send back to Chairman
13 Wenstrup. So that's one example of how I was involved.

14 Q When -- that was -- December '23 was the first document request
15 postelection. Another one came in February, once the chairman had the gavel.

16 When did Tarter Krinsky become involved in sending those letters?

17 A I don't recall.

18 Q Can you -- what do you recall about your involvement in document
19 production?

20 A Well, for instance, when the subcommittee sent a long list of questions
21 about areas that they would like EcoHealth Alliance to provide documents, you know,
22 I -- Peter sent me the list of questions, asked me to review it. And then he would
23 generally send some comments on which documents he -- or how he proposed to
24 respond to each of the questions.

25 So I would then provide advice on whether I thought that he was responding fully

1 and in a cooperative way to the questions the committee was posing.

2 Q Did -- was there ever conversations about withholding specific documents
3 from the subcommittee?

4 A I don't recall being part of any of those conversations, no.

5 Q When Daszak, Dr. Daszak would propose how to respond, did you ever think
6 it wasn't fulsome?

7 A Well, sometimes his initial reaction would be that he didn't want to respond
8 and he didn't want to send the documents.

9 My advice was always that he should cooperate fully with the committee's
10 requests, and my efforts were always to ensure that the responses that they made were
11 clear, precise, provided appropriate context but provided all the documents that were
12 relevant.

13 Q And you don't recall any conversations about what specific documents to
14 produce?

15 A Generally, I wasn't part of those conversations. That would be handled by
16 Tarter Krinsky and -- and on Peter's side, Aleksei Chmura was -- as I understood it, was
17 responsible for document production.

18 Q Regarding preparation for Dr. Daszak's transcribed interview, can you
19 elaborate a little bit on your role in that?

20 A Well, in preparation for that, I -- you know, at Peter's request, I sat down
21 with him and reviewed the areas that we anticipated there might be questions about,
22 reviewed what documents had been produced, what documents were relevant to those
23 questions, and then reviewed what my advice would be for how he could respond to
24 those questions in a truthful and full manner to provide as clear and precise an answer as
25 possible about what EcoHealth Alliance's actions had actually been.

1 Q At that point, was Dr. Daszak in possession of responsive documents that he
2 had not yet produced?

3 A I don't recall what stage document production was in at that point.

4 Q What about preparation for Dr. Daszak's hearing, kind of similar?

5 A Yes, similar.

6 Q For either of them, were you involved in conversations with Dr. Daszak and
7 Tarter Krinsky?

8 A Well, for instance, in preparation for the hearing on May 1st, we -- we had a
9 number of sessions where I -- I asked Peter questions that we anticipated would come up,
10 and then he would respond. And we would review those responses to try to make sure
11 that they were clearer and more concise. Tarter Krinsky was part of some of those
12 conversations, not all of them, but they were present for some of them.

13 And then after those sessions, I would often send Peter a set of revised responses
14 about those questions that would capture what we thought was, you know, the best
15 answer he could give that was -- was clear and covered the ground sufficiently.

16 Q Were you involved in drafting his opening statement for the hearing?

17 A I was.

18 Q Was Tarter Krinsky?

19 A I don't recall that they were involved. They may have reviewed it,
20 but -- but that was something that Peter asked me to do, and I worked with him on the
21 opening statement.

22 Q Understanding kind of a limited interaction with while Tarter Krinsky was on
23 the phone or in the meeting before the interview and the hearing, did you ever hear
24 them advise him to tell the truth?

25 A Well, that was -- yes. I mean, that was the -- that was the starting point for

1 his testimony.

2 Q Good. Just making sure.

3 The same kind of question: While you were on contract with EcoHealth, were
4 you involved in any communications involving Tarter Krinsky regarding the Department of
5 Health and Human Services or National Institutes of Health investigations into EcoHealth?

6 A Well, I was involved in -- certainly involved in communications between
7 EcoHealth Alliance and both the National Institutes of Health and Health and Human
8 Services.

9 I don't recall that Tarter Krinsky was involved in those exchanges as well, you
10 know, but I certainly did work with Peter and EcoHealth Alliance on their responses to
11 many inquiries from NIH.

12 Q NIH sent a lot, including pretty close to up to the hearing.

13 A Yes, that's true.

14 Q There were any number of things. It ranged from, you know, access to
15 certain individuals, put a number of specific award conditions on things. I want to talk
16 about one right now generally.

17 Were you involved in conversations regarding production of Wuhan Institute of
18 Virology-generated but EcoHealth Alliance-paid for lab notebooks?

19 A Well, only to the extent that I helped Peter. I reviewed some of the
20 communications that Dr. Daszak sent in response to inquiries about the Wuhan
21 notebooks, but I wasn't involved in any communications directly with the Wuhan Institute
22 or directly with NIH about that question.

23 Q Did you provide any advice on whether or not he was required to turn over
24 the lab notebooks?

25 A Well, my advice was simply based on what he told me about what they had

1 done. I tried to make sure that he explained clearly what they had done.

2 Q In those conversation -- so during the course of the investigation, EcoHealth
3 has produced one email between Dr. Daszak and Dr. Shi requesting the lab notebooks. I
4 think that might be the extent of the conversations.

5 Did you have any other conversations with Dr. Daszak regarding efforts to secure
6 the lab notebooks?

7 A Well, that was -- I mean, that -- that email is what I understood to be the
8 communication between Daszak and the Wuhan Institute about the lab notebooks. And
9 beyond that, I mean all he said to me was that he had tried to retrieve the lab notebooks
10 and that they hadn't responded to that inquiry.

11 And then after NIH asked again, he conveyed NIH's request to Wuhan Institute of
12 Virology. And, as far as I understand it, he never got a response.

13 Q At that time, the first request from NIH was November of 2021. The
14 second was January 2022, and we'll talk about that one a little bit more specifically.

15 But at the time, to your knowledge, was Dr. Daszak still in communication with the
16 Wuhan Institute of Virology in furtherance of the grant projects?

17 A I don't recall precisely. I think -- I mean, afterward he did testify that he
18 was in touch with them to try and ensure that he had information about the samples that
19 they had, to ensure that the sequence information could be loaded to Gen Bank and
20 made public through publications, but I wasn't involved in those direct communications.

21 Q And, as you testified to, that after the grant was reinstated, he had to
22 be -- even though they were debarred, he had to be in communication with them in order
23 to finish writing papers and publishing.

24 A Yeah. That's what I just -- that's what I was referring to.

25 Q I guess -- it might be more of a rhetorical question, but I'm interested in your

1 perspective. Why was the Wuhan Institute willing to do that but not share the lab
2 notebooks?

3 A I have no idea, I really don't.

4 Q Were you involved at all in responding to the suspension and proposed
5 debarment of EcoHealth as an organization?

6 A After -- after they received notice from -- from HHS about the suspension, I
7 was involved in some initial conversations, but that was also right around the time that I
8 ceased communicating with them.

9 So -- so the answer is yes, I was involved in initial conversations about that, but
10 then that ceased pretty quickly.

11 Q Do you know the current status?

12 A I have no idea.

13 Q Do you recall, while you were there prior to ceasing communication, if
14 EcoHealth was going to submit exculpatory material to the S&D official?

15 A I believe that was the plan, yes.

16 Q Do you know if they ever did?

17 A I don't.

18 Q Similarly, while on contract with EcoHealth, were you involved in any
19 communication between Dr. Daszak and Tarter Krinsky regarding the Department of
20 Justice?

21 A No.

22 Q Are you aware of a Department of Justice inquiry into EcoHealth?

23 A It's not anything I was involved with, so I'm -- I don't know.

24 Q I want to talk specifically about Dr. Morens for a minute. In one email -- I
25 didn't print it, I'm trying to save some paper on this one -- you wrote, "What NIH is doing

1 to David Morens is a crime."

2 What did you mean by that?

3 A Well, I think I was acknowledging Peter Daszak's frustration at the situation
4 that he and Dr. Morens found themselves in. That was probably not a good -- in
5 retrospect, that probably wasn't a very -- it was an ill-advised comment.

6 Q So, obviously, since that email a lot has come out. Dr. Morens was
7 using -- in his own words, using Gmail to avoid FOIA, was deleting Federal records, was
8 sharing inside information with Dr. Daszak, was actively editing EcoHealth press releases,
9 was actively editing EcoHealth letters, was advising EcoHealth on how to respond to the
10 NIH and NIAID.

11 You were on some of these, some of the edits and the press releases, some of the
12 edits of the letters. At the time, did you know that they violated Federal policy?

13 A No, I didn't.

14 Q Did Dr. Morens actually edit a press release?

15 A I don't recall him editing press releases. And, I mean, if I -- any press
16 releases that I worked on with Dr. Daszak and John Feigelson, EcoHealth Alliance, it would
17 have just been circulated among us. I mean, I don't recall that David Morens was
18 involved in that process at all.

19 Q What about letters, do you recall any of those?

20 A I don't recall him editing letters that were due to be sent from EcoHealth
21 Alliance to Federal agencies or committees, no. Certainly, that wasn't -- I never advised
22 Peter to get David Morens' advice on those submissions.

23 Q We can appreciate that.

24 What about were you privy to any conversations with Dr. Morens where he
25 advised Dr. Daszak on how to respond to NIH?

1 A I -- I mean, there were general conversations about the fact that -- that
2 Daszak was -- was being investigated by NIH, that he was going through this process of
3 being asked to respond to special award conditions, all of that process.

4 But -- but I don't recall any conversations that I was part of where David Morens
5 was giving Peter advice on how to respond to NIH, no.

6 Q And I touched on this a little bit earlier, but I just want to be clear. Did you
7 have any conversations with Dr. Morens prior to his transcribed interview regarding the
8 transcribed interview?

9 A No, I didn't.

10 Q What about prior to his hearing?

11 A I mean, I was involved in conversations with David Morens before both the
12 interview and the hearing, but never about the interview or the hearing.

13 Q Do you recall any discussions that you were part of about him invoking the
14 Fifth Amendment?

15 A No. I was never -- I never discussed that with him and wasn't part of any
16 discussions about it.

17 Q I have a couple other kind of like document retention questions. They're
18 boring but --

19 A Sure.

20 Q -- it helps.

21 To your knowledge, did Dr. Daszak ever take contemporaneous notes during
22 phone calls or meetings with government officials?

23 A Well, most of the time he was on phone calls I wasn't present, so I don't
24 recall whether -- I wouldn't know whether he took contemporaneous notes.

25 Q Did he ever mention taking contemporaneous notes?

1 A No, he never did.

2 Q To your knowledge, did Dr. Daszak ever make recordings of phone calls or
3 meetings with government officials?

4 A Not to my knowledge.

5 Mr. Benzine. I want to go ahead and introduce what will be Majority Exhibit 1.

6 [Sturchio Majority Exhibit No. 1

7 was marked for identification.]

8 BY MR. BENZINE:

9 Q And we'll use this twice so don't toss it far away.

10 A Okay.

11 Q This is the note of the revised year 3 notice of award for EcoHealth on the
12 project Understanding Risk of Bat Coronavirus Emergence.

13 You went through your education history. You've been in science kind of like a
14 long time. Are you generally aware of the grant process, the NoA process?

15 A Well, I've never had an NIH award myself, so I'm only aware of it by having
16 been -- you know, having seen these documents in the context of my work with
17 EcoHealth Alliance.

18 Q There's the second paragraph. So it says, "Dear Business Official." And
19 the second paragraph is, "Acceptance of this award including the 'Terms and Conditions'
20 is acknowledged by the grantee when funds are drawn down or otherwise obtained from
21 the grant payment system."

22 From your experience, do you have a general understanding of what the standard
23 terms and conditions of grant compliance?

24 A No. As I said, I've never had an NIH grant, so I've never had occasion on my
25 own behalf to read through the terms and conditions. But I know what -- that NIH

1 grants will have terms and conditions and grantees have to abide by them.

2 Q While you were editing or drafting press releases or letters or other
3 communications on behalf of EcoHealth, where did you get your information from?

4 A Well, from documents that EcoHealth Alliance shared with me.

5 Q Did they share the terms and conditions of their grant?

6 A Yes.

7 Q Is one of the terms submitting timely progress reports?

8 A I don't recall specifically, but I believe that that is one of the terms and
9 conditions, yes.

10 Q And then it's the prime awardee's job to monitor subawardees?

11 A Yes, I believe so.

12 Q I'm going to -- I have it and I can introduce it if you need to refer to it. It
13 was prior to your time being retained.

14 After the initial termination of the grant in April of 2020, Tarter Krinsky sent a
15 letter to NIH on May 22nd, 2020, appealing the termination. And in the letter, and I'm
16 quoting from it -- and, like I said, I have it if you want to see it -- it says -- it's going
17 through how NIH can terminate things, and it says: "NIH may terminate a Federal award
18 in whole or in part if, number one, the non-Federal entity fails to comply with the terms
19 and conditions of the award."

20 By -- I assume you got a pretty lengthy readout of EcoHealth's situation when you
21 got brought on. By May 2020, were they late on their progress report?

22 A Well, I don't -- I wasn't -- I hadn't been engaged by them until June of 2021.
23 But in reviewing the documents, it's clear that they were late in submitting their progress
24 report.

25 Q In June of 2021, had they submitted it yet?

1 A Well, I believe they had submitted it before June of 2021. I don't recall
2 precisely.

3 Q It was August 2021 is when --

4 A Okay. Well, I have no reason to doubt that it's --

5 Q Yeah. So, obviously, a violation of the terms and conditions. NIH
6 terminated the grant. It ended up, you know, being reinstated and suspended.

7 Were you part of -- Dr. Daszak testified and later said that he had a large
8 document saying how they weren't actually late, how they were, quote, "locked out of
9 the system."

10 Were you a part of putting together that document?

11 A No. That was -- that document was compiled by Aleksei Chmura and Peter
12 Daszak. I do recall having seen it, yes.

13 Q It was produced by you to us. And just to the best of your recollection and
14 reading the document, were they locked out of the system?

15 A That was their contention, yes.

16 Q Did you believe it?

17 A From the evidence in that document, it appeared that they were locked out
18 of the system.

19 Q Obviously, Dr. Collins, Dr. Auchincloss, Dr. Tabak, Dr. Fauci have all testified
20 otherwise, that they weren't locked out of the system, and Dr. Lauer.

21 And Dr. Lauer testified that NIH actually did a forensic analysis of the system.
22 We have the forensic analysis. In between when the report was due and when they
23 finally submitted it, EcoHealth Alliance accessed the system 72 times without submitting
24 it.

25 Did you have any substantive discussions regarding the late progress report

1 outside of kind of seeing or reviewing that document?

2 A No. That was -- and I've never seen the forensic audit that Lauer testified
3 about, so I have no idea of what it said.

4 Q Did Dr. Daszak ever say anything along the lines of he just believed
5 submitting the report wasn't necessary?

6 A There -- I don't recall him saying that specifically. There was some
7 confusion, because at the time that the report was due and they found that they
8 weren't -- at least their -- what they told me was they hadn't been able to submit it, the
9 grant was also renewed.

10 So they began to work on the renewed grant. And they just assumed that since
11 their program officer wasn't after them for that year 5 report that there wasn't an issue in
12 the fact that it hadn't been submitted yet, and they went on to continue to do the work
13 on the grant.

14 You know, eventually they did submit the year 5 and the year 6 report. And you
15 well know that there was considerable contention over when and how they submitted
16 the year 5 report.

17 But, yes, there was some confusion about whether they needed to submit a year 5
18 report, which was eventually resolved and they did eventually submit it.

19 Q And, again, I can go get this, but Dr. Morens from his Gmail account
20 produced an email where Dr. Daszak started a sentence with "The truth is," which is just
21 amazing when a witness starts a sentence with "the truth is," and continued with "we just
22 didn't think we needed to submit it." I guess that like feels like the more common
23 answer versus we got locked out of a system that nobody at NIH thinks you were locked
24 out of.

25 Kind of like on this same line, do you recall any conversations like specific to the

1 lockout, why they thought they were locked out, how they thought they were locked out?
2 What was the kind of like overarching situation?

3 A No. I never -- I was never directly involved in any of that work, and so I
4 never felt the need to ask them for more detail about exactly what happened.

5 Q Dr. Daszak also testified that once NIH requested he turn in the
6 report -- which we also believe NIH failed in monitoring that report. I mean, it took
7 them 20 months to figure out that there was a late report.

8 Dr. Daszak testified that it took 11 days for NIH to reopen the system. Dr. Tabak
9 refuted that testimony.

10 Do you recall any conversations about that?

11 A I mean, just that, you know, Dr. Daszak told me that he felt that that was
12 what happened, it took 11 days for the NIH to -- to enable them to submit the report
13 through the system.

14 That was based, as I recall, on exchanges between Aleksei Chmura, who was
15 actually the point of contact with -- for EcoHealth Alliance with the NIH, and
16 communications he had with people at NIH who were responsible for the portal, who
17 were the program officers, who were responsible for receiving the report.

18 And so, you know, that -- that's all I know is that that's what they told me, that
19 they had those communications and that NIH had to intervene to enable them to submit
20 the report through the electronic portal.

21 Q And we can talk all day about the failures of that portal. It's horrible.

22 Mr. Price. When we talked earlier, you said if we wanted to take a break and
23 there was no question pending, we could do that. Is that still --

24 Mr. Benzine. Yes.

25 Mr. Price. If we could take just a minute, be right back.

1 Mr. Benzine. Yes, absolutely.

2 Mr. Price. Thank you.

3 [Recess.]

4 Mr. Benzine. Dr. Sturchio.

5 Dr. Sturchio. I just wanted to clarify that I have no reason to doubt testimony
6 that EcoHealth Alliance was locked out of the NIH system.

7 I was just responding to what they told me about that circumstance. I have no
8 idea if they were locked out or not, but I just wanted to make that clear.

9 Mr. Benzine. Thank you. I appreciate it.

10 BY MR. BENZINE:

11 Q We're going to go back to exhibit 1 and page 5, and this is section 4 of the
12 NOA. It's special terms and conditions, so ones that are different than kind of the
13 standard terms that apply to a grant.

14 The one that has been in the news an awful lot and in hearings an awful lot is the
15 long paragraph towards the top that starts "per the letter dated July 7, 2016." And it
16 says, "to Mr. Aleksei Chmura at EcoHealth Alliance, should any of the MERS-like or
17 SARS-like chimeras generated under this grant show evidence of enhanced virus growth
18 greater than 1 log over the parental backbone strain you must stop all experiments with
19 these viruses and provide the NIAID Program Officer and Grants Management Specialist,
20 and Wuhan Institute of Virology Institutional Biosafety Committee with the relevant data
21 and information related to these unanticipated outcomes."

22 Generally, are you aware of this condition?

23 A Yes.

24 Q Are you aware of any experiments EcoHealth conducted that violated this
25 condition?

1 A I'm aware of experiments that EcoHealth conducted that have been said to
2 have violated that condition, yes.

3 Mr. Benzine. I want to introduce Majority Exhibit 2.
4 [Sturchio Majority Exhibit No. 2
5 was marked for identification.]

6 BY MR. BENZINE:

7 Q For the record, this is an email chain Bates numbered JLS1972 through 1974.
8 And I'll give you a minute to flip through it, but I'm going to focus on 1973.

9 A Okay.

10 Q So 1973 is an email from Dr. Daszak to Dr. Keusch, Dr. Morens, and
11 Dr. Chmura. You're eventually added into this email chain by Dr. Chmura.

12 And in the body of the email from Dr. Daszak, he's talking about the experiment
13 that they have been accused of violating this condition for, and he wrote, "We asked WIV
14 for a report on the year's work during year 4, and put a graph of an experiment they did
15 where one of the chimeric viruses did grow more than 1 log faster, but by day 4, the
16 parental strain had leveled this out. We heard about this after the fact, and reported it
17 in our end-of-year report. No one said anything about it at NIH until now."

18 And Dr. Daszak seems to write that they did violate the term and condition. An
19 experiment resulted in a virus that grew greater than 1 log, and they did not -- the WIV
20 apparently did not notify them and they did not immediately cease the experiment.

21 Do you recall any specific conversations with Dr. Daszak regarding this?

22 A Well, this -- not at this particular time, but this became an issue, for instance,
23 in responding to the GAO inquiry about EcoHealth Alliance's work.

24 And what Dr. Daszak and EcoHealth Alliance stated in that -- in their response to
25 the GAO after further analysis of this was that their view was that because the growth in

1 this particular experiment went back to baseline after a few days that they didn't feel that
2 it violated the terms of that particular term and condition, because there was a question
3 about whether this was an actual phenomenon and whether it demonstrated the type of
4 growth that was the concern in the -- in that provision of their terms and conditions of
5 the award.

6 Q And there are more lawyers in the room than not so we can argue over how
7 poorly worded this award condition is another day, but it's not that specific. It just -- the
8 award condition says, greater than 1 log growth over the parental backbone strain.
9 Daszak wrote, it showed a greater than 1 log growth over the parental backbone strain,
10 regardless of it evening out, and didn't report it.

11 Do you recall any conversations Dr. Daszak had with you regarding like what the
12 Wuhan Institute sent him or what this experiment was or even the date of the
13 experiment?

14 A I don't recall any conversation about that, no. I don't know what the date
15 of the experiment was.

16 Q In preparation for testimony, do you recall anyone prepping him on these
17 questions?

18 A Well, this is one of the questions that we anticipated there -- there would
19 be -- one of the areas that we anticipated there would be questions about. And the -- so
20 yes, we did prepare him for questions about this.

21 Q And the proposed answer was that by the end of the experiment it didn't
22 actually grow 1 log, so it was irrelevant?

23 A And they weren't actually looking at viral titers. They were looking at
24 genome copies per gram, which is a different measurement. So that those two things
25 added to the ambiguity around -- around this result.

1 Q And, again, it may be kind of a rhetorical question, but I don't know how
2 much Dr. Daszak has told you and how much you've seen. My understanding, as not a
3 virologist, is that in order to measure a log you measure in titers, not in genome copies
4 per gram, because genome copies can pick up dead cells.

5 If they're required to measure in logs, did you ever have any conversations about
6 why they didn't?

7 A No.

8 Q Again, just kind of speaking for the record, but it feels like it was we're not
9 going to measure it in titers so there's no possible way that we could break the log rule, if
10 we measure in genome copies and don't measure in titers that it's irrelevant.

11 A I don't know.

12 Q Did you have any conversations with him regarding whether or not the
13 experiment was actually stopped or whether or not the WIV continued on the
14 experiment?

15 A Well, my recollection is that it was one set of data from one small group of
16 mice, and that was it. But, you know, all I'm going on is what they showed me from the
17 report, from the year 4 report, from the year 5 report when it was finally submitted. So
18 that's really all the information I have is what was in those reports.

19 Q I'll avoid putting another exhibit in the record unless, again, you want me to,
20 because I think you just touched on it, is that there's discrepancy or disagreement
21 between EcoHealth and NIH on whether or not this was one experiment or two.

22 Dr. Daszak's position is that it was an experiment conducted within the year 4
23 reporting period. It was reported in year 4 and then there were continued studies that
24 were then reported in year 5, which was the experiment that kind of tripped some red
25 flags at NIH.

1 NIH's position Dr. Tabak testified to is that they are, from their analysis, two
2 separate experiments and should have been reported separately.

3 Do you recall any conversations about whether or not it was one or two?

4 A No.

5 Q In writing, Dr. Daszak said that it was one experiment in a letter from
6 October 26, 2021. Do you recall whether or not you assisted with that letter?

7 A I don't recall. Not -- I don't recall a specific letter, no.

8 Q And no specific recollection on whether or not Daszak told you that it was
9 one or two experiments?

10 A That's right.

11 Mr. Benzine. We're a little short of the hour, but now is a good stopping point,
12 so we can go off the record.

13 [Recess.]

14 EXAMINATION

15 BY ██████████:

16 Q Good morning, Dr. Sturchio.

17 A Good morning.

18 Q Thank you again for your voluntary participation in today's interview.

19 A Certainly.

20 Q My name is ██████████. I'm a senior investigative counsel with the
21 minority.

22 I'd just like to ask you some questions about EcoHealth Alliance's efforts to submit
23 the year 5 report.

24 If we could start with some baseline questions. Have you spoken to EcoHealth
25 president Dr. Peter Daszak or other EcoHealth staff about their efforts to submit the year

1 5 report?

2 A Yes, I have.

3 Q Approximately how many times have you spoken to them about that?

4 A I don't know. I mean, several times.

5 Q Are you aware that Dr. Daszak has twice testified to this select
6 subcommittee about this issue?

7 A Yes.

8 Q Are you generally familiar with his testimony to us?

9 A Yes, I believe so.

10 Q Did you have any role in preparing Dr. Daszak for his testimony on this issue?

11 A Yes. It was one of the issues that we anticipated there would be questions
12 about.

13 Q Are you also aware that EcoHealth has made representations to NIH and the
14 HHS Inspector General on this issue?

15 A Yes.

16 Q Did you have any role in preparing those responses to NIH or the HHS
17 Inspector General?

18 A Yes. I reviewed and helped to edit those communications.

19 Q We can now talk more in detail about the submission of the year 5 report.
20 It might be helpful for us to establish exactly what EcoHealth claims transpired in July
21 2019 and that prevented them from submitting the report.

22 For that, I will introduce minority Exhibit A, which is an October 26, 2021, letter
23 from EcoHealth to Dr. Lauer of NIH.

24 [Sturchio Minority Exhibit No. A
25 was marked for identification.]

1 BY [REDACTED]:

2 Q If we could turn to page 2 and the second paragraph, and I'll just read the
3 first two sentences. "Thirdly, regarding the timing of our year 5 (final) report. As we
4 informed you previously, and as is documented by the NIH receipt system itself, we first
5 uploaded the report on time, in July 2019 (the final allowable date for submission would
6 have been September 30th, 2019). However, by the time we tried to officially submit,
7 our R01 grant had been renewed (July 24th, 2019) and the system locked us out from
8 submitting a normal annual final Year 5 report at that point."

9 EcoHealth would later provide the same version of events to the HHS Inspector
10 General and to us: One, EcoHealth uploaded the year 5 report on time, specifically in
11 July 2019; two, NIH and NIAID renewed the grant in July 2019; three, the renewal of the
12 R01 grant caused the system lockout; and four, EcoHealth tried to officially submit the
13 year 5 report in July 2019, but the system lockout prevented them from doing so.

14 Does that all sound right, based on your conversations with EcoHealth?

15 A Well, that's certainly what they wrote to the NIH, yes.

16 Q In your conversations with Dr. Daszak or other EcoHealth staff, did they ever
17 show a little uncertainty as to whether these events happened exactly the way we just
18 walked through?

19 A No.

20 Q Okay. And if we could get one thing straight. When EcoHealth has
21 claimed that they, quote, tried to officially submit the report, is the claim that they had
22 uploaded the report, a version of the report that they were ready to submit in July 2019,
23 but that a lockout happened that kept them from actually submitting it?

24 A Well, that's what it says here. I have no other information on whether they
25 did try to submit it in July of 2019.

1 Q During Dr. Daszak's transcribed interview, he told us that he would later look
2 for and provide us with additional evidence of his efforts to draft and submit that report,
3 and at Dr. Daszak's hearing he told us the same.

4 Minority Exhibit B is a draft document from your production that describes itself
5 as a "detailed accounting of EcoHealth Alliance's efforts to draft and submit year 4 and
6 year 5 reports for EcoHealth Alliance's NIH grant."

7 [Sturchio Minority Exhibit No. B
8 was marked for identification.]

9

BY [REDACTED]

10 Q Are you familiar with this document?

11 A Yes, I am.

12 Q Could you explain what this document is?

13 A If I remember correctly, this was a document that was compiled by
14 EcoHealth Alliance after Peter Daszak's May 1 testimony to the SSCP in response to Mitch
15 Benzine's request to Dr. Daszak to provide any additional documents that they may have
16 had with respect to this question of when the year 5 report was submitted.

17 So that's -- as I understand it, that's what EcoHealth Alliance was trying to do here
18 was to provide a complete record of all the information they had with respect to that
19 question.

20 Q Did you have a role in preparing this document?

21 A They asked me to review it, but they had not yet submitted it by the time I
22 stopped communicating with EcoHealth Alliance.

1

2 [11:17 a.m.]

3

BY [REDACTED]

4

Q And what did your review look like?

5

A I just reviewed what they said here and just made sure that it was expressed

6

as clearly and straightforwardly as possible.

7

Q If we could turn to Bates 29047, at the bottom right, at the 24 July 2019,

8

8:47 a.m. item.

9

A Uh-huh.

10

Q I'll just read that.

11

"EcoHealth Alliance successfully 'initiates' submission of RPPR, and uploads files

12

into the system, with the assumption that NIH's early instructions are now correct that

13

the due date is 28 September 2019."

14

Do you know what "initiates" means? I'm only asking because it's in quotations.

15

A I have no idea. I mean, all the information I have is what's on this piece of

16

paper.

17

Q Okay.

18

You can turn to the next pages if you'd like, but do you see anywhere else that

19

there was another point in July 2019 at which EcoHealth uploaded anything more to the

20

system?

21

A As I said, the only information I have about what they did in July 2019 is the

22

information that they provided me. So if it's not here, I'm unaware of it.

23

Q If we could turn to Bates 29050 and the 05 August 2019 item, which I'll read.

24

"EcoHealth Alliance continued to make edits to the draft of its Y5 report while

25

waiting for response from NIH, as this was still prior to the (assumed) deadline of

1 Sept. 28th, 2019."

2 So, again, based on your conversations with EcoHealth, just let me know if this
3 sounds correct. So, at this point, on August 5, the grant had been renewed on July 24
4 and EcoHealth wasn't able to submit the report. Does that sound right?

5 A That sounds correct, yes.

6 Q Okay. And while waiting for a response from NIH, EcoHealth was refining
7 the report or just making it a little bit better?

8 A Well, what it says is they continued to make edits. I don't know what those
9 edits might've been.

10 Q Had you seen drafts of the report at this point?

11 A Well, I saw the year 5 report. I don't recall seeing drafts of the year 5
12 report. Remember, I wasn't involved with EcoHealth Alliance in 2019. So I saw this
13 years after the event.

14 Q Sure.

15 This document provides a Dropbox link to an August 5, 2019, draft of the year 5
16 report, so --

17 A Uh-huh.

18 Q -- let's look at that. This is minority exhibit C.

19 [Sturchio Minority Exhibit C
20 was marked for identification.]

21 BY [REDACTED]:

22 Q Have you seen this draft before?

23 A Yes, I have.

24 Q And when was the first time you saw this draft?

25 A I don't recall.

1 Q Was it in preparation of this document or before?

2 A Which document?

3 Q In preparation of minority exhibit B.

4 A Well, it -- I had seen it before preparation of minority exhibit B, yes.

5 Q Do you know when?

6 A No, I don't recall.

7 Q So this draft report is somewhat similar to the version of the report that
8 EcoHealth ultimately submitted in August of 2021, but I'd like to draw your attention to a
9 few section headers that have been put in bold and red highlight.

10 For example, on page 2, there's a section header titled "Summary."

11 A Uh-huh.

12 Q And if you could turn to page 18, there are section headers, "What do you
13 plan to do during the next reporting period to accomplish the goals?" and also, "What
14 were the outcomes of the award?"

15 A Yes.

16 Q If we could go back to minority exhibit B and turn to Bates 29046, there's an
17 item titled "31 May 2019 'final' Y5 report shared with Dr. Daszak."

18 A Uh-huh.

19 Q And inserted under that is a screenshot of a May 31, 2019, email from
20 Dr. Hongying Li of EcoHealth to Dr. Daszak. And I'll just read that email.

21 Dr. Li writes: "Hi Peter. Attached is the final draft of NIAID Y5 Report for you to
22 review and edit. I highlighted three sections: summary; plan for the next reporting
23 period; and outcomes where need your contribution."

24 I'll stop there.

25 It seems to us that Dr. Li had asked Dr. Daszak to address three specific questions

1 in a May 31 draft of the year 5 report --

2 A Uh-huh.

3 Q -- but, according to the August 5 draft, Dr. Daszak had not yet done so.

4 It, then, is hard for us to understand how EcoHealth could've tried to officially
5 submit the report in July 2019 when by August 5 there are still incomplete sections of the
6 report.

7 I'm just wondering if you could share your perspective on how EcoHealth's past
8 statements fit with this email and the August 5 draft.

9 A I can't explain it.

10 Q Did anyone ever, you know, look at that August 5 draft and point out, in
11 preparing minority exhibit B, that complete sections of the August 5 draft were
12 incomplete?

13 A I don't recall anyone doing that. I certainly didn't compare all the different
14 drafts in the way that you've just done, no.

15 Q Okay.

16 If we could now turn to this idea of there being a lockout, if you have any clarity
17 there or detail you can offer us, we'd appreciate it.

18 You know, one aspect of minority exhibit B that interests us is that it does not
19 explicitly use the word "lockout." It does reference repeated glitches, due dates listed
20 as "N/A," and a need to get the report system opened for submission.

21 What more can you tell us about the lockout?

22 A The only information I have about all of that is in this exhibit B. I wasn't
23 involved in trying to submit the report; I wasn't involved in the drafting of the report or
24 the efforts to engage with NIH over that. So, as I said, all I know is what's here.

25 Q Did Dr. Daszak ever claim to you that it was a total system lockout or that

1 there were just specific functions within the system that EcoHealth could not access?

2 A I recall him telling me that EcoHealth Alliance felt that they had been locked
3 out from the system. But that's -- you know, again, I wasn't involved in that directly, so I
4 really don't know exactly what happened.

5 Q Okay.

6 If we could turn to Bates 29047 again and the 24 July 2019, 8:47 item. We read
7 the first sentence earlier in the hour, so we can go to the second sentence. I'll read that.

8 "However, the 'Due Date' on the NIH interface does not show that date" -- and
9 that's referring to September 28, 2019 -- "and instead lists 'N/A' (not applicable)."

10 When this document describes a due date listing "N/A," is that referring to a
11 lockout?

12 A I don't know.

13 Q Where in this document is there a reference to a lockout?

14 A Well, I'd have to read the entire document again to know if there is a
15 reference to a lockout. But as it says under the "Explanation of Contents," this was
16 EcoHealth Alliance's effort to show all of the relevant actions that they had taken to try to
17 submit the report.

18 Q When you were helping review this report timeline --

19 A Uh-huh.

20 Q -- did you understand it to show that there was a lockout in the system?

21 A Well, my review was just to see what they had -- to review what they had
22 proposed to make sure that this document was clear in what it tried to demonstrate for
23 the committee.

24 But it was -- this -- as far as I know, this is not a final document. This was a draft
25 that was under consideration at the time that I ceased communicating with them. So I

1 don't know what the final document looks like and if it was ever submitted.

2 Q There is a screenshot of the submission system underneath the 24 July 2019,
3 8:47 item. And it is correct that the due date is listed as "N/A," if you can read that.

4 A Uh-huh. Yes.

5 Q But two lines under the "N/A" due date is another line that reads "Status:
6 Submitted to Agency." Are you comfortable with me representing that to you? You
7 may not be able to read it, but --

8 A Yeah, it's not legible, but I have no reason to doubt you.

9 Q Okay.

10 This screenshot is also undated, as is acknowledged by, I believe, Dr. Daszak, in a
11 comment bubble to the right.

12 A Uh-huh.

13 Q He wrote that "this screenshot doesn't have a date stamp, but there's
14 nothing we can do about that."

15 As a reader, the tone seems to suggest that it would've been preferable for there
16 to have been a date stamp. Do you have an idea of why it would've been preferable to
17 have a date stamp for that screenshot?

18 A I don't know why he made that comment.

19 Q Okay.

20 In viewing this screenshot, it seems possible to us that EcoHealth took the
21 screenshot after the year 5 report had been submitted in August 2021. Therefore, we
22 are not convinced that this is strong evidence of a lockout and a connection
23 between -- and a connection to this "N/A" due date.

24 Do you have a different view of the screenshot?

25 A I don't know. I have no other information, so I really don't have the basis

1 on which to come to a conclusion about a different view.

2 Q Well, what was your view of the screenshot when you were reviewing this
3 document?

4 A Well, it's exactly what's written here. They said it was July 24th. I had no
5 reason to doubt that.

6 Q Okay.

7 So, in August 2021, EcoHealth submits the year 5 report. And, according to
8 EcoHealth, the lockout that began in 2019 persisted until July 2021. Then EcoHealth
9 worked with technical staff of the report submission system to allow submission of the
10 year 5 report.

11 Do you have the same understanding?

12 A Well, that's what I was told. Yes.

13 Q And minority exhibit B also documents EcoHealth's efforts to submit the year
14 5 report after NIH requested it on July 23, 2021.

15 If we could turn to Bates 29054. So all the items here, there are inserted call logs
16 and an email between EcoHealth and the submission system.

17 If we look at the first call between Dr. Chmura and the submission staff, that was
18 on July 29, 2021, correct?

19 A I -- this -- it's not legible to me. I can't read it. Which line are you looking
20 at?

21 Q It's 1547.

22 A Oh, all right. Oh, down there. I see. I was looking at the wrong part of
23 the document.

24 Yeah, that's what it appears to be, yes.

25 Q Okay.

1 But at the top of this page, there's a screenshot showing that on July 27, 2021,
2 which is 2 days before Dr. Chmura's first call on the 29th, it appears that EcoHealth was
3 able to route the report in the system.

4 Do you see that?

5 A Well, I can't -- that's the part that's illegible to me.

6 Q Okay. Then we can just look at the header. So --

7 A It says "Routing History," yes. That I can read.

8 Q The header, the "27 July 2021 3:03 AM."

9 A Oh, I -- yes, I can read that, yeah.

10 Q Okay. So it said that EcoHealth staff was able to submit the report, right?

11 A Uh-huh.

12 Q So, just according to this document, it appears that 2 days prior to
13 requesting an intervention from technical staff via phone call, EcoHealth was able to
14 route the report in the system.

15 They didn't do that back in July of 2019. Do you know why EcoHealth only
16 initiated the report and not routed it in July 2019?

17 A I have no idea. I wasn't involved.

18 Q Okay.

19 And, then, if we could just look at the email at the bottom of the page --

20 A Uh-huh.

21 Q -- this is an email between the report submission staff and, looks like,
22 Dr. Chmura.

23 And I'll just read the email from the submission staff. They say, "Per our
24 discussion, you were able to correctly locate the link for the interim RPPR report."

25 Do you know if that link was previously inaccessible to EcoHealth?

1 A No.

2 Q Okay.

3 [Sturchio Minority Exhibit D
4 was marked for identification.]

5 BY [REDACTED]

6 Q Minority exhibit D is an action referral memorandum from HHS that it
7 prepared pursuant to its proposal to debar EcoHealth Alliance.

8 Are you familiar with this document?

9 A I've seen it, yes.

10 Q If you could turn to page 9 and number 31. And I'll just read the relevant
11 part of number 31.

12 "On May 5, 2024, the NIH provided the HHS SDO with a forensics summary report
13 of the eRA Commons reporting system logs for RPPR related activities for
14 R01AI110964-05, documenting that EHA was never locked out of the system, as EHA
15 claimed in written comments in HHS-OIG Audit Report Number A-05-21-00025. The
16 logs show that on July 24, 2019, the PI initiated the Year 5 I-RPPR through the link
17 provided but did not route it to the Signing Official. On May 26, 2020, the PI accessed
18 the Year 5 I-RPPR to upload a document and to enter data."

19 I'll stop there.

20 Minority exhibit B does not mention any EcoHealth activity in the submission
21 system on May 26, 2020. Do you know why not?

22 A No.

23 Q Did you ever discuss with EcoHealth the activity that occurred on May 26,
24 2020?

25 A No.

1 Q Okay. Do you know what that activity was, apart from conversations with
2 EcoHealth?

3 A No.

4 Q Okay.

5 [REDACTED]: I think that's all. We can stop there.

6 The Reporter. Off the record?

7 [REDACTED]: Yes.

8 [Recess.]

9 Mr. Benzine. We can go on the record.

10 BY MR. BENZINE:

11 Q I want to ask one followup question from the minority's hour.

12 In -- I believe it was both staff reports prior to Dr. Daszak's hearing mentioned
13 that, for previous progress reports, he had, in addition to submitting it through the
14 eRA Commons system, had sent a PDF and a Word doc to Dr. Stemmy, and he did not do
15 that for year 5.

16 A Uh-huh.

17 Q Did you ever have any discussions with him as to why?

18 A No.

19 Q I want to dive a little deeper into the lab notebooks from the
20 Wuhan Institute. And we touched on this a little bit earlier, but I want to ask again: Do
21 you recall any specific conversations with anyone at EcoHealth regarding the production,
22 or lack thereof, of the lab notebooks?

23 A Well, that question came up because Peter was asked questions by both NIH
24 and by this committee about the lab notebooks. So, in the context of my role, I helped
25 him to think through how to respond to those questions.

1 Q And in response to a letter from January 2022 from Dr. Lauer, Dr. Daszak
2 said, "We do not have copies of those, which were created and retained by the WIV.
3 Nonetheless, I forwarded your letter to the WIV and will let you know their response as
4 soon as the WIV responds to our request."

5 And that's, in essence, what he's testified since, is that he, I think, made a phone
6 call at the first request and then actually forwarded the letter at the second request, and
7 the WIV never responded.

8 And the NIH has cited a few Federal regulations, the one in particular being 45
9 CFR, section 75.364, that reads, "The HHS awarding agency, Inspectors General, the
10 Comptroller General of the United States, and the pass-through entity, or any of their
11 authorized representatives, must have the right of access to any documents, papers, or
12 other records of the non-Federal entity which are pertinent to the Federal award, in order
13 to make audits, examination, excerpts, and transcripts."

14 Obviously, the HHS awarding agency is NIAID and NIH. They requested the lab
15 notebooks. Did the HHS Inspector General request the lab notebooks?

16 A I don't recall.

17 Q What about GAO?

18 A I don't recall, no.

19 Q I just read it to you, so I know it -- I know it's -- sometimes I'm a reader, not a
20 listener -- but, based off that CFR, was EcoHealth required to have access to those lab
21 notebooks?

22 A That would seem to be the case, yes.

23 Q Would records of experiments used to generate figures in progress reports
24 qualify as records pertinent to a Federal award?

25 A It seems so, yes.

1 Q And on May 1st, during his hearing, I believe it was myself that asked
2 Dr. Daszak this question: "Did you know that you had to have access to the lab
3 notebooks under your grant terms?"

4 And he said: "We checked on that, and at the time that we requested the lab
5 notebooks, it is not true that we had to have access to lab notebooks at a foreign
6 sub-recipient. That rule then came into play from NIH later."

7 I said: "Dr. Tabak testified that it was part of the standard grant terms."

8 And Dr. Daszak said: "We checked the CFRs. We've received dozens of letters
9 from NIH with listing CFR. We checked them all. They do not state that. It's a fact."
10 Were you part of the team at EcoHealth that checked the CFRs?

11 A No.

12 Q Do you recall who told Dr. Daszak that the CFR didn't cover lab notebooks?

13 A No.

14 Q Do you recall any conversations with Tarter Krinsky regarding the
15 applicability of CFRs on the lab notebooks?

16 A No.

17 Q I want to introduce, I believe it's majority exhibit 3.

18 [Sturchio Majority Exhibit No. 3
19 was marked for identification.]

1 BY MR. BENZINE:

2 Q And while it's being passed around -- and I'll give you some time to read it.
3 It's two rather lengthy emails. But this is majority exhibit 3, and it is Bates-numbered
4 JLS 2322 through 2324.

5 And we can skip over the IACUC approval --

6 A Uh-huh.

7 Q -- sections and just the lab sections. And I want to turn to Dr. Daszak's
8 email that started the chain, on 2323. And the third full paragraph, the last paragraph --

9 A Uh-huh.

10 Q -- "The second part of his letter is about his request for lab notebooks and
11 original computer files from Wuhan."

12 I won't read it all. I'll give you the option to read it all. But nowhere in that
13 paragraph does it say the CFRs don't apply to that request.

14 A Okay.

15 Q And the excuses Dr. Daszak makes is it's highly unusual, something that
16 normally wouldn't happen, and that, in essence, because of President Trump, there's no
17 way to get it.

18 And then you respond -- again, the second paragraph is where we're looking.

19 A Uh-huh.

20 Q And the second sentence, you write, "Yes, there is CFR language that NIH has
21 the right to review original lab notebooks and data, and that [EcoHealth] would in the
22 normal course of events be able to obtain these data from the [Wuhan Institute]."

23 This is January 17th, 2022. It's more than 24 months prior to his testimony. He
24 testified that the CFRs do not apply to lab notebooks. Is that accurate?

25 A Well, that was certainly his view at the time.

1 Q It's a law. There's not a view.

2 A Yeah, no, I'm not disputing it.

3 Q Okay.

4 A I'm just saying, that was his view at the time.

5 Q But he was explicitly told otherwise 28 months prior to then giving that view.

6 A Uh-huh.

7 Q I mean, it certainly reads like a lie. And I'm wondering -- like, you wrote the
8 CFR language applied. Did you advise him to testify that the CFR language applied?

9 A I always recommended to him that he reply truthfully to questions that were
10 being asked.

11 And it was -- the rest of this response, actually, is an example of my providing him
12 with language that he could use to respond in a way that was both truthful and
13 cooperative but that explained the context of why they were having difficulty getting the
14 NIH lab -- or, the lab notebooks in response to the NIH request.

15 Q This is just if you know. Were the lab notebooks electronic or an actual
16 notebook?

17 A I don't know.

18 Q The kind of, like, underpinning of that regulation is that you have to have
19 access.

20 A Uh-huh.

21 Q So, like, my reading of that regulation is, it shouldn't have taken a request, it
22 should've been on an EcoHealth server to begin with, especially at an adversarial country,
23 where I think the blanket assumption would be they're not going to give you access.

24 I asked you a specific question. I'm going to ask you the same question that I
25 asked Dr. Daszak: During NIH's compliance efforts with the EcoHealth grant, NIH

1 requested EcoHealth provide the underlying lab notebooks from the WIV.

2 Dr. Daszak responded that you do not have access to them but that you would ask
3 the WIV.

4 Did the CFRs apply, to provide access to the lab notebooks, when NIH made the
5 request?

6 A I'm sorry, could you -- I want to make sure I'm responding to precisely the
7 question you're asking. Could you rephrase that?

8 Q I'm wondering, at the time that NIH made the request, so January -- it was
9 November 2021 and then January 6, 2022 -- did the CFR language, that NIH had the right
10 of access, apply to EcoHealth?

11 A Based on what you read from the CFRs, I'd have to say the answer is yes.

12 Q Okay.

13 You had severed communications with EcoHealth during most of the suspension
14 and debarment process.

15 A Correct.

16 Q You've been around this world a long time. Is any organization entitled to
17 Federal funding?

18 A I don't think any organization is entitled, no.

19 Q And, then, you've had access to the vast majority of documents and
20 evidence that they would theoretically submit to the S&D official. Do you think
21 debarment is warranted?

22 A I'm not really in a position to say.

23 Mr. Price. Mitch, if we could go off the record for a minute --

24 Mr. Benzine. Yes, we can go off the record.

25 Mr. Price. -- without a question pending, just to give us a minute, and we'll be

1 right back.

2 Mr. Benzine. Yeah, yeah.

3 Mr. Price. Thanks.

4 [Discussion off the record.]

5 Mr. Benzine. We can go back on the record.

6 BY MR. BENZINE:

7 Q Dr. Sturchio?

8 A Okay. I'd just like to clarify my response to a question you asked about the
9 laboratory notebooks.

10 I just want to make it clear that, as this exhibit shows, I believed that the CFR
11 language applied, and that was my advice to Dr. Daszak.

12 To the extent that he testified differently, I really can't explain that. But, as I
13 said, my advice to him was that I believed the CFR language applied and that, when he
14 had to explain these questions for either the GAO or others who asked, that that was the
15 position that should be the starting point.

16 Q Thank you.

17 I'm going to move on. We touched on it really briefly: To your knowledge, did
18 the Department of Justice ever issue a subpoena to EcoHealth?

19 A I don't know, no.

20 Q Okay. Do you recall any conversations mentioning the Department of
21 Justice?

22 A There -- I'm trying to remember. There was -- I wasn't involved in this, but I
23 believe that there was an inquiry from an FBI office in the Midwest somewhere that they
24 were involved in responding to. So that -- and that may have been subsequent to a
25 subpoena; I just don't recall if it was a subpoena.

1 Q Dr. Daszak has told us that his communications with the -- well, he had two
2 separate communications with the FBI, one regarding threats and one -- I believe he
3 talked to both the CIA and the FBI on his back porch in New York, which is an interesting
4 place to talk to both the CIA and the FBI.

5 Do you recall if the FBI situation that you just talked about, was it that, or was it a
6 criminal investigation?

7 A I really don't know.

8 Q Okay.

9 Not to make you relive your own letter from Chairman Wenstrup, but a couple
10 questions about that one.

11 A Uh-huh.

12 Q Was that the first letter from Congress that you've ever received?

13 A Yes.

14 Q And then -- apologies.

15 And without getting into privilege -- and I don't want to know any conversations
16 about how or what or when -- are you generally aware about how your counsel
17 responded to the subcommittee via document production?

18 A Well, generally, yes.

19 Q Yes. Did -- again, I don't want to cross the threshold. Are you generally
20 aware that, like, the law firm does the document production on your behalf?

21 A Well, that's what happened in my case, yes.

22 Q Okay.

23 Are you aware of how Dr. Daszak produced documents to the subcommittee?

24 A Generally. I mean, my understanding was that TKD was responsible for
25 document production.

1 Q To your understanding, was Tarter Krinsky also responsible for searching
2 Dr. Daszak's email account for the documents, or did Dr. Daszak do that on his own?

3 A That's beyond what I knew about --

4 Q Okay.

5 A -- how they produced the documents.

6 Q We touched on it a little bit, and I'm sorry for repeating myself, but were you
7 ever involved in any communications regarding what documents to produce?

8 A I was involved to the extent that, when inquiries came from this committee
9 or from other committees or agencies, Peter would often send me the request and say,
10 you know, please review this, let me know what you think.

11 Then when it came time to begin to frame the responses, he would send me a
12 draft of what he proposed to respond, and I would review that and edit it and suggest
13 ways that it could be made clearer and more precise.

14 But when it came to actual production of documents, I wasn't involved in that.

15 Q Were -- and the chairman has referenced this in, I think, the subpoena cover
16 letter to Dr. Morens and, I think, the -- it might've been the letter to you. Were you ever
17 part of any discussions with Dr. Daszak or others about delaying or slowly producing
18 documents?

19 A Well, Peter's initial response when we got questions from NIH or from the
20 SSCP or others was often -- his knee-jerk reaction was often, "Well, no, I'm not going to
21 produce those documents."

22 But my counsel to him was always that he needed to cooperate with the
23 committees or the agencies and that what was important was to be as transparent as
24 possible so that a full record was available. So that was my advice.

25 Q Did he ever suggest to you that he was withholding specific documents?

1 A No.

2 Q I want to introduce majority exhibit 4.

3 [Sturchio Majority Exhibit No. 4
4 was marked for identification.]

5 BY MR. BENZINE:

6 Q This is a letter from Dr. Daszak and EcoHealth dated April 11th, 2024, and
7 sent to the subcommittee in response to an April 4th, 2024, letter that we sent to him.

8 I'll give you a second to flip through it, but are you generally aware of this letter?

9 A I am, yes.

10 Q Did you assist in the drafting or editing of this letter?

11 A I did.

12 Q In the April 4th letter, they -- it was Chairman Wenstrup, Comer, Rodgers,
13 Griffith, and Guthrie -- requested documents prior to Dr. Daszak's testimony on May 1st --

14 A Uh-huh.

15 Q -- a wide swath of documents from both his communications with HHS and
16 with the Wuhan Institute of Virology and internal communications, and got this in
17 response.

18 Do you remember any specific discussions about how to respond to those
19 requests?

20 A I do remember discussions around this and -- yes, I do.

21 Q Can you expound upon what those discussions were?

22 A Well, I was trying to help Peter respond as fully and thoroughly as possible in
23 the short timeframe that was available, because this is just a couple of weeks before his
24 scheduled testimony at a hearing before the SSCP, and there was a short -- you know, a
25 very short window for them to produce the documents that were requested.

1 Q Were you at all involved in the decision to send links to the FOIA Library
2 instead of documents?

3 A Well, that was something that I thought, as a first step, could be helpful.
4 There were specific questions in your list of questions for which documents had already
5 been FOIA'd and they were available to the public on the FOIA Library.

6 So, as a first step, we thought it would be helpful to make sure that you had
7 access to those, and then EcoHealth could spend its time digging out the other
8 documents that were requested with respect to other questions. Or if there were
9 additional questions with respect to those specific ones, they could also produce the
10 additional documents that hadn't already been made available.

11 Q Are you generally aware that FOIA doesn't apply to Congress?

12 A I am now, yes.

13 Q Or congressional requests?

14 A Yeah, sure.

15 Q One of the reasons that we articulated back was that we can't validate a
16 FOIA search.

17 A Uh-huh.

18 Q And then there's a lot of documents that aren't subject to FOIA. We asked
19 for EcoHealth documents between them and the WIV and got a FOIA link back, when
20 neither of those institutions are FOIA'able to begin with.

21 Up until this point, all communications between EcoHealth and the subcommittee
22 had been from Tarter Krinsky. I got a call from Tarter Krinsky saying that they were not
23 going to be sending this letter. Do you recall any conversations as to why?

24 A No, I don't. If I remember correctly, when I sent Peter a draft of this, I
25 suggested that he review it with Tarter Krinsky before sending it. So it was my

1 assumption that his communications with the committee were going through his counsel.

2 Q I'm not going to speculate as to why, but --

3 Mr. Price. Could we go off for 1 minute --

4 Mr. Benzine. Yes, we can go off the record.

5 Mr. Price. -- if there's no pending question?

6 Mr. Benzine. No.

7 Mr. Price. Just give me 1 minute.

8 Mr. Benzine. Yeah.

9 [Discussion off the record.]

10 Mr. Benzine. All right. We can go back on.

11 BY MR. BENZINE:

12 Q I just want to ask the last question before we went off. You're not aware of
13 why Tarter Krinsky didn't send this letter but Dr. Daszak did?

14 A No, I'm not.

15 Q Okay.

16 A I just wanted to clarify one question that you had asked me before about
17 was I involved in document production. And, as I said, I was involved in, sort of, advising
18 on general areas and ways to frame responses to document production requests.

19 On occasion, I was also asked to review a set of search terms that might be used,
20 and provided, you know, my view on how that set of search terms could be made more
21 precise so that it clarified and provided all of the documents that would be responsive to
22 the request.

23 Q Who provided you with the list of search terms?

24 A Well, that might've been -- that must've been -- Peter Daszak would say, you
25 know, here's what we were thinking of using. Or Aleksei Chmura might've, because

1 Aleksei tended to be the one who was the point person for generating the documents.

2 Q Knowing what you've now gone through in producing your own documents,
3 does that imply that Dr. Daszak was searching his own inbox?

4 A I really don't know.

5 Q Okay.

6 I want to -- after Dr. Daszak's transcribed interview, he was given the opportunity
7 to review his transcript for errata, much like you will be after this one.

8 Did you have access to Dr. Daszak's transcript prior to its public release?

9 A He shared with me some of the screenshots of his transcript just to help
10 review it for accuracy.

11 Q I'm going to, just for clarity, introduce majority exhibit 5.

12 [Sturchio Majority Exhibit No. 5
13 was marked for identification.]

14 BY MR. BENZINE:

15 Q So this is an email from you to Dr. Daszak and Dr. Chmura, Bates-numbered
16 JLS 1100 through 1101, and it appears to be you going through Dr. Daszak's transcript.

17 A Uh-huh.

18 Q So you just said you got screenshots of pages. Were you furnished with the
19 whole transcript or --

20 A No.

21 Q Do you recall how many screenshots you got?

22 A Well, if you count the numbers on this email, that's probably -- 1, 2, 3, 4, 5,
23 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17 -- so there were probably on the order of two
24 dozen screenshots.

25 Q When -- as is consistent with the committee, when Dr. Daszak is provided an

1 electronic copy of the transcript through his counsel, he and counsel agreed to not share
2 or retain copies or take screenshots of the transcript.

3 Were you aware of that while Dr. Daszak was sharing the screenshots with you?

4 A I was just aware that he sent me screenshots and asked me to review them.

5 Q Do you know if Dr. Daszak made any copies or retained any copies of the
6 transcript?

7 A I don't.

8 Q I was going to ask this if you still had a contractual relationship with
9 Dr. Daszak, but if you don't --

10 A I do not. No, I don't.

11 Q -- I don't need to ask it. But just want to make sure, when we give you the
12 opportunity to share errata, that you will not take screenshots or otherwise share the
13 transcript with anyone else.

14 A Except my counsel? Is that --

15 Q Yes. There's a -- we just take emails, and the emails get access to it.
16 I want to go to majority exhibit 6.

17 [Sturchio Majority Exhibit No. 6
18 was marked for identification.]

19 BY MR. BENZINE:

20 Q This is an email chain and draft letter from May of 2024 after Dr. Daszak's
21 public hearing --

22 A Uh-huh.

23 Q -- and Bates-numbered JLS 1659 through 1663.

24 I'll give you a minute to flip through, but do you generally recall this conversation
25 and draft letter?

1 A I do.

2 Q So my understanding -- and I'll ask you your recollection -- is that it was
3 drafted to help answer some questions after the hearing or in some cases promised
4 documents. Is that --

5 A That's correct.

6 Q -- consistent with your memory?

7 A That's correct, yes.

8 Q It was never transmitted. Do you know why?

9 A I don't, because -- I mean, as you can see, I provided some advice on how to
10 sharpen the letter and make sure that it was clear, but I don't -- you know, shortly after
11 this, I ceased communications with EcoHealth Alliance, so I have no idea why it was never
12 transmitted.

13 Q And that's probably a similar question -- or, a similar answer to my next line
14 of questions. Because, in this letter, Dr. Daszak writes eight points of information, and,
15 you know, we've never -- we received the timeline of EcoHealth Alliance's efforts to
16 upload its year 5 report from you --

17 A Uh-huh.

18 Q -- but not from him. The renegotiation of R01 and where sequences and
19 samples were, we've never received information on. The information that it was not
20 gain-of-function has been in the public sphere for -- or that NIH said it didn't apply to the
21 P3CO --

22 A Uh-huh.

23 Q -- has been in the public sphere for a while.

24 Number 4, the compliance actions, we never received information on.

25 Information on the assays in DEFUSE. We never received information on comparison of

1 the biosafety work in U.S. and China.

2 Never received information on information to explain the changes in the
3 description of the serology results. I believe that was Chairman Griffith's line of
4 questioning; never received information on.

5 And, then, warrant to continue funding EcoHealth Alliance, we never received
6 information on. And, actually, NIH revoked all funding from EcoHealth Alliance, so
7 number 8 doesn't appear to be true.

8 Understanding, kind of, like, when you left in the process of this, do you recall any
9 conversations as to why -- like, when you left -- I'll rephrase. When you left, was the
10 plan to send this letter?

11 A Yes.

12 Q And, because of that, you have no understanding as to why it wasn't?

13 A That's correct.

14 Q Or why this information has not been furnished to the subcommittee?

15 A No, I don't know.

16 Q Outside of some of it that we got from you.

17 A Well, we went over -- for instance, the draft of item 1 here --

18 Q Uh-huh.

19 A -- we spent considerable time going over that. And the plan was to prepare
20 similar documents with respect to the other items on this list. But when I ceased
21 communication with them, those documents had not yet been developed, to my
22 knowledge. I certainly had never reviewed any of them.

23 Q Uh-huh.

24 A But that was the plan.

25 Q I want to introduce majority exhibit 7.

1 [Sturchio Majority Exhibit No. 7
2 was marked for identification.]

3 BY MR. BENZINE:

4 Q This is majority exhibit 7 and Bates-numbered JLS 1616 through 1630. And
5 it's a PowerPoint put together by yourself --

6 A Uh-huh.

7 Q -- after the May 1st hearing with Dr. Daszak.

8 I'm assuming this is relatively fresh in your mind because it's only a couple months
9 old, but if you need a moment to review it, you can. But I'm going to go pretty much
10 slide by slide --

11 A Okay.

12 Q -- and ask some questions, understanding the font is small.

13 On page 1617, the title of the slide is, "An unbalanced 'wrap-up' of the hearing's
14 results" --

15 A Uh-huh.

16 Q -- and it's kind of a summary slide.

17 One of the things that's mentioned on this slide and is mentioned throughout
18 Dr. Daszak's emails is that he was not given time to respond to the Select Subcommittee.

19 Do you agree with that?

20 A Well, could you be more precise in the question?

21 Q Yes.

22 The last bullet is, "Had Dr. Daszak been permitted to respond to SSCP 'grilling,' he
23 could have made this clear. But the SSCP had drawn its conclusions before the hearing
24 began, constantly interrupted Dr. Daszak or refused to let him answer, and was interested
25 only in a rush to judgment."

1 I guess, sitting here today, do you still agree with that bullet?

2 A Well, just to be clear, this document was framed to provide talking points
3 that Dr. Daszak and EcoHealth Alliance could use in responding to issues that were raised
4 at the May 1st committee hearing. So that was the context in which it was constructed.

5 The left-hand column to each of these slides is a quotation from the hearing
6 wrap-up --

7 Q Uh-huh.

8 A -- and on the right was recommendations for how he could discuss these
9 points that were consistent with his view of how the hearing went and what the issues
10 were that arose from it.

11 So that -- and, as far as I know, this document was never shared with anybody
12 except Peter Daszak and others at EcoHealth Alliance.

13 But to come back to your question, no, if I were asked now to summarize it, I
14 probably would've framed it differently. And if it were -- if you were to ask for my
15 opinion, I would've framed it differently.

16 Q And that kind of goes into my next question, is, like, understanding hearings
17 are what hearings are, and they're a little bit different in nature --

18 A Uh-huh.

19 Q -- than this or, you know, a letter back and forth, but Dr. Daszak had since
20 February 2023 to respond to allegations being made, and he continues to say that he
21 hasn't had time to respond to things. And it just seems inconsistent with the facts.
22 But I appreciate --

23 A Well, yeah, no, I can see your point. This was just in the context of what
24 happened on May 1 --

25 Q Uh-huh.

1 A -- during the hearing. And you'll recall, there were times when he was cut
2 off, when people wouldn't let him respond to certain questions. That's all --

3 Q Yes.

4 A -- that this refers to.

1

2 [12:35 p.m.]

3

BY MR. BENZINE:

4

Q Flipping to 1618, the first bullet under the reality section is, "The biased and

5

politically-motivated conclusions from the SSCP are not proven by the actual evidence of

6

EcoHealth Alliance's behaviors over the years."

7

It's another talking point that I see throughout, kind of, Dr. Daszak's emails and

8

your emails. And at the risk of stepping on my Democratic colleague's toes, that was

9

probably the most bipartisan hearing that we've had in two years. It seems kind of hard

10

to characterize it as politically motivated.

11

Why did you characterize it that way?

12

A Well, as I said, my role was to provide talking points for Peter Daszak and

13

EcoHealth Alliance to respond to what the committee had said.

14

Q There's -- we don't need to get into evidence or not. I think we've seen

15

that plenty; hasn't actually been produced.

16

And I was just going to ask, too, if you had seen the evidence that you were -- that

17

was used to formulate the talking points. I think, at most, you had seen the year 5

18

timeline, not, like, one on sequences and samples --

19

A That's correct.

20

Q -- and all these other things.

21

Flipping to 1619, the all-encompassing and lovely gain-of-function debate. And

22

we have stipulated time and time again that, according to the P3CO definition, it was not

23

gain-of-function research. Both Dr. Tabak and Dr. Auchincloss testified that it was kind

24

of, like, generic gain-of-function research and met the NIH's definition of gain-of-function

25

research, not the P3CO definition.

1 Do you recall any conversations with Dr. Daszak around that distinction, or was it
2 always that it was not gain-of-function, period?

3 A Well, the conversations I had with Peter was around the P3CO definition of
4 gain-of-function.

5 Q Not -- I guess I'm trying to get into, like, how he testified and the preparation
6 for that testimony. If he had -- everyone at the table will agree that if he stood up and
7 said it did not meet the P3CO definition of gain-of-function, we'd have been, like, thank
8 you, that's accurate.

9 But the testimony and statements from EcoHealth was this is not gain-of-function,
10 period, when you have the head of the NIH saying it is gain-of-function, it's just kind
11 of -- so I'm wondering if there were any conversations about being more specific?

12 A Well, what I was trying to say is that the only conversations I had with him
13 were around the P3CO definition. And my counsel was that he should just stick to that
14 point. According to that definition, they did not do gain-of-function research.

15 I don't recall any discussions about a more general discussion of what
16 gain-of-function is.

17 Q Okay. Moving to 1620 -- and this is -- there were a number of questions
18 during the hearing about samples and sequences at the Wuhan Institute. And as you
19 put in the left-hand column, Dr. Daszak saying that, of course, there are -- there could be
20 things at the Wuhan Institute that EcoHealth does not know about.

21 And I believe he also said that there's a delta in time from the Alice Latinne paper
22 with all their samples and the emergence of COVID-19 where the Wuhan Institute could
23 have gathered more sample that were not published.

24 Did you ever have any conversations with him about his knowledge of the Wuhan
25 Institute's viral library?

1 A No.

2 Q What about conversations with him regarding the Wuhan Institute taking
3 their library offline?

4 A No. We never discussed that.

5 Q In some emails that were released by -- that were sent to us by a
6 whistleblower and then released by EcoHealth about the 15,000 samples and 700
7 Coronaviruses, did you ever have any discussions with Dr. Daszak about whether or not
8 all of those are published?

9 A Yes. My understanding is that they had published data on all of the 750
10 that showed any relevant activity.

11 Q Dr. Daszak kind of testified to it, but I'm wondering if there were any other
12 further conversations about actions or samples the Wuhan Institute had that EcoHealth
13 did not have knowledge into?

14 A I don't recall any -- I wasn't part of any discussions about that, so I don't
15 know.

16 Q Okay. Flipping forward again to 1621, the testimony about the defuse
17 proposal and -- again, I don't need to read specifics on what looks to be like
18 one-point font, but --

19 A It's good, because I can't read it in this document.

20 Q Right. I had to zoom my computer screen.

21 But the talking point that I'm sure you're aware of is DEFUSE is irrelevant because
22 the work was not funded and the work was not done is what, kind of, we've heard over
23 and over and over again.

24 Do you know for -- and I think this was asked of Dr. Daszak. Were there any
25 conversations on if the work was for certain not done?

1 A I -- I mean, all I know from conversations with Peter that, you know, all he
2 knew was that DOD didn't fund the research. EcoHealth Alliance never did the research.
3 And as far as he knew, his potential partners in that research never did it either.

4 But I don't know the -- I don't know whether that's true or not. I just have no
5 information about it.

6 Q Were there any -- and, again, I apologize for kind of asking, like, secondhand
7 conversations throughout all this, but do you recall any conversations about him wanting
8 to contact the Wuhan Institute to see if they had done it. I mean, like, this was in the
9 news nonstop for a while.

10 My kind of gut reaction would have been to call up my partner and be, like, hey,
11 what happened? Do you recall any conversations about that?

12 A He never told me about any conversations he had with Wuhan about that
13 question.

14 Q Do you know why DARPA rejected the proposal?

15 A No.

16 Q Would it -- I'm asking a little bit of a speculation. Would it surprise you if
17 they rejected it because of poor biosafety plans?

18 A I really don't know. That happened years before I got involved with
19 EcoHealth Alliance.

20 Q Flipping over to 1622, and the headline is, "Dr. Daszak did not mislead the
21 U.S. Government about samples held at WIV." This is, again, kind of in dispute based off
22 the testimony of Dr. Erbeding.

23 I think Dr. Daszak said that Dr. Erbeding just got samples and sequences mixed
24 up. Dr. Tabak said that would be hard to believe considering she's the head of the
25 infectious disease branch at NIAID. Presumably, she knows what a sequence of that

1 sample is.

2 We touched on this a little bit. But, again, after the debarment of the WIV, was
3 EcoHealth still in contact with them?

4 A Well, I don't know precisely. I know that Peter Daszak has said that he was
5 in contact about the data from these samples that they had collected.

6 Q Do you know anything beyond that?

7 A No. That's all I know is what he reported.

8 Q Do you know or had any communication or conversations with him, was it
9 phone calls, emails, how did the communication with the WIV take place, if you know?

10 A I don't know.

11 Q And primarily, to your knowledge, it entailed kind of, like, in furtherance of
12 reporting out what they had already sequenced or sampled?

13 A That's what Peter said to me, yes.

14 Q Do you know if the WIV was conducting any new research or analysis on
15 behalf of EcoHealth after the debarment?

16 A No.

17 Q I want to flip to 1625. And this slide doesn't have a header, but it's about
18 Chairman Comer asking Dr. Daszak about his relationship with the intelligence community
19 and some issues surrounding the intelligence reports.

20 And in the reality side, you say, "The intelligence community has stated that there
21 is no conclusive evidence that COVID-19 emerged as a result of a lab leak from the WIV,
22 it's -- I get -- I understand -- I've been on the Hill long enough to understand the spin
23 there, but there's also no conclusive evidence that it resulted in nature.

24 Is that accurate of the intelligence community's assessment?

25 A Well, first of all, all I know about the intelligence community's assessment is

1 what I've read in the papers, so -- and I've read the report from the DNI about what the
2 intelligence community found.

3 So, yes, there was a difference of opinion. Some agencies felt that it might have
4 been natural origin; other agencies felt that it was due to a lab leak. But, you know, that
5 question is one for which there's still no consensus.

6 Q And like you said, there's FBI and Department of Energy are now public in
7 moderate confidence that it was the result of lab -- some kind of lab accident.

8 And then there's a number that are low confidence of natural, and then there's a
9 couple that are undetermined.

10 A Uh-huh.

11 Q Do you have any, like -- it's kind of a loaded question, and I apologize.

12 But do you have any reason to doubt the FBI and Department of Energy?

13 A No, I have no reason to doubt their conclusions. But on the other hand, I'm
14 not a virologist, so I really don't know the answer to that question.

15 Q And then, were you ever interviewed by anyone in the intelligence
16 community?

17 A No. Well, no -- I was going to say, I wouldn't know.

18 Q You wouldn't know. They would have to tell you.

19 A No. The answer is no. To my knowledge, no.

20 Q Okay. We can skip over some of Dr. Morens' stuff. I think we pretty well
21 discussed that.

22 I want to go to 1630 really quick. It kind of, again, touches on the -- you didn't
23 get the chance to respond in here. It says, in essence, he was found guilty until -- he was
24 presumed guilty until proven innocent; kind of like the opposite of the judicial system.

25 And the basis for that is that a report was issued prior to the hearing. But, again,

1 he was given at this point two years or a year and a half to provide documents. He sat
2 for a transcribed interview. We interviewed 15 other NIH employees.

3 Did you ever have any conversations with Dr. Daszak around, like, that specific
4 talking point? Did he believe that he was found guilty prior to the hearing?

5 A It's hard for me to know exactly what was on his mind, but that was certainly
6 one of the things that he said to me.

7 Q And then understanding kind of like the quick process of no more
8 communications with them, I asked you earlier that we had requested documents after
9 the hearing.

10 Did he discuss that request with you prior to you leaving?

11 A Well, yes. I mean, his intention was to provide additional documents after
12 the hearing. That's why -- that's what led to that draft letter to the committee, which
13 you said you had never received.

14 So I -- but I don't know what happened between the draft of that letter when the
15 intention was to provide additional documents and what's happened since because I've
16 ceased communicating with him.

17 Q Our understanding is that Tarter Krinsky has now actually taken over
18 document production; however, they have not been producing any documents, but that's
19 kind of beside the point and not your issue.

20 There were a number of times during the hearing with Dr. Daszak that he testified
21 that he had the documents in front of him, and I believe it was our now former colleague
22 Giancarlo that brought it up of, like, if you have them in front of you, why don't we have
23 them in front of us.

24 A Uh-huh.

25 Q Do you recall any conversations about that situation of why those

1 documents hadn't been produced?

2 A Well, as I said before, my advice to him was always to produce the
3 documents that were responsive to the committee's request. It was always my counsel
4 to him to be as cooperative as possible.

5 And so I don't know why he may have had documents that he hadn't produced
6 that were relevant to those questions.

7 Mr. Benzine. We can go off the record.

8 [Whereupon, at 12:49 p.m., the interview was concluded.]

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Certificate of Deponent/Interviewee

I have read the foregoing ____ pages, which contain the correct transcript of the answers made by me to the questions therein recorded.

Witness Name

Date