

# Congress of the United States

## House of Representatives

SELECT SUBCOMMITTEE ON THE CORONAVIRUS PANDEMIC

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WASHINGTON, DC 20515-6143

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

October 13, 2023

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

Dear Acting Director Tabak:

On September 15, 2023, the Select Subcommittee requested information pertaining to the National Institutes of Health's (NIH) investigation into the highly concerning allegations that Dr. David Morens, Senior Scientific Advisor of the National Institute of Allergy and Infectious Disease, used personal e-mail to thwart the Freedom of Information Act (FOIA) and potentially deleted federal records.<sup>1</sup> The NIH failed to answer the Subcommittee's letter.

On October 5, 2023, the Select Subcommittee again requested records pertaining to the NIH's investigation into Dr. Morens.<sup>2</sup> In response, the NIH produced 49 pages of documents. In this lackluster production, only two pages are responsive to the Select Subcommittee's request; the other 47 pages consisted of either documents not requested by the Select Subcommittee or those already publicly available, including screenshots of websites. Considering the Department had nearly a month to respond to our reasonable and specific requests, this is unacceptable.

For example, the NIH produced a document entitled "Rules of Behavior for General Users v. 3.0." First, this document was not requested by the Select Subcommittee, and second, it is available [here](#). The NIH produced a document entitled "HHS Policy for Implementing Electronic Mail (Email) Records Management." Again, the Select Subcommittee did not request this document, and it is also available [here](#). The NIH produced a document entitled "Bulletin 2015-02" from the National Archives and Records Administration (NARA). And again, the Select Subcommittee did not request this document, and it is also available [here](#). Finally, the NIH produced a screenshot of 44 U.S.C. § 2911—the section of the U.S. Code regarding the conduct of official business on non-official accounts. This was not requested by the Select Subcommittee and is also available [here](#).

This obstruction will not be tolerated. Accordingly, please see the attached subpoena.

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

<sup>2</sup> Letter from Brad Wenstrup, D.P.M., Chairman, Select Subcomm. on the Coronavirus Pandemic, to Lawrence Tabak, D.D.S., Ph.D., Acting Dir., Nat'l Inst. Of Health (October 5, 2023).

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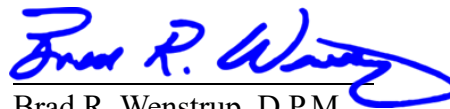
Further, considering these failures, the Select Subcommittee is now requesting NIH Records Officer Mr. Anthony D. Crawley Gibson appear for a voluntary transcribed interview on October 27, 2023.

The Select Subcommittee is investigating the origins of and the federal government's response to the COVID-19 pandemic. The documents of Dr. Morens are potentially necessary to inform this investigation, including but not limited to his knowledge of information regarding the origins of COVID-19. Further, these documents may shed light on efforts from within the government to suppress or otherwise disregard the possibility COVID-19 originated from a laboratory in Wuhan, China. It is therefore necessary for the Select Subcommittee to obtain the documents that Dr. Morens produced to the NIH as well as to ensure that all of his relevant documents have been secured and retained. The Select Subcommittee may use this investigation to inform potential legislation to improve pandemic preparedness, strengthen grant processes and oversight, and enhance biosafety and biosecurity of laboratory and field research.

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

Thank you for your attention to this very important matter.

Sincerely,



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

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