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United States Senate

COMMITTEE ON
HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS
WASHINGTON, DC 20510-6250

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June 25, 2024

The Honorable Xavier Becerra
Secretary
Department of Health and Human Services

Dear Secretary Becerra:

We write regarding the Department of Health and Human Services' (HHS) complete disregard for transparency, Congressional oversight, and the public's right to know. Since the COVID-19 pandemic began over four years ago, members of the Senate Committee on Homeland Security and Governmental Affairs (HSGAC) have sent numerous requests to HHS and its sub-agencies related to the origins of the virus and the government's response to the pandemic. Rather than provide comprehensive and thorough responses to requests from members of this Committee, HHS has opted to either ignore letters from duly elected U.S. senators, or provide incomplete responses. When HSGAC staff send weekly requests for substantive updates on the status of HHS's responses to our letters, your staff ignore those requests, sometimes for multiple months. In short, HHS's indifference and lack of responsiveness threatens our ability to fulfill our Constitutional oversight responsibility.

To ensure HHS's complete and thorough responses to the 31 outstanding oversight letters listed below, we are invoking 5 U.S.C. § 2954 which requires you to provide the requested information contained in those letters. As you know, 5 U.S.C. § 2954 states:

An Executive agency, on request of the Committee on [Oversight and Accountability] of the House of Representatives, or of any seven members thereof, or **on request of the Committee on [Homeland Security and] Governmental Affairs of the Senate, or any five members thereof, shall submit any information requested of it** relating to any matter within the jurisdiction of the committee.¹

Compliance with 5 U.S.C. § 2954 is not optional—it clearly states an Executive agency “shall submit any information requested of it.”² In March 2023, when Senator Johnson asked you whether you would commit to providing records pursuant to this statute, you responded that we are “**absolutely entitled** to the information that by law a member of the Senate or the House should get.”³ To date, HHS has failed to meet its legal obligation to produce records previously

¹ 5 U.S.C. § 2954 (emphasis added).

² *Id.*

³ The President's Fiscal Year 2024 Health and Human Services Budget: Hearing before the S. Comm. On Finance (Mar. 22, 2023), transcript available at <https://plus.cq.com/doc/congressionaltranscripts-7694673?1> (emphasis added).

requested pursuant to this statute.⁴ HHS's refusal to follow the law does not dissuade us from invoking it. HSGAC Republicans are taking note of HHS's and your legal infractions and fully intend to hold you and your colleagues accountable using any means at our disposal.

Congress and the American people deserve complete responses to the letters listed below. HHS's refusal to provide the requested records over the last three years clearly demonstrates a full-fledged cover-up. What are you and your sub-agencies hiding? On inquiries related to the origins of COVID-19, HHS has provided senators records containing similar redactions to documents released pursuant to Freedom of Information Act (FOIA) requests.⁵ As you are aware, Congressional oversight is not subject to FOIA redactions. Senator Johnson has made multiple requests for HHS to provide a privilege log identifying the exact privilege it is asserting for redactions contained in a small subset of records.⁶ HHS has not even accommodated that request.

On inquiries related to COVID-19 vaccine development and safety surveillance, HHS still refuses to provide the complete data analyses—known as Proportional Reporting Ratio (PRR) and empirical Bayesian (EB) data mining—it claims it and its sub-agencies rely on to monitor vaccine safety.⁷ Yet, despite its refusal to produce information that is apparently critical to determining the risks of the vaccines, HHS (through the Centers for Disease Control and Prevention) still promotes the COVID-19 vaccines as “safe and effective” without providing its complete analyses or datasets.⁸

It is well past time for HHS to provide complete transparency to Congress and the public. To ensure HHS's complete production, we expect you, Mr. Secretary, to follow the law and produce all information and records requested in the letters below. As an accommodation, we have identified 11 letters that we expect HHS and its sub-agencies to prioritize:

⁴ See e.g., Letter from Sen. Ron Johnson, et al., to Xavier Becerra, Secretary, Department of Health and Human Services, and Francis Collins, Dir., U.S. National Institutes of Health, June 11, 2021, <https://www.ronjohnson.senate.gov/services/files/53ED3ED4-1652-4F46-B89F-F0058382E9CA>; Letter from Sen. Ron Johnson, et al., to Xavier Becerra, Secretary, Department of Health and Human Services, Mar. 31, 2023, <https://www.ronjohnson.senate.gov/services/files/6059A1B8-00BB-49C6-92F5-3288F3CF4739>.

⁵ See Letter from Jeff Hild, Acting Secretary for Legislation, Department of Health and Human Services, to Ron Johnson, Ranking Member, Permanent Subcommittee on Investigations (July 27, 2021) (on file with the Subcommittee); and Letter from Jeff Hild, Acting Secretary for Legislation, Department of Health and Human Services, to Ron Johnson, Ranking Member, Permanent Subcommittee on Investigations (Aug. 17, 2021) (on file with the Subcommittee).

⁶ Letter from Sen. Ron Johnson, Ranking Member, Permanent Subcomm. on Investigations, to Xavier Becerra, Secretary, Dep't of Health and Human Services, March 15, 2024, <https://www.ronjohnson.senate.gov/services/files/9C5B8F90-832E-4B0D-8C9F-EB6F5D6CFF95>.

⁷ See e.g., Letter from Sen. Ron Johnson, to Robert Califf, Commissioner, Food and Drug Admin, Sept. 5, 2023, <https://www.ronjohnson.senate.gov/services/files/0E2CC41F-6202-4124-A7F6-8491E864FB23>.

⁸ Safety of COVID-19 Vaccines, Centers for Disease Control and Prevention, accessed May 6, 2024, <https://www.cdc.gov/coronavirus/2019-ncov/vaccines/safety/safety-of-vaccines.html#:~:text=COVID%2D19%20Vaccine-,COVID%2D19%20vaccines%20are%20safe%20and%20effective.,process%20to%20the%20previous%20vaccine.>

On COVID-19 vaccine development and safety surveillance:

- **December 29, 2021** – Requesting information about COVID-19 vaccine lots that are associated with higher rates of adverse events.⁹
- **June 23, 2022** – Requesting CDC’s complete data analyses of COVID-19 vaccine safety surveillance data, including Proportional Reporting Ratio tables.¹⁰
- **July 25, 2022** – Reiterating requests for CDC’s complete data analyses of COVID-19 vaccine safety surveillance data.¹¹
- **September 12, 2022** – Requesting additional information about CDC’s surveillance of COVID-19 vaccine adverse events following CDC’s lack of transparency.¹²
- **January 10, 2023** – Reiterating previous requests for all of CDC’s surveillance data on COVID-19 vaccine adverse events following months of CDC’s obstruction.¹³
- **September 5, 2023** – Requesting FDA’s complete data analyses of COVID-19 vaccine safety surveillance data including empirical Bayesian data mining.¹⁴

On COVID-19 origins:

- **June 11, 2021** – Requesting records regarding the origins of COVID-19 and the government’s response to the pandemic.¹⁵
- **August 19, 2021** – Requesting information about U.S. health agencies’ awareness of safety concerns at the Wuhan Institute of Virology.¹⁶

⁹ Letter from Sen. Ron Johnson, to Janet Woodcock, Acting Comm’r, Food and Drug Administration, and Rochelle Walensky, Dir., Centers for Disease Control and Prevention, Dec. 29, 2021, <https://www.ronjohnson.senate.gov/services/files/F564153D-89FD-40C9-A1B1-8663C22D2F0A>.

¹⁰ Letter from Sen. Ron Johnson, to Rochelle Walensky, Dir., Centers for Disease Control and Prevention, June 23, 2022, <https://www.ronjohnson.senate.gov/services/files/9914278B-A73B-4434-8349-91091138E18B>.

¹¹ Letter from Sen. Ron Johnson, to Rochelle Walensky, Dir., Centers for Disease Control and Prevention, July 25, 2022, <https://www.ronjohnson.senate.gov/services/files/D48FBED6-BDF3-4FB7-8B24-D52A2EDCE39E>.

¹² Letter from Sen. Ron Johnson, to Rochelle Walensky, Dir., Centers for Disease Control and Prevention, Sept. 12, 2022, <https://www.ronjohnson.senate.gov/services/files/0CBE044E-4F2C-47F2-8272-4DB4F14D3359>.

¹³ Letter from Sen. Ron Johnson, to Rochelle Walensky, Dir., Centers for Disease Control and Prevention, Jan. 10, 2023, <https://www.ronjohnson.senate.gov/services/files/AB68101B-CDA4-49F1-8174-4274DDEB0120>.

¹⁴ Letter from Sen. Ron Johnson, Ranking Member, Permanent Subcomm. on Investigations, to Robert Califf, Comm’r, Food and Drug Administration, Sept. 5, 2023, <https://www.ronjohnson.senate.gov/services/files/0E2CC41F-6202-4124-A7F6-8491E864FB23>.

¹⁵ Letter from Sen. Ron Johnson, Ranking Member, Permanent Subcomm. on Investigations, et al., to Xavier Becerra, Sec’y, Department of Health and Human Services, and Francis Collins, Dir., National Institutes of Health, June 11, 2021, <https://www.ronjohnson.senate.gov/services/files/53ED3ED4-1652-4F46-B89F-F0058382E9CA>.

¹⁶ Letter from Sen. Ron Johnson, Ranking Member, Permanent Subcomm. on Investigations, and Sen. Rand Paul, to Xavier Becerra, Sec’y, Department of Health and Human Services, and Francis Collins, Dir., National Institutes of

- **March 31, 2023** – Reiterating requests for HHS records regarding the origins of COVID-19.¹⁷
- **September 21, 2023** – Reiterating requests for records regarding U.S. health agencies' awareness of safety concerns at the Wuhan Institute of Virology.¹⁸
- **November 15, 2023** – Highlighting a June 17, 2021 email from Dr. Morens, requesting an interview with Dr. Morens, and reiterating requests in June 11, 2021 and March 31, 2023 letters.¹⁹

For the letters prioritized above, please provide all of the requested records and schedule the requested interviews as noted by no later than July 12, 2024. For the remaining letters listed below, please provide all of the requested records by no later than July 19, 2024.

1. **December 10, 2020** – Requesting NIH records on reviews of early treatments for COVID-19.²⁰
2. **January 22, 2021** – Reiterating requests to NIH for information on early treatments for COVID-19.²¹
3. **March 1, 2021** – Requesting additional information from NIH on early treatment of COVID-19.²²
4. **May 19, 2021** – Requesting records relating to teachers' unions and CDC guidance.²³

Health, Aug. 19, 2021, <https://www.ronjohnson.senate.gov/services/files/A60D3BD2-9083-4C61-91DA-72D2AEC39155>.

¹⁷ Letter from Sen. Ron Johnson, Ranking Member, Permanent Subcomm. on Investigations, et al., to Xavier Becerra, Sec'y, Department of Health and Human Services, Mar. 31, 2023, <https://www.ronjohnson.senate.gov/services/files/6059A1B8-00BB-49C6-92F5-3288F3CF4739>.

¹⁸ Letter from Sen. Ron Johnson, Ranking Member, Permanent Subcomm. on Investigations, to Xavier Becerra, Sec'y, Department of Health and Human Services, and Lawrence Tabak, Acting Dir., National Institutes of Health, Sept. 21, 2023, <https://www.ronjohnson.senate.gov/services/files/D61A4108-714C-41C0-99D1-79FE59B67626>.

¹⁹ Letter from Sen. Ron Johnson, Ranking Member, Permanent Subcomm. on Investigations, to Xavier Becerra, Sec'y, Department of Health and Human Services, Nov. 15, 2023, <https://www.ronjohnson.senate.gov/services/files/A7A6FDDF-68C3-49C7-A282-168AD7F1185B>.

²⁰ Letter from Sen. Ron Johnson, Chairman, and Sen. Rand Paul, Comm. on Homeland Security and Governmental Affairs, to Francis Collins, Dir., National Institutes of Health, Dec. 10, 2020, https://www.hsgac.senate.gov/wp-content/uploads/imo/media/doc/40-317_Comm.%20Homeland%20Security%20%20Gov.%20Affairs%2012-10-2020.pdf.

²¹ Letter from Sen. Ron Johnson, Chairman, Comm. on Homeland Security and Governmental Affairs, to Francis Collins, Dir., National Institutes of Health, Jan. 22, 2021, <https://www.ronjohnson.senate.gov/services/files/FC8E1181-1B21-4CCA-8DA2-97B71C72ED9C>.

²² Letter from Sen. Ron Johnson, to Francis Collins, Dir., National Institutes of Health, Mar. 1, 2021, <https://www.ronjohnson.senate.gov/services/files/001BBA41-33AB-4B7B-AB41-F9436AD9D168>.

²³ Letter from Sen. Ron Johnson, Ranking Member, Permanent Subcomm. on Investigations, et al., to Xavier Becerra, Sec'y, Department of Health and Human Services, and Rochelle Walensky, Dir., Centers for Disease Control and Prevention, May 19, 2021, <https://www.ronjohnson.senate.gov/services/files/69F90648-8F01-4445-81D3-CD4980A2C144>.

5. **May 27, 2021** – Requesting information related to Dr. Fauci’s inconsistent statements on the origins of COVID-19.²⁴
6. **July 13, 2021** – Requesting information on vaccine safety monitoring.²⁵
7. **July 30, 2021** – Requesting data CDC used to create a slide deck on COVID-19 vaccine effectiveness.²⁶
8. **August 22, 2021** – Regarding the October 22, 2020 Vaccines and Related Biological Products Advisory Committee meeting.²⁷
9. **March 1, 2022** – Requesting records referring to CDC’s use of a potentially flawed study to support school mask guidance.²⁸
10. **March 1, 2022** – Reiterating previous unanswered questions to CDC regarding natural immunity and vaccine safety.²⁹
11. **March 23, 2022** – Requesting information about awareness of reports on COVID-19 vaccine adverse events.³⁰
12. **May 5, 2022** – Requesting records regarding CDC’s apparent use of location data during the pandemic.³¹
13. **April 20, 2023** – Requesting records regarding the Countermeasure Injury Compensation Program (CICP) relating to COVID-19 vaccine injuries.³²

²⁴ Letter from Sen. Ron Johnson, to Anthony Fauci, Dir., National Institute of Allergy and Infectious Diseases, May 27, 2021, <https://www.ronjohnson.senate.gov/services/files/42FCBE21-6F2E-415E-B44C-EAFA70E95455>.

²⁵ Letter from Sen. Ron Johnson, to Francis Collins, Dir., National Institutes of Health, et al., July 13, 2021, <https://www.ronjohnson.senate.gov/services/files/17788FED-A947-4143-8C1B-95C59E60EE87>.

²⁶ Letter from Sen. Ron Johnson, to Rochelle Walensky, Dir., Centers for Disease Control and Prevention, July 30, 2021, <https://www.ronjohnson.senate.gov/services/files/FB7EA061-5BD3-486E-B505-AC464A1127E7>.

²⁷ Letter from Sen. Ron Johnson, to Francis Collins, Dir., National Institutes of Health, et al., Aug. 22, 2021, <https://www.ronjohnson.senate.gov/services/files/10CC4263-0337-453F-B9E5-1E5BA0FDFD10>.

²⁸ Letter from Sen. Ron Johnson, Ranking Member, Permanent Subcomm. on Investigations, to Rochelle Walensky, Dir., Centers for Disease Control and Prevention, Mar. 1, 2022, <https://www.ronjohnson.senate.gov/services/files/6AF724B7-EBE0-4D2A-8E90-2D526F8DDB1E>.

²⁹ Letter from Sen. Ron Johnson, to Rochelle Walensky, Dir., Centers for Disease Control and Prevention, Mar. 1, 2022, <https://www.ronjohnson.senate.gov/services/files/018E3CF9-DCE9-4F0D-836B-DC4DD9866FF2>.

³⁰ Letter from Sen. Ron Johnson, to Xavier Becerra, Sec’y, Department of Health and Human Services, et al., Mar. 23, 2022, <https://www.ronjohnson.senate.gov/services/files/08942E5E-4220-48A9-B989-9D5947C10BB4>.

³¹ Letter from Sen. Ron Johnson, Ranking Member, Permanent Subcomm. on Investigations, to Rochelle Walensky, Dir., Centers for Disease Control and Prevention, May 5, 2022, <https://www.ronjohnson.senate.gov/services/files/80B0C205-E4B0-4D71-B28D-5114893E0C3F>.

³² Letter from Sen. Ron Johnson, Ranking Member, Permanent Subcomm. on Investigations, to Xavier Becerra, Sec’y, Department of Health and Human Services, and Carole Johnson, Admin’r, Health Resources and Services Administration, Apr. 20, 2023, <https://www.ronjohnson.senate.gov/services/files/A80C5322-F694-4803-BC15-BE3B0D4708D1>.

14. **April 25, 2023** – Requesting unredacted Freedom of Information Act documents that appear to show communications about ivermectin as a potential treatment for COVID-19.³³
15. **August 28, 2023** – Requesting records regarding CDC’s apparent campaign to suppress social media posts about VAERS.³⁴
16. **September 5, 2023** – Reiterating requests for records regarding CICP.³⁵
17. **October 25, 2023** – Reiterating outstanding requests on COVID-19 vaccines and requesting additional information on recent FDA-funded study revealing adverse medical outcomes associated with the COVID-19 vaccines.³⁶
18. **December 21, 2023** – Requesting COVID-19 vaccine safety data and information on the production of incorrect proteins associated with the Pfizer “vaccine.”³⁷
19. **January 12, 2024** – Reiterating Dec. 29, 2021 requests about vaccine lot data and raising new concerns about vaccine lots.³⁸
20. **March 15, 2024** – Reiterating June 11, 2021 and March 31, 2023 requests for COVID-19 related documents including unredacted copies of priority documents previously identified.³⁹

As Senator Johnson indicated during your phone conversation on May 6, 2024, he will personally attend weekly updates with HHS staff to monitor the progress of your future compliance with 5 U.S.C. § 2954.

³³ Letter from Sen. Ron Johnson, Ranking Member, Permanent Subcomm. on Investigations, to Xavier Becerra, Sec’y, Department of Health and Human Services, Apr. 25, 2023, <https://www.ronjohnson.senate.gov/services/files/C0A2BC83-BC08-4659-B4D4-B0703418A9AD>.

³⁴ Letter from Sen. Ron Johnson, Ranking Member, Permanent Subcomm. on Investigations, to Mandy Cohen, Dir., Centers for Disease Control and Prevention, Aug. 28, 2023, <https://www.ronjohnson.senate.gov/services/files/A3D036E9-5930-49FF-84CF-D93D9FE8C7D6>.

³⁵ Letter from Sen. Ron Johnson, Ranking Member, Permanent Subcomm. on Investigations, to Xavier Becerra, Sec’y, Department of Health and Human Services, Sept. 5, 2023, <https://www.ronjohnson.senate.gov/services/files/241E701E-A91E-4B82-B4A8-FF233A3C5C98>.

³⁶ Letter from Sen. Ron Johnson, Ranking Member, Permanent Subcomm. on Investigations, to Xavier Becerra, Sec’y, Department of Health and Human Services, et al., Oct. 25, 2023, <https://www.ronjohnson.senate.gov/services/files/8989A37B-49B7-4E87-827F-9BE74D00D06A>.

³⁷ Letter from Sen. Ron Johnson, Ranking Member, Permanent Subcomm. on Investigations, to Xavier Becerra, Sec’y, Department of Health and Human Services, et al., Dec. 21, 2023, <https://www.ronjohnson.senate.gov/services/files/0D09CBFB-7A6E-426F-813D-F89DFC4E2EFD>.

³⁸ Letter from Sen. Ron Johnson, Ranking Member, Permanent Subcomm. on Investigations, to Robert Califf, Comm’r, Food and Drug Administration, Mandy Cohen, Dir., Centers for Disease Control and Prevention, Jan. 12, 2024, <https://www.ronjohnson.senate.gov/services/files/603DE6AC-5F83-4226-8A69-0BB5DCDA6841>.

³⁹ Letter from Sen. Ron Johnson, Ranking Member, Permanent Subcomm. on Investigations, to Xavier Becerra, Sec’y, Department of Health and Human Services, March 15, 2024, <https://www.ronjohnson.senate.gov/services/files/9C5B8F90-832E-4B0D-8C9F-EB6F5D6CFF95>.

The Senate Committee on Homeland Security and Governmental Affairs is authorized to study or investigate:

the efficiency and economy of operations of all branches of the Government including the possible existence of fraud, misfeasance, malfeasance, collusion, mismanagement, incompetence, corruption or unethical practices, waste, extravagance, conflicts of interest, and the improper expenditure of Government funds in transactions, contracts, and activities of the Government or of Government officials and employees and any and all such improper practices between Government personnel and corporations, individuals, companies, or persons affiliated therewith, doing business with the Government, and the compliance or noncompliance of such corporations, companies, or individuals or other entities with the rules, regulations, and laws governing the various governmental agencies and the Government's relationships with the public.⁴⁰

Thank you for your attention to this matter.

Sincerely,



Ron Johnson
Ranking Member
Permanent Subcommittee on Investigations



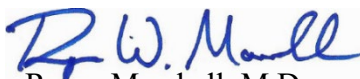
James Lankford
U.S. Senator



Rick Scott
U.S. Senator



Josh Hawley
U.S. Senator



Roger Marshall, M.D.
U.S. Senator

⁴⁰ S. Res 59 § 12 (e)(1)(A) (118th Cong.).

June 25, 2024

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cc: The Honorable Gary Peters
Chairman
Homeland Security and Governmental Affairs Committee

The Honorable Richard Blumenthal
Chairman
Permanent Subcommittee on Investigations

The Honorable Christi A. Grimm
Inspector General
Department of Health and Human Services