

From: (b) (6) <(b) (6)@nara.gov>
Sent time: 07/10/2023 02:23:01 PM
To: Gibson, Anthony (NIH/OD) [E] <anthony.gibson@nih.gov>
Cc: Smith-Simpson, Jacqlyn (OS/ASA/OCIO) <(b) (6)>; (b) (6); Laurence Brewer <laurence.brewer@nara.gov>
BCc: rm.communications@nara.gov; (b) (6)@nara.gov
Subject: Open - NARA Unauthorized Disposition Case UD-2023-0075
Attachments: 2023-07-10_UD-2023-0075_HHS-NIH_Open Letter_1301-1b.pdf 2023-06-29_UD20230075_RUD.pdf

Dear Anthony Gibson,

The National Archives Records Administration (NARA) recently became aware of an allegation of unauthorized disposition of agency records. Attached is correspondence from the Chief Records Officer for the U.S. Government, Laurence Brewer, and an associated attachment regarding this allegation referenced by case number UD-2023-0075.

Please send the requested report to me via email by August 9, 2023. If you have any questions or concerns, don't hesitate to get in touch with me.

Best regards,

(b) (6)
(b) (6)
Oversight and Reporting Division
National Archives and Records Administration
Mb: (b) (6)
Email: (b) (6)@nara.gov

Congress of the United States

House of Representatives

SELECT SUBCOMMITTEE ON THE CORONAVIRUS PANDEMIC

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

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

June 29, 2023

Mr. David Morens, M.D.
Senior Scientific Advisor
Office of the Director
National Institute of Allergy and Infectious Diseases
5601 Fishers Lane, MSC 9806
Bethesda, MD 20892

Dear Dr. Morens:

Documents in possession of the Select Subcommittee on the Coronavirus Pandemic (Select Subcommittee) suggest that you may have used your personal e-mail to avoid transparency and the Freedom of Information Act (FOIA), potentially intentionally deleted federal records, and acted in your official capacity to disparage your fellow scientists, including by encouraging litigation against them.

Further, your e-mails also raise concerns that you may have knowledge or information suggesting Dr. Anthony Fauci, former Director of the National Institute of Allergy and Infectious Diseases (NIAID), wished to influence the COVID-19 origins narrative without his “fingerprints.”

This is all very troubling and raises serious questions. As such, we are requesting documents and communications from your personal e-mail and cell phone that are responsive to the Select Subcommittee’s investigation. Additionally, pursuant to the Select Subcommittee’s February 13, 2023 letter, we request you sit for an in-person transcribed interview on August 2, 2023.¹

I. You may have intentionally used your personal e-mail to avoid transparency and FOIA and may have intentionally deleted federal records.

In one e-mail you write that you “always try to communicate over gmail because my NIH email is FOIA’d constantly.”² You continue, “[d]on’t worry, just send to any of my addresses and I will delete anything I don’t want to see in the New York Times.”³

¹ Letter from Hon. Brad Wenstrup, Chairman, Select Subcomm. on the Coronavirus Pandemic, H. Comm. on Oversight & Accountability, to Hon. Xavier Becerra, Sec’y, U.S. Dep’t of Health and Human Servs. (Feb. 13, 2023).

² E-Mail from David Morens, M.D., Senior Scientific Advisor, Nat’l Inst. of Allergy & Infectious Diseases, to Peter Daszak, Ph.D., et. al., President, EcoHealth Alliance, Inc. (Sept. 9, 2021).

³ *Id.*

Mr. David Morens, M.D.

June 29, 2023

Page 2

Message

From: David Morens
[REDACTED]@gmail.com]
Sent: 9/9/2021 4:34:31 PM
To: Peter Daszak
[REDACTED]
CC: Garry, Robert F
[REDACTED]; Kristian G.
Andersen [REDACTED]
Edward Holmes
[REDACTED]
Jason Gale
[REDACTED]
Rasmussen, Angie
[REDACTED]
Robert Kessler
[REDACTED]
Stephen Goldstein
[REDACTED]
Subject: Re: here's the latest line of attack
today...

External Sender. Be aware of links, attachments and requests.

Peter and colleagues,

As you know, I try to always communicate on gmail because my NIH email is FOIA'd constantly.

Yesterday my gmail was hacked, probably by these GoF assholes, and until IT can get it fixed I may have to occasionally email from my NIH account.

It spent a couple hours today but couldn't fix it.

Stuff sent to my gmail gets to my phone, but not my NIH computer.

Don't worry, just send to any of my addresses and I will delete anything I don't want to see in the New York Times.

d

David M. Morens, MD

[REDACTED]

[REDACTED]@gmail.com
(work)
(cell)

[REDACTED]0001774

Mr. David Morens, M.D.

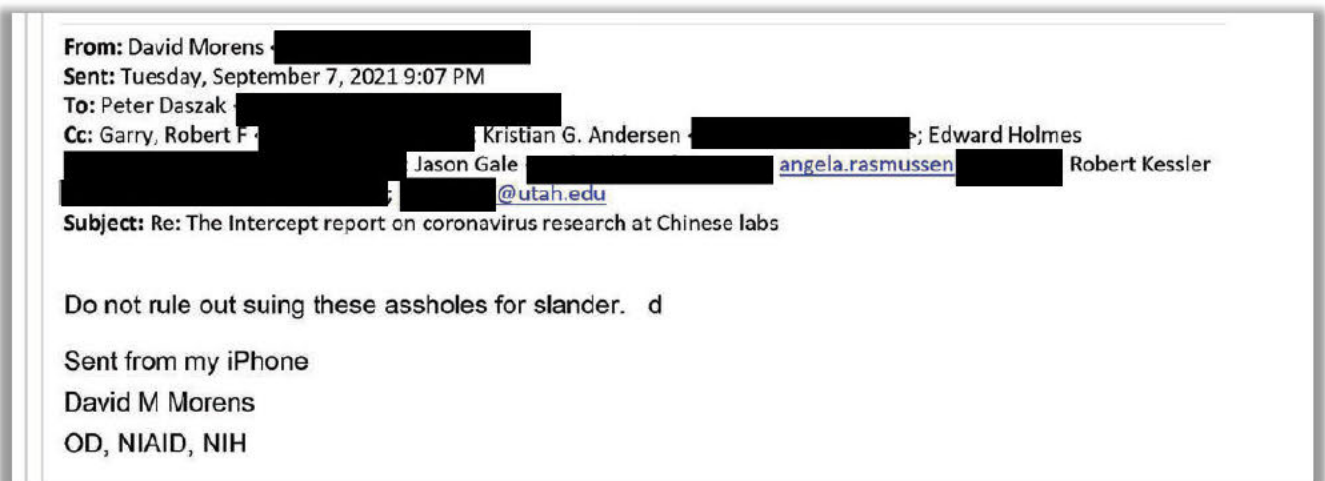
June 29, 2023

Page 3

II. You used your official capacity to disparage your fellow scientists and those whose opinion was different than your own, including by encouraging litigation against them.

In addition to your attempt to hide your involvement with certain scientists regarding the origins of COVID-19, you also appear to use your official position to disparage others you disagree with on numerous occasions.

On one occasion, in response to a report in *The Intercept* entitled, “New Details emerge About Coronavirus Research at Chinese Lab,” you use your official platform to encourage EcoHealth Alliance, Inc. President Dr. Peter Daszak to “not rule out suing these assholes for slander.”⁴ While this e-mail was also sent from your personal e-mail, your email signature includes “OD [Office of the Director], NIAID [National Institute of Allergy and Infectious Diseases], NIH [National Institutes of Health].”⁵ This gives the appearance of a government official encouraging litigation against the press for reporting that does not follow public health bureaucrats’ pre-conceived narrative and is unacceptable.



On another occasion, in response to a different scientist’s characterization of Dr. Alina Chan and Dr. Richard Ebright as espousing “amateurish, disingenuous bullshit” regarding gain-of-function research, you responded, “[a]men and good for you! You are right that Ebright and his ilk are not only NOT experts but are harmful demagogues.”⁶

⁴ E-Mail from David Morens, M.D., Senior Scientific Advisor, Nat’l Inst. of Allergy & Infectious Diseases, to Peter Daszak, Ph.D., et. al., President, EcoHealth Alliance, Inc. (Sept. 7, 2021).

⁵ *Id.*

⁶ E-Mail from David Morens, M.D., Senior Scientific Advisor, Nat’l Inst. of Allergy & Infectious Diseases, to Angela Rasmussen, Ph.D., Research Scientist II, Vaccine & Infectious Disease Organization-International Vaccine Centre (Sept. 9, 2021).

Mr. David Morens, M.D.

June 29, 2023

Page 4

On Thu, Sep 9, 2021 at 4:28 PM David Morens [REDACTED] wrote:

Amen and good for you! You are right that Ebright and his ilk are not only NOT experts but are harmful demagogues. They need to be called out. Because i am in government i can only fo this off the record, but i have done do again and again. Some of them are knowingly promoting false equivalences. If they interviewed a Holocaust survivor, they would say they have to give equal time and space to a Nazi murderer. They have no shame. d

Sent from my iPhone

David M Morens

OD, NIAID, NIH

On a third occasion, this time with your official e-mail address, you responded to another scientist's characterization of Dr. Chan as "quite dangerous," by stating, "I know OF Alina Chan based on two papers of hers I came across, one of which was a screed against Eddie's recent review. It seemed biased, cherry-picked, and not the work of a scientist with integrity."⁷

On 21 Aug 2021, at 1:03 am, Morens, David (NIH/NIAID) [E] <[REDACTED]@niaid.nih.gov> wrote:

Thanks to both you and Kristian. Very heelpful to know what the experts think, because 5o us mere mortals, phylogenetic and sequencing interpretation is a bit inscrutable.

Yes, although I don't know her personally, I know OF Alina Chan based on two papers of hers I came across, one of which was a screed against Eddie's recent review. It seemed biased, cherry-picked, and not the work of a scientist with integrity.

<image004.gif>

David M. Morens, M.D.

CAPT, United States Public Health Service

Senior Advisor to the Director

Office of the Director

National Institute of Allergy and Infectious Diseases

National Institutes of Health

[REDACTED]
Bethesda, MD 20892-2520

[REDACTED] (assistant: [REDACTED])

[REDACTED]
[REDACTED]@nih.gov

Disclaimer: This message is intended for the exclusive use of the recipient(s) named above. It may contain information that is PROTECTED, PRIVILEGED, and/or CONFIDENTIAL, and it should not be disseminated, distributed, or copied to persons not authorized to receive such information. All sensitive documents must be properly labeled before dissemination via email. If you are not the intended recipient, any dissemination, distribution, or copying is strictly prohibited. If you have received this communication in error, please erase all copies of the message and its attachments and notify us immediately.

⁷ E-Mail from David Morens, M.D., Senior Scientific Advisor, Nat'l Inst. of Allergy & Infectious Diseases, to Robert Garry, Professor, Tulane School of Medicine (Aug. 21, 2021).

These e-mails raise additional serious concerns about your objectivity while stationed in the Office of the Director of NIAID—an agency that obligates billions of dollars annually. The Select Subcommittee has questions about whether you made or influenced any funding decisions based on your personal motives or biases towards scientists.

III. You spoke with reporters regarding the origins of COVID-19 potentially because Dr. Anthony Fauci wished to influence the COVID-19 origins narrative without his “fingerprints.”

Documents previously released by the Select Subcommittee established that, according to e-mails, Drs. Fauci and Francis Collins “prompted” the drafting of a paper to “disprove” the lab leak theory.⁸ This paper turned into “The Proximal Origin of SARs-CoV-2” (Proximal Origin).⁹ After increased pressure from Dr. Collins, Dr. Fauci appeared to cite Proximal Origins from the White House podium to downplay the lab leak theory.¹⁰ At the time, however, Dr. Fauci publicly claimed to not remember the name of the paper or those who wrote it.¹¹ Yet, in response to a private follow-up question from a member of the press, Dr. Fauci cited Proximal Origins—the paper he “prompted” a few months earlier—as proof COVID-19 was not the result of a lab leak.¹²

New e-mails suggest that Dr. Fauci took additional efforts to tamp down the lab leak theory by requesting you speak with the press regarding the origins of COVID-19, because he did not want to directly influence the stories.¹³ On July 29, 2021, you wrote, “[b]ut today, to my total surprise, my boss tony [Fauci] actually ASKED me to speak to the National Geographic on the record about origins. I interpret this to mean that our government is lightening up[,] but that *Tony doesn’t want his fingerprints on origin stories.*”¹⁴

⁸ Memorandum from Select Subcomm. on the Coronavirus Pandemic Staff to Select Subcomm. on the Coronavirus Members (Mar. 5, 2023).

⁹ Kristian Andersen, Ph.D., et. al., *The Proximal Origin of SARS-CoV-2*, NATURE MEDICINE (Mar 17, 2020).

¹⁰ Remarks by President Trump, Vice President Pence, and Members of the Coronavirus Task Force in Press Briefing, The White House (Apr. 17, 2020).

¹¹ *Id.*

¹² E-Mail from Anthony Fauci, M.D., Dir., Nat’l Institute of Allergy & Infectious Diseases, to Bill Gertz, Nat’l Sec. Correspondent, The Washington Times (Apr. 19, 2020).

¹³ E-Mail from David Morens, M.D., Senior Scientific Advisor, Nat’l Inst. Of Allergy & Infectious Diseases, to Jason Gale, Bloomberg (July 29, 2021).

¹⁴ *Id.* (emphasis added).

Mr. David Morens, M.D.

June 29, 2023

Page 6

From: [REDACTED]@niaid.nih.gov At: 07/29/21 07:38:47
To: Jason Gale (BLOOMBERG/ NEWSROOM:) , [REDACTED]@TULANE.EDU,
[REDACTED]@sydney.edu.au, [REDACTED]@utah.edu
Subject: RE: Fwd:Re: URGENT: Seeking comment on paper in Nature:
Scientific reports

Jason, I can almost always talk on background or off the record, and if needed I MIGHT be able to speak ON the record. In the US government we all have to get approval from HHS or the Whitehouse to speak to the press. Sometimes they are touchy about certain issues and say no. For many months, I have not been approved to talk about "origins" on the record.

But today, to my total surprise, my boss Tony actually ASKED me to speak to the National Geographic on the record about origins. I interpret this to mean that our government is lightening up but that Tony doesn't want his fingerprints on origin stories.

Bottom line, I can speak to you on background and, if you need or want quotations or attributions, you can request to speak to me formally. They can only say no or, better yet, steer you to Tony....

Have you asked Dr. Newman when he might be able to share the paper he mentioned? I would love to see that....

<mime-attachment.gif>

David M. Morens, M.D.

CAPT, United States Public Health Service

Senior Advisor to the Director

Office of the Director

National Institute of Allergy and Infectious Diseases

National Institutes of Health
[REDACTED]

[REDACTED]0001347

In the interview referenced in your e-mail, you not only strongly imply against a lab leak, but go further and imply the U.S. should stop searching for or investigating the origins of COVID-19. You stated, "[t]here is progenitor virus out there somewhere, and we should look for it...[b]ut at some point, it crosses over from doing due diligence to wasting time and being crazy.

We may have seen that point already.”¹⁵ To be clear, investigating the source of a pandemic that has killed more than one million Americans is not “wasting time” or “being crazy.”¹⁶ This raises the question of whether this was the narrative Dr. Fauci approved you to say.

To better assist the Select Subcommittee in its investigation of the origins of COVID-19 and, in this case, any potential violations of federal record keeping laws, and considering your use of personal e-mail for official purposes specifically discussing these issues, we therefore request the following documents and information from any personal e-mail accounts, but primarily [REDACTED] and any personal cell phones, but primarily [REDACTED], as soon as possible but no later than July 13, 2023:

1. All documents and communications regarding the drafting, publication, or critical reception of the following publications:
 - a. The Correspondence in *The Lancet* titled, “Statement in support of the scientists, public health professionals, and medical professionals of China combatting COVID-19.”
 - b. The Correspondence in *Nature Medicine* titled, “The proximal origin of SARS-CoV-2.”
 - c. The Letter in *Science* titled, “Investigate the origins of COVID-19.”
 - d. The Review in *Cell Press* titled, “The origins of SARS-CoV-2: A critical review.”
 - e. The Publication in *Science* titled, “The Hunan Seafood Wholesale Market in Wuhan was the early epicenter of the COVID-19 pandemic.”
 - f. The Publication in *Science* titled, “The molecular epidemiology of multiple zoonotic origins of SARS-CoV-2.”
 - g. The Publication in *The Lancet* titled, “The *Lancet* Commission on lessons for the future from the COVID-19 pandemic.”
 - h. The Perspective in *The Proceedings of the National Academy of Sciences* titled, “Pandemic origins and a One Health approach to preparedness and prevention: Solutions based on SARS-CoV-2 and other RNA viruses.”

¹⁵ Priyanka Runwal, *Why it's so tricky to trace the origin of COVID-19*, NAT'L GEOGRAPHIC (Sept. 13, 2021).

¹⁶ Jesse D. Bloom, et. al., *Investigate the origins of COVID-19*, SCIENCE (May 14, 2021); Jeffrey D. Sachs, et. al., *The Lancet Commission on lessons learned for the future from the COVID-19 pandemic*, THE LANCET (Sept. 14, 2022).

Mr. David Morens, M.D.

June 29, 2023

Page 8

- i. The Report in *Zenodo* titled, “Genetic evidence of susceptible wildlife in SARS-CoV-2 positive samples at the Huanan Wholesale Seafood Market, Wuhan: Analysis and interpretation of data released by the Chinese Center for Disease Control.”
 - j. The Pre-Print Publication in *Nature* titled, “Surveillance of SARS-CoV-2 in the environment and animal samples of the Huanan Seafood Market.”
2. All documents and communications, including text messages, regarding the Wuhan Institute of Virology, EcoHealth Alliance, Inc., or the origins of COVID-19 between November 1, 2019, and present between yourself and the following individuals or regarding or referencing the following individuals:
- a. Anthony Fauci
 - b. Francis Collins
 - c. Lawrence Tabak
 - d. Hugh Auchincloss
 - e. Cliff Lane
 - f. David Morens
 - g. Ping Chen
 - h. Ian Watson
 - i. Andrew Pope
 - j. Victor Dzau
 - k. Robert Redfield
 - l. Michael Lauer
 - m. David Christian Hassell
 - n. Jeremy Farrar
 - o. Robert Garry
 - p. Michael Farzan
 - q. Edward Holmes
 - r. W. Ian Lipkin
 - s. Andrew Rambaut
 - t. Peter Daszak
 - u. Aleksei Chmura
 - v. Kevin Olival
 - w. Christian Drosten
 - x. Ron Fouchier
 - y. Marion Koopmans
 - z. Michael Worobey
 - aa. Jonathan Pekar
 - bb. Florence Debarre
 - cc. Angela Rasmussen
 - dd. Ralph Baric
 - ee. James LeDuc
 - ff. Shi Zhengli

Mr. David Morens, M.D.

June 29, 2023

Page 9

gg. Ben Hu
hh. Yu Ping
ii. Yan Zhu
jj. Zhou Yusen
kk. Peter Hotez
ll. Richard Ebright
mm. Y. Alina Chan
nn. Jesse Bloom
oo. David Relman

The Select Subcommittee on the Coronavirus Pandemic is authorized to investigate “the origins of the Coronavirus pandemic, including but not limited to the Federal Government’s funding of gain-of function research” and “executive branch policies, deliberations, decisions, activities, and internal and external communications related to the coronavirus pandemic” under H. Res. 5. To schedule the interview or ask any follow-up or related questions please contact Select Subcommittee staff at (202) 225-5074.

Thank you for your attention to this very important matter.

Sincerely,



Brad R. Wenstrup, D.P.M.

Chairman

Select Subcommittee on the Coronavirus Pandemic

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



Office of the Chief
Records Officer for the
U.S. Government

Sent Via Email. No Hard Copy to Follow.

July 10, 2023

Anthony Gibson
Agency Records Officer
National Institutes of Health
6701 Rockledge Drive
Room 601 H
Rockville MD, 20892

Dear Anthony Gibson,

The National Archives and Records Administration (NARA) has recently become aware of an allegation of unauthorized disposition of National Institutes of Health (NIH) records. On June 29, 2023, the Chairman of the House Select Subcommittee on the Coronavirus Pandemic sent a letter to NIH alleging that David Morens, a Senior Scientific Advisor, used a personal email account in an apparent effort to evade the strictures of the Freedom of Information Act. The letter included an email from Mr. Morens stating that:

As you know, I try to always communicate on gmail because my NIH email is FOIA'd constantly. . . . Stuff sent to my gmail gets to my phone, but not my NIH computer. . . . Don't worry, just send to any of my addresses, and I will delete anything I don't want to see in the New York Times.

In accordance with 36 CFR 1230, NARA requests that the NIH investigate these allegations of unauthorized disposition of NIH email records. Please provide a comprehensive report within 30 days detailing NIH's findings. If an unauthorized disposition occurred, please ensure your report includes a complete description of the records involved, including volume and dates of the records, any salvage, recovery, or restoration efforts, and all safeguards that will be implemented to prevent the future unauthorized disposition of agency records.

Thank you for your attention to this matter. If you wish to discuss further, please do not hesitate to contact me at Laurence.Brewer@nara.gov.

50503-70-10_PD-50503-001_2HH-2HH-2HH_Obseu_Treffe_I neqO_HIH_HIH_HIH_01_70-50503

Sincerely,

A handwritten signature in blue ink that reads "Laurence V. Brewer". The signature is written in a cursive style with a large initial 'L' and a distinct 'V'.

LAURENCE BREWER
Chief Records Officer
for the U.S. Government

Enclosure

cc: Jacquelyn Smith-Simpson, Acting Department Records Officer
Cheryl Campbell, Assistant Secretary for Administration

From: Gibson, Anthony (NIH/OD) [E] <anthony.gibson@nih.gov>
Sent time: 07/10/2023 05:00:10 PM
To: (b) (6) <(b) (6)@nara.gov>
Cc: Smith-Simpson, Jacqlyn (OS/OCIO/OIS) <(b) (6)>; Campbell, Cheryl (OS/ASA) <(b) (6)>; Laurence Brewer <laurence.brewer@nara.gov>
Subject: RE: [EXTERNAL] Open - NARA Unauthorized Disposition Case UD-2023-0075

Good afternoon, (b) (6)

Receipt acknowledged.

Thank you,

Anthony D. Crawley Gibson
NIH Records Officer
Chief, Information Management Branch
National Institutes of Health
Office of Management Assessment
Division of Compliance Management
6705 Rockledge Dr (MSC7901)
Suite 601 (H)
Bethesda, MD 20892

From: (b) (6) <(b) (6)@nara.gov>
Sent: Monday, July 10, 2023 2:23 PM
To: Gibson, Anthony (NIH/OD) [E] <(b) (6)>
Cc: Smith-Simpson, Jacqlyn (OS/OCIO/OIS) <(b) (6)>; Campbell, Cheryl (OS/ASA) <(b) (6)>; Laurence Brewer <laurence.brewer@nara.gov>
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Please send the requested report to me via email by August 9, 2023. If you have any questions or concerns, don't hesitate to get in touch with me.

Best regards,

(b) (6)
(b) (6)
Oversight and Reporting Division
National Archives and Records Administration
Mb: (b) (6)
Email: (b) (6)@nara.gov

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and are confident the content is safe.

From: Gibson, Anthony (NIH/OD) [E] <anthony.gibson@nih.gov>
Sent time: 08/09/2023 05:09:56 PM
To: (b) (6) <(b) (6)@nara.gov>
Cc: Smith-Simpson, Jacquyn (OS/OCIO/OIS) <(b) (6)>; Campbell, Cheryl (OS/ASA) <(b) (6)>; Laurence Brewer <laurence.brewer@nara.gov>
Subject: RE: [EXTERNAL] Open - NARA Unauthorized Disposition Case UD-2023-0075
Attachments: NIH Records Officer Response 2023-07-10_UD-2023-0075_HHS-NIH_Open Letter_1301-1b.pdf 2023-07-10_UD-2023-0075_HHS-NIH_Open Letter_1301-1b.pdf 2023-06-29_UD20230075_RUD.pdf

Good morning, (b) (6)

The NIH appreciates the opportunity to report our findings, please see the attached.

Best regards,

Anthony D. Crawley Gibson
NIH Records Officer
Chief, Information Management Branch
National Institutes of Health
Office of Management Assessment
Division of Compliance Management
6705 Rockledge Dr (MSC7901)
Suite 601 (H)
Bethesda, MD 20892
301-402-8425
anthony.gibson@nih.gov

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Oversight and Reporting Division
National Archives and Records Administration
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Email: (b) (6)@nara.gov

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Sincerely,

A handwritten signature in blue ink that reads "Laurence V. Brewer". The signature is written in a cursive style with a large initial 'L'.

LAURENCE BREWER
Chief Records Officer
for the U.S. Government

Enclosure

cc: Jacquelyn Smith-Simpson, Acting Department Records Officer
Cheryl Campbell, Assistant Secretary for Administration

Congress of the United States

House of Representatives

SELECT SUBCOMMITTEE ON THE CORONAVIRUS PANDEMIC

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

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

June 29, 2023

Mr. David Morens, M.D.
Senior Scientific Advisor
Office of the Director
National Institute of Allergy and Infectious Diseases
5601 Fishers Lane, MSC 9806
Bethesda, MD 20892

Dear Dr. Morens:

Documents in possession of the Select Subcommittee on the Coronavirus Pandemic (Select Subcommittee) suggest that you may have used your personal e-mail to avoid transparency and the Freedom of Information Act (FOIA), potentially intentionally deleted federal records, and acted in your official capacity to disparage your fellow scientists, including by encouraging litigation against them.

Further, your e-mails also raise concerns that you may have knowledge or information suggesting Dr. Anthony Fauci, former Director of the National Institute of Allergy and Infectious Diseases (NIAID), wished to influence the COVID-19 origins narrative without his “fingerprints.”

This is all very troubling and raises serious questions. As such, we are requesting documents and communications from your personal e-mail and cell phone that are responsive to the Select Subcommittee’s investigation. Additionally, pursuant to the Select Subcommittee’s February 13, 2023 letter, we request you sit for an in-person transcribed interview on August 2, 2023.¹

I. You may have intentionally used your personal e-mail to avoid transparency and FOIA and may have intentionally deleted federal records.

In one e-mail you write that you “always try to communicate over gmail because my NIH email is FOIA’d constantly.”² You continue, “[d]on’t worry, just send to any of my addresses and I will delete anything I don’t want to see in the New York Times.”³

¹ Letter from Hon. Brad Wenstrup, Chairman, Select Subcomm. on the Coronavirus Pandemic, H. Comm. on Oversight & Accountability, to Hon. Xavier Becerra, Sec’y, U.S. Dep’t of Health and Human Servs. (Feb. 13, 2023).

² E-Mail from David Morens, M.D., Senior Scientific Advisor, Nat’l Inst. of Allergy & Infectious Diseases, to Peter Daszak, Ph.D., et. al., President, EcoHealth Alliance, Inc. (Sept. 9, 2021).

³ *Id.*

Mr. David Morens, M.D.

June 29, 2023

Page 2

Message

From: David Morens
[REDACTED]@gmail.com]
Sent: 9/9/2021 4:34:31 PM
To: Peter Daszak
[REDACTED]
CC: Garry, Robert F
[REDACTED]; Kristian G.
Andersen [REDACTED]
Edward Holmes
[REDACTED]
Jason Gale
[REDACTED]
Rasmussen, Angie
[REDACTED]
Robert Kessler
[REDACTED]
Stephen Goldstein
[REDACTED]
Subject: Re: here's the latest line of attack
today...

External Sender. Be aware of links, attachments and requests.

Peter and colleagues,

As you know, I try to always communicate on gmail because my NIH email is FOIA'd constantly.

Yesterday my gmail was hacked, probably by these GoF assholes, and until IT can get it fixed I may have to occasionally email from my NIH account.

It spent a couple hours today but couldn't fix it.

Stuff sent to my gmail gets to my phone, but not my NIH computer.

Don't worry, just send to any of my addresses and I will delete anything I don't want to see in the New York Times.

d

David M. Morens, MD

[REDACTED]

[REDACTED]@gmail.com
(work)
(cell)

[REDACTED]0001774

Mr. David Morens, M.D.

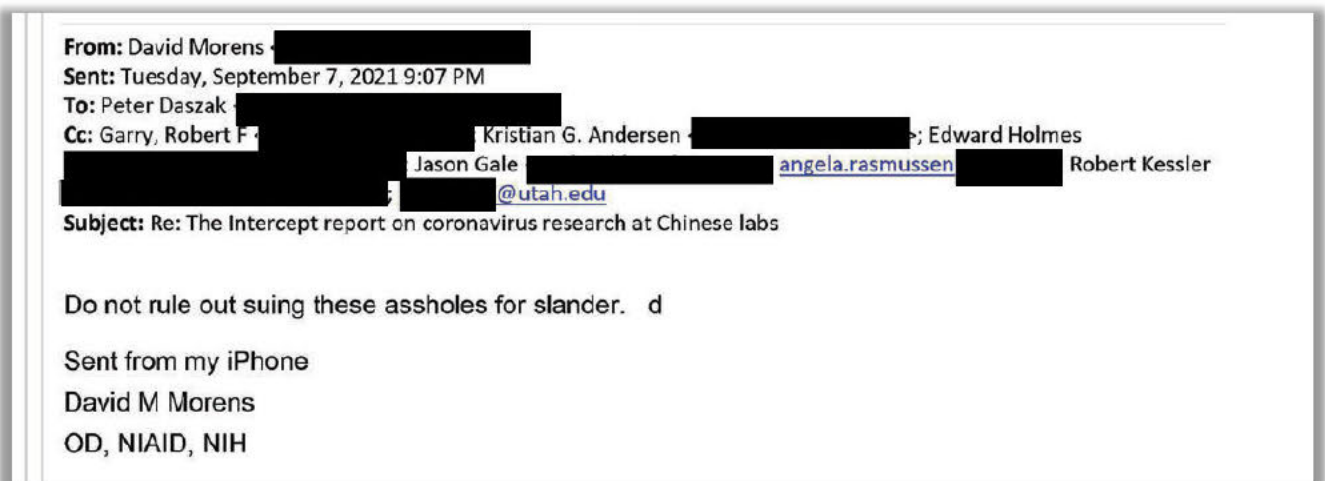
June 29, 2023

Page 3

II. You used your official capacity to disparage your fellow scientists and those whose opinion was different than your own, including by encouraging litigation against them.

In addition to your attempt to hide your involvement with certain scientists regarding the origins of COVID-19, you also appear to use your official position to disparage others you disagree with on numerous occasions.

On one occasion, in response to a report in *The Intercept* entitled, “New Details emerge About Coronavirus Research at Chinese Lab,” you use your official platform to encourage EcoHealth Alliance, Inc. President Dr. Peter Daszak to “not rule out suing these assholes for slander.”⁴ While this e-mail was also sent from your personal e-mail, your email signature includes “OD [Office of the Director], NIAID [National Institute of Allergy and Infectious Diseases], NIH [National Institutes of Health].”⁵ This gives the appearance of a government official encouraging litigation against the press for reporting that does not follow public health bureaucrats’ pre-conceived narrative and is unacceptable.



On another occasion, in response to a different scientist’s characterization of Dr. Alina Chan and Dr. Richard Ebright as espousing “amateurish, disingenuous bullshit” regarding gain-of-function research, you responded, “[a]men and good for you! You are right that Ebright and his ilk are not only NOT experts but are harmful demagogues.”⁶

⁴ E-Mail from David Morens, M.D., Senior Scientific Advisor, Nat’l Inst. of Allergy & Infectious Diseases, to Peter Daszak, Ph.D., et. al., President, EcoHealth Alliance, Inc. (Sept. 7, 2021).

⁵ *Id.*

⁶ E-Mail from David Morens, M.D., Senior Scientific Advisor, Nat’l Inst. of Allergy & Infectious Diseases, to Angela Rasmussen, Ph.D., Research Scientist II, Vaccine & Infectious Disease Organization-International Vaccine Centre (Sept. 9, 2021).

Mr. David Morens, M.D.

June 29, 2023

Page 4

On Thu, Sep 9, 2021 at 4:28 PM David Morens [REDACTED] wrote:

Amen and good for you! You are right that Ebright and his ilk are not only NOT experts but are harmful demagogues. They need to be called out. Because i am in government i can only fo this off the record, but i have done do again and again. Some of them are knowingly promoting false equivalences. If they interviewed a Holocaust survivor, they would say they have to give equal time and space to a Nazi murderer. They have no shame. d

Sent from my iPhone

David M Morens

OD, NIAID, NIH

On a third occasion, this time with your official e-mail address, you responded to another scientist's characterization of Dr. Chan as "quite dangerous," by stating, "I know OF Alina Chan based on two papers of hers I came across, one of which was a screed against Eddie's recent review. It seemed biased, cherry-picked, and not the work of a scientist with integrity."⁷

On 21 Aug 2021, at 1:03 am, Morens, David (NIH/NIAID) [E] <[REDACTED]@niaid.nih.gov> wrote:

Thanks to both you and Kristian. Very heelpful to know what the experts think, because 5o us mere mortals, phylogenetic and sequencing interpretation is a bit inscrutable.

Yes, although I don't know her personally, I know OF Alina Chan based on two papers of hers I came across, one of which was a screed against Eddie's recent review. It seemed biased, cherry-picked, and not the work of a scientist with integrity.

<image004.gif>

David M. Morens, M.D.

CAPT, United States Public Health Service

Senior Advisor to the Director

Office of the Director

National Institute of Allergy and Infectious Diseases

National Institutes of Health

[REDACTED]
Bethesda, MD 20892-2520

[REDACTED] (assistant: [REDACTED])

[REDACTED]
[REDACTED]@nih.gov

Disclaimer: This message is intended for the exclusive use of the recipient(s) named above. It may contain information that is PROTECTED, PRIVILEGED, and/or CONFIDENTIAL, and it should not be disseminated, distributed, or copied to persons not authorized to receive such information. All sensitive documents must be properly labeled before dissemination via email. If you are not the intended recipient, any dissemination, distribution, or copying is strictly prohibited. If you have received this communication in error, please erase all copies of the message and its attachments and notify us immediately.

⁷ E-Mail from David Morens, M.D., Senior Scientific Advisor, Nat'l Inst. of Allergy & Infectious Diseases, to Robert Garry, Professor, Tulane School of Medicine (Aug. 21, 2021).

These e-mails raise additional serious concerns about your objectivity while stationed in the Office of the Director of NIAID—an agency that obligates billions of dollars annually. The Select Subcommittee has questions about whether you made or influenced any funding decisions based on your personal motives or biases towards scientists.

III. You spoke with reporters regarding the origins of COVID-19 potentially because Dr. Anthony Fauci wished to influence the COVID-19 origins narrative without his “fingerprints.”

Documents previously released by the Select Subcommittee established that, according to e-mails, Drs. Fauci and Francis Collins “prompted” the drafting of a paper to “disprove” the lab leak theory.⁸ This paper turned into “The Proximal Origin of SARs-CoV-2” (Proximal Origin).⁹ After increased pressure from Dr. Collins, Dr. Fauci appeared to cite Proximal Origins from the White House podium to downplay the lab leak theory.¹⁰ At the time, however, Dr. Fauci publicly claimed to not remember the name of the paper or those who wrote it.¹¹ Yet, in response to a private follow-up question from a member of the press, Dr. Fauci cited Proximal Origins—the paper he “prompted” a few months earlier—as proof COVID-19 was not the result of a lab leak.¹²

New e-mails suggest that Dr. Fauci took additional efforts to tamp down the lab leak theory by requesting you speak with the press regarding the origins of COVID-19, because he did not want to directly influence the stories.¹³ On July 29, 2021, you wrote, “[b]ut today, to my total surprise, my boss tony [Fauci] actually ASKED me to speak to the National Geographic on the record about origins. I interpret this to mean that our government is lightening up[,] but that *Tony doesn’t want his fingerprints on origin stories.*”¹⁴

⁸ Memorandum from Select Subcomm. on the Coronavirus Pandemic Staff to Select Subcomm. on the Coronavirus Members (Mar. 5, 2023).

⁹ Kristian Andersen, Ph.D., et. al., *The Proximal Origin of SARS-CoV-2*, NATURE MEDICINE (Mar 17, 2020).

¹⁰ Remarks by President Trump, Vice President Pence, and Members of the Coronavirus Task Force in Press Briefing, The White House (Apr. 17, 2020).

¹¹ *Id.*

¹² E-Mail from Anthony Fauci, M.D., Dir., Nat’l Institute of Allergy & Infectious Diseases, to Bill Gertz, Nat’l Sec. Correspondent, The Washington Times (Apr. 19, 2020).

¹³ E-Mail from David Morens, M.D., Senior Scientific Advisor, Nat’l Inst. Of Allergy & Infectious Diseases, to Jason Gale, Bloomberg (July 29, 2021).

¹⁴ *Id.* (emphasis added).

Mr. David Morens, M.D.

June 29, 2023

Page 6

From: [REDACTED]@niaid.nih.gov At: 07/29/21 07:38:47
To: Jason Gale (BLOOMBERG/ NEWSROOM:) , [REDACTED]@TULANE.EDU,
[REDACTED]@sydney.edu.au, [REDACTED]@utah.edu
Subject: RE: Fwd:Re: URGENT: Seeking comment on paper in Nature:
Scientific reports

Jason, I can almost always talk on background or off the record, and if needed I MIGHT be able to speak ON the record. In the US government we all have to get approval from HHS or the Whitehouse to speak to the press. Sometimes they are touchy about certain issues and say no. For many months, I have not been approved to talk about "origins" on the record.

But today, to my total surprise, my boss Tony actually ASKED me to speak to the National Geographic on the record about origins. I interpret this to mean that our government is lightening up but that Tony doesn't want his fingerprints on origin stories.

Bottom line, I can speak to you on background and, if you need or want quotations or attributions, you can request to speak to me formally. They can only say no or, better yet, steer you to Tony....

Have you asked Dr. Newman when he might be able to share the paper he mentioned? I would love to see that....

<mime-attachment.gif>

David M. Morens, M.D.

CAPT, United States Public Health Service

Senior Advisor to the Director

Office of the Director

National Institute of Allergy and Infectious Diseases

National Institutes of Health
[REDACTED]

[REDACTED]0001347

In the interview referenced in your e-mail, you not only strongly imply against a lab leak, but go further and imply the U.S. should stop searching for or investigating the origins of COVID-19. You stated, "[t]here is progenitor virus out there somewhere, and we should look for it...[b]ut at some point, it crosses over from doing due diligence to wasting time and being crazy.

We may have seen that point already.”¹⁵ To be clear, investigating the source of a pandemic that has killed more than one million Americans is not “wasting time” or “being crazy.”¹⁶ This raises the question of whether this was the narrative Dr. Fauci approved you to say.

To better assist the Select Subcommittee in its investigation of the origins of COVID-19 and, in this case, any potential violations of federal record keeping laws, and considering your use of personal e-mail for official purposes specifically discussing these issues, we therefore request the following documents and information from any personal e-mail accounts, but primarily [REDACTED] and any personal cell phones, but primarily [REDACTED], as soon as possible but no later than July 13, 2023:

1. All documents and communications regarding the drafting, publication, or critical reception of the following publications:
 - a. The Correspondence in *The Lancet* titled, “Statement in support of the scientists, public health professionals, and medical professionals of China combatting COVID-19.”
 - b. The Correspondence in *Nature Medicine* titled, “The proximal origin of SARS-CoV-2.”
 - c. The Letter in *Science* titled, “Investigate the origins of COVID-19.”
 - d. The Review in *Cell Press* titled, “The origins of SARS-CoV-2: A critical review.”
 - e. The Publication in *Science* titled, “The Hunan Seafood Wholesale Market in Wuhan was the early epicenter of the COVID-19 pandemic.”
 - f. The Publication in *Science* titled, “The molecular epidemiology of multiple zoonotic origins of SARS-CoV-2.”
 - g. The Publication in *The Lancet* titled, “The *Lancet* Commission on lessons for the future from the COVID-19 pandemic.”
 - h. The Perspective in *The Proceedings of the National Academy of Sciences* titled, “Pandemic origins and a One Health approach to preparedness and prevention: Solutions based on SARS-CoV-2 and other RNA viruses.”

¹⁵ Priyanka Runwal, *Why it's so tricky to trace the origin of COVID-19*, NAT'L GEOGRAPHIC (Sept. 13, 2021).

¹⁶ Jesse D. Bloom, et. al., *Investigate the origins of COVID-19*, SCIENCE (May 14, 2021); Jeffrey D. Sachs, et. al., *The Lancet Commission on lessons learned for the future from the COVID-19 pandemic*, THE LANCET (Sept. 14, 2022).

Mr. David Morens, M.D.

June 29, 2023

Page 8

- i. The Report in *Zenodo* titled, “Genetic evidence of susceptible wildlife in SARS-CoV-2 positive samples at the Huanan Wholesale Seafood Market, Wuhan: Analysis and interpretation of data released by the Chinese Center for Disease Control.”
 - j. The Pre-Print Publication in *Nature* titled, “Surveillance of SARS-CoV-2 in the environment and animal samples of the Huanan Seafood Market.”
2. All documents and communications, including text messages, regarding the Wuhan Institute of Virology, EcoHealth Alliance, Inc., or the origins of COVID-19 between November 1, 2019, and present between yourself and the following individuals or regarding or referencing the following individuals:
- a. Anthony Fauci
 - b. Francis Collins
 - c. Lawrence Tabak
 - d. Hugh Auchincloss
 - e. Cliff Lane
 - f. David Morens
 - g. Ping Chen
 - h. Ian Watson
 - i. Andrew Pope
 - j. Victor Dzau
 - k. Robert Redfield
 - l. Michael Lauer
 - m. David Christian Hassell
 - n. Jeremy Farrar
 - o. Robert Garry
 - p. Michael Farzan
 - q. Edward Holmes
 - r. W. Ian Lipkin
 - s. Andrew Rambaut
 - t. Peter Daszak
 - u. Aleksei Chmura
 - v. Kevin Olival
 - w. Christian Drosten
 - x. Ron Fouchier
 - y. Marion Koopmans
 - z. Michael Worobey
 - aa. Jonathan Pekar
 - bb. Florence Debarre
 - cc. Angela Rasmussen
 - dd. Ralph Baric
 - ee. James LeDuc
 - ff. Shi Zhengli

Mr. David Morens, M.D.

June 29, 2023

Page 9

gg. Ben Hu
hh. Yu Ping
ii. Yan Zhu
jj. Zhou Yusen
kk. Peter Hotez
ll. Richard Ebright
mm. Y. Alina Chan
nn. Jesse Bloom
oo. David Relman

The Select Subcommittee on the Coronavirus Pandemic is authorized to investigate “the origins of the Coronavirus pandemic, including but not limited to the Federal Government’s funding of gain-of function research” and “executive branch policies, deliberations, decisions, activities, and internal and external communications related to the coronavirus pandemic” under H. Res. 5. To schedule the interview or ask any follow-up or related questions please contact Select Subcommittee staff at (202) 225-5074.

Thank you for your attention to this very important matter.

Sincerely,



Brad R. Wenstrup, D.P.M.

Chairman

Select Subcommittee on the Coronavirus Pandemic

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



**PRIVILEGED & CONFIDENTIAL
MEMORANDUM**

DATE: 08/9/2023

TO: Laurence Brewer, Chief Records Officer for the U.S. Government
National Archives and Records Administration (NARA)

CC: Cheryl Campbell, Deputy Secretary, Assistant Secretary for Administration,
Senior Agency Official for Records Management
U.S. Department of Health and Human Services (HHS)

Jacqlyn Smith-Simpson, Acting Department Records Officer
U.S. Department of Health and Human Services (HHS)

(b) (6) (b) (6)
Records Management Oversight and Reporting Division
National Archives and Records Administration (NARA)

FROM: Anthony D. Crawley Gibson, NIH Records Officer
Chief, Information Management Branch, Division of Compliance Management
Office of Management Assessment (OMA) Office of Management (OM)
Office of the Director (OD) National Institutes of Health (NIH)
U.S. Department of Health and Human Services (HHS)
anthony.gibson@nih.gov 301-402-8425

SUBJECT: **TIME SENSITIVE** - National Archives and Records Administration (NARA) request
for a response to allegations of unauthorized disposition of National Institute of Health
(NIH) records (UD-202-0075)

DELIVERABLE:

No later than August 9, 2023, the NIH Records Officer will submit as requested, information regarding
NIH's investigation into this allegation; including a description of the actions taken to investigate the
matter and the relevant findings that led to NIH's determination to: (b) (6) (b) (6)
(b) (6) Records Management Oversight and Reporting Division National Archives and Records
Administration (NARA) (via email) with a copy to U.S. Health and Human Services (HHS) Senior
Agency Official for Records Management (SAORM) and Departmental Records Officer (DRO).

Privileged & Confidential Version 08 August 23, NIH Records Officer, Chief, Information Management Branch,
Division of Compliance Management Office of Management Assessment (OMA) Office of Management (OM)
Office of the Director (OD) National Institutes of Health (NIH)
U.S. Department of Health and Human Services (HHS)

NIH Records Officer Response 2023-07-10_UD-2023-0075_HHS-NIH_Open Letter_1301-1b.pdf

RESPONSE (CERTIFICATION):

NIH has completed an investigation of allegations of unauthorized disposition and certifies findings that the National Institute of Allergy and Infectious Diseases (NIAID), National Institutes of Health (NIH), U.S. Department of Health and Human Services (HHS), has no evidence that any federal records within their custody have been prematurely destroyed; as related to Dr. David Morens’ alleged use of personal email accounts to conduct NIH business; as outlined in a Letter received from Hon. Brad Wenstrup, Chairman, Select Subcommittee on the Coronavirus Pandemic, House Committee on Oversight & Accountability, addressed to David Morens, M.D., Senior Scientific Advisor (June 29, 2023).

All Agency/Institute records are managed in accordance with federal recordkeeping requirements as stipulated in 36 CFR 1222.22 (c).

ISSUE:

Mr. Anthony D. Crawley Gibson, Agency Records Officer, National Institutes of Health, acknowledges receipt of the National Archives and Records Administration’s (NARA) Open Letter dated July 10, 2023, from Laurence Brewer, Chief Records Officer for the U.S. Government.

In accordance with 36 CFR 1230.16(b), NARA requested the NIH investigate allegations of unauthorized disposition as outlined in a Letter from Hon. Brad Wenstrup, Chairman, Select Subcommittee on the Coronavirus Pandemic, House Committee on Oversight & Accountability, addressed to David Morens, M.D., Senior Scientific Advisor (June 29, 2023), referencing the following:

1. E-Mail from David Morens, M.D., Senior Scientific Advisor, NIAID, to Peter Daszak, Ph.D., et. al., President, EcoHealth Alliance, Inc. (Sept. 9, 2021), stating: *“As you know, I try to always communicate on gmail because my NIH email is FOIA’d constantly. . . . Stuff sent to my gmail gets to my phone, but not my NIH computer. . . . Don’t worry, just send to any of my addresses, and I will delete anything I don’t want to see in the New York Times.”*
2. Documents related to the origins of COVID-19 and the following documents and information from any personal e-mail accounts and any personal cell phones.
3. All documents and communications regarding the drafting, publication, or critical reception of the publications specified in the Select Subcommittee letter.
4. All documents and communications, including text messages, regarding the Wuhan Institute of Virology, EcoHealth Alliance, Inc., or the origins of COVID-19 between November 1, 2019, and present between Dr. Morens and the individuals specified in the Select Subcommittee letter.

SCOPE: Following is a listing of the actions taken to investigate the matter and the relevant findings that led to NIH’s determination and certification that there is no evidence that any federal records within their custody have been prematurely destroyed, as related to Dr. David Morens’ alleged use of personal email accounts to conduct NIH business:

- A. The Executive Officer, NIAID, conducted an interview with Dr. Morens; at which time he was formally made aware of the allegation as cited in the Select Subcommittee letter.

Privileged & Confidential Version 08 August 23, NIH Records Officer, Chief, Information Management Branch,
 Division of Compliance Management Office of Management Assessment (OMA) Office of Management (OM)
 Office of the Director (OD) National Institutes of Health (NIH)
 U.S. Department of Health and Human Services (HHS)

B. NIAID provided Dr. Morens with a *Knowledge of Agreement* (dated July 19, 2023) requesting he comply with the following actions, to be completed no later than Wednesday, July 26, 2023.

1. Locate, mark for records hold, and provide to the Institute:
 - a copy of all records, documents, data, and information to include working drafts and peer reviewed correspondence, emails, texts, or instant messages (“communications”) created and/or received by NIAID personnel at NIH email addresses/devices using his Government or personal email accounts or any other associated accounts/mobile devices, whether Government-furnished or personal
 - all documents and communications regarding the drafting, publication, or critical reception of the COVID related publications
 - a detailed list of any responsive communications that were deleted.

2. Acknowledge the following:
 - Receipt of notification by way of the Chairman of the House Select Subcommittee on the Coronavirus Pandemic that alleged you used a personal email account as a method of conducting official government business in an apparent effort to evade the strictures of the Freedom of Information Act, including the statement that you would delete any NIH or personal emails that you “don’t want to see in the New York Times”.
 - You understand that it is stipulated in the NIH Information Technology (IT) General Rules of Behavior that employees must:
 - Use only Government Issued Federal Equipment (GFE) to perform official duties or to connect to NIH IT resources.
 - Take all necessary precautions to protect NIH information and IT resources, including but not limited to federal records [media neutral], and other NIH information from unauthorized access, use, modification, destruction, theft, disclosure, loss, damage, or abuse, and in accordance with NIH information handling policies.
 - Not use personal email and storage/service accounts to conduct NIH business.
 - Never use personal devices to conduct NIH business or store/transmit NIH data without official approval. Using personal phones to take phone calls or attend remote meetings is permitted.
 - Only disseminate authorized NIH information related to official job and duties at NIH to internal and external sources. (Note: While teleworking, managers/coworkers are encouraged to use Skype, Microsoft Teams, and ZoomGov to communicate essential NIH business. Other messaging services such as WhatsApp and WeChat are not currently approved.)
 - Unauthorized Records Destruction: You understand that Federal employees must not remove Federal records from Government custody without proper authorization. Under 36 CFR 1222.24.

Privileged & Confidential Version 08 August 23, NIH Records Officer, Chief, Information Management Branch,
 Division of Compliance Management Office of Management Assessment (OMA) Office of Management (OM)
 Office of the Director (OD) National Institutes of Health (NIH)
 U.S. Department of Health and Human Services (HHS)

3. Transfer to your official NIH account all communications related to NIH work or sent with a NIH signature block from personal email accounts.

C. Dr. Morens acknowledged the agreement (signed and submitted July 20, 2023).

D. Dr. Morens stated (July 21, 2023) that he was not conducting NIH business on his personal email account. Nonetheless, he identified and began to forward materials to NIH by July 25, 2023, as requested. As of July 26, 2023, he provided notes as to the manner in which he searched his personal email account. He also reported that he had not delete any substantive communications.

E. To ensure the continued preservation of all federal records, the Department of Health and Human Services issued to all staff a Notice regarding Records Retention Requirements. The notice addressed Rules of Behavior for General Users, 44 U.S.C. 2911-Disclosure Requirements for Official Business Conducted Using Non-Official Electronic Messaging Accounts, HHS Policy for Implementing Electronic Mail (Email) Records Management, and NARA Bulletin 2015-05, Guidance on Managing Electronic Messages.

In closing, the NIH appreciates the opportunity to report our findings and respectfully requests that NARA close this matter, certifying that a thorough investigation and response from Dr. Morens confirms finding that there was no unauthorized destruction of federal records. The NIH, an Operating Division of HHS, remains fully committed to effective governance and the continued preservation of all federal records.

As the NIH Agency Records Officer, Anthony D. Crawley Gibson is the Point of Contact for this coordinated response, as submitted: anthony.gibson@nih.gov or 301-402-8425.

Respectfully,

Anthony D. Crawley Gibson
Records Officer, NIH

Privileged & Confidential Version 08 August 23, NIH Records Officer, Chief, Information Management Branch,
Division of Compliance Management Office of Management Assessment (OMA) Office of Management (OM)
Office of the Director (OD) National Institutes of Health (NIH)
U.S. Department of Health and Human Services (HHS)

REFERENCE:

The National Archives and Records Administration (NARA) was recently made aware of allegations of unauthorized disposition of National Institute of Health (NIH) records, as outlined in a Letter from Hon. Brad Wenstrup, Chairman, Select Subcommittee on the Coronavirus Pandemic, House Committee on Oversight & Accountability, addressed to David Morens, M.D., Senior Scientific Advisor (June 29, 2023), referencing the following:

1. E-Mail from David Morens, M.D., Senior Scientific Advisor, NIAID, to Peter Daszak, Ph.D., et. al., President, EcoHealth Alliance, Inc. (Sept. 9, 2021) stating: *“As you know, I try to always communicate on gmail because my NIH email is FOIA’d constantly. . . . Stuff sent to my gmail gets to my phone, but not my NIH computer. . . . Don’t worry, just send to any of my addresses, and I will delete anything I don’t want to see in the New York Times.”*
2. Documents related to the origins of COVID-19 and specified documents and information from any personal e-mail accounts and any personal cell phones.

From: (b) (6) <(b) (6)@nara.gov>

Sent time: 08/10/2023 07:06:35 AM

To: Gibson, Anthony (NIH/OD) [E] <anthony.gibson@nih.gov>

Cc: Smith-Simpson, Jacqlyn (OS/OCIO/OIS) <(b) (6)>; Campbell, Cheryl (OS/ASA) <(b) (6)>; Laurence Brewer <laurence.brewer@nara.gov>

Subject: Re: [EXTERNAL] Open - NARA Unauthorized Disposition Case UD-2023-0075

Good morning Anthony,

Received.

Best regards,

(b) (6)

(b) (6)

Oversight and Reporting Division
National Archives and Records Administration

Mb: (b) (6)

Email: (b) (6)@nara.gov

On Wed, Aug 9, 2023 at 5:11 PM Gibson, Anthony (NIH/OD) [E] <anthony.gibson@nih.gov> wrote:

Good morning, (b) (6)

The NIH appreciates the opportunity to report our findings, please see the attached.

Best regards,

Anthony D. Crawley Gibson

NIH Records Officer
Chief, Information Management Branch

National Institutes of Health

Office of Management Assessment

Division of Compliance Management

6705 Rockledge Dr (MSC7901)

Suite 601 (H)

Bethesda, MD 20892

301-402-8425

anthony.gibson@nih.gov

From: (b) (6) <(b) (6)@nara.gov>

Sent: Monday, July 10, 2023 2:23 PM

To: Gibson, Anthony (NIH/OD) [E] <anthony.gibson@nih.gov>

Cc: Smith-Simpson, Jacqlyn (OS/OCIO/OIS) <(b) (6)>; Campbell, Cheryl (OS/ASA) <(b) (6)>; Laurence Brewer <laurence.brewer@nara.gov>
Subject: [EXTERNAL] Open - NARA Unauthorized Disposition Case UD-2023-0075

Dear Anthony Gibson,

The National Archives Records Administration (NARA) recently became aware of an allegation of unauthorized disposition of agency records. Attached is correspondence from the Chief Records Officer for the U.S. Government, Laurence Brewer, and an associated attachment regarding this allegation referenced by case number UD-2023-0075.

Please send the requested report to me via email by August 9, 2023. If you have any questions or concerns, don't hesitate to get in touch with me.

Best regards,

(b) (6)

(b) (6)

Oversight and Reporting Division

National Archives and Records Administration

Mb: (b) (6)

Email: (b) (6) [nara.gov](mailto:(b) (6)@nara.gov)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and are confident the content is safe.

From: (b) (6) <(b) (6)@nara.gov>
Sent time: 08/23/2023 02:06:02 PM
To: Gibson, Anthony (NIH/OD) [E] <anthony.gibson@nih.gov>
Cc: Smith-Simpson, Jacqlyn (OS/ASA/OCIO) <(b) (6)>; Laurence Brewer <laurence.brewer@nara.gov>
BCc: margaret.hawkins@nara.gov
Subject: NARA follow-up regarding unauthorized disposition case UD-2023-0075

Good afternoon Anthony,

On August 17, 2023, NARA received a request from the staff of a minority member on the Senate Homeland Security and Governmental Affairs Committee (HSGAC) for your report dated August 9, 2023, regarding allegations of personal email use by Dr. David Morens (unauthorized disposition case UD-2023-0075).

NARA would like to comply with this request. Please advise if the report can be released in full to the committee member. If not, please explain the basis for this decision. Also, if sensitive portions need to be redacted, NARA can complete those redactions under your direction or can pass on your redacted version to the committee. If the report cannot be released in full or in part, we will advise the committee member to direct further requests to your office.

For NARA to reply to the request in a timely manner, please respond to this email within 5 business days. Thank you for your attention to this matter.

Best regards,

(b) (6)

(b) (6)

Oversight and Reporting Division
National Archives and Records Administration

Mb: (b) (6)

Email: (b) (6)@nara.gov

From: Laurence Brewer <laurence.brewer@nara.gov>
Sent time: 08/23/2023 02:15:19 PM
To: anthony.gibson@nih.gov
Subject: Out of Office: RE: [EXTERNAL] NARA follow-up regarding unauthorized disposition case UD-2023-0075

Thank you for your message. I am on leave this week, checking periodically, and will reply when I am back at work on August 28.

If you require an immediate response, please contact Margaret Hawkins, Director, Records Management Operations at Margaret.Hawkins@nara.gov.

--

Laurence Brewer, CRM

Chief Records Officer for the U.S. Government
National Archives and Records Administration

Laurence.Brewer@nara.gov

Office: (301) 837-1539

Cell: (b) (6)

Blog: [Records Express](#)



From: Gibson, Anthony (NIH/OD) [E] <anthony.gibson@nih.gov>
Sent time: 08/23/2023 02:15:01 PM
To: (b) (6) <(b) (6)@nara.gov>
Cc: Smith-Simpson, Jacqlyn (OS/OCIO/OIS) <(b) (6)>; Laurence Brewer <laurence.brewer@nara.gov>
Subject: RE: [EXTERNAL] NARA follow-up regarding unauthorized disposition case UD-2023-0075

Good afternoon, (b) (6)

The NIH, has no objections to NARA releasing, the Agency's response document for unauthorized disposition case UD-2023-0075.

Best regards,

Anthony D. Crawley Gibson
NIH Records Officer
Chief, Information Management Branch
National Institutes of Health
Office of Management Assessment
Division of Compliance Management
6705 Rockledge Dr (MSC7901)
Suite 601 (H)
Bethesda, MD 20892
301-402-8425

From: (b) (6) <(b) (6)@nara.gov>
Sent: Wednesday, August 23, 2023 2:06 PM
To: Gibson, Anthony (NIH/OD) [E] <anthony.gibson@nih.gov>
Cc: Smith-Simpson, Jacqlyn (OS/OCIO/OIS) <(b) (6)>; Laurence Brewer <laurence.brewer@nara.gov>
Subject: [EXTERNAL] NARA follow-up regarding unauthorized disposition case UD-2023-0075

Good afternoon Anthony,

On August 17, 2023, NARA received a request from the staff of a minority member on the Senate Homeland Security and Governmental Affairs Committee (HSGAC) for your report dated August 9, 2023, regarding allegations of personal email use by Dr. David Morens (unauthorized disposition case UD-2023-0075).

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For NARA to reply to the request in a timely manner, please respond to this email within 5 business days. Thank you for your attention to this matter.

Best regards,

(b) (6)
(b) (6)
Oversight and Reporting Division
National Archives and Records Administration
Mb: (b) (6)
Email: (b) (6)@nara.gov

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and are confident the content is safe.

From: (b) (6) <(b) (6)@nara.gov>
Sent time: 08/23/2023 02:25:51 PM
To: Gibson, Anthony (NIH/OD) [E] <anthony.gibson@nih.gov>
Cc: Smith-Simpson, Jacqlyn (OS/OCIO/OIS) <(b) (6)@nara.gov>; Laurence Brewer <laurence.brewer@nara.gov>
BCc: (b) (6)@nara.gov
Subject: Re: [EXTERNAL] NARA follow-up regarding unauthorized disposition case UD-2023-0075

Hi Anthony, Great, and thank you for the quick response.

Best regards,

(b) (6)
(b) (6)
Oversight and Reporting Division
National Archives and Records Administration
Mb: (b) (6)
Email: (b) (6)@nara.gov

On Wed, Aug 23, 2023 at 2:15 PM Gibson, Anthony (NIH/OD) [E] <anthony.gibson@nih.gov> wrote:

Good afternoon, (b) (6)

The NIH, has no objections to NARA releasing, the Agency's response document for unauthorized disposition case UD-2023-0075.

Best regards,

Anthony D. Crawley Gibson

NIH Records Officer
Chief, Information Management Branch

National Institutes of Health

Office of Management Assessment

Division of Compliance Management

6705 Rockledge Dr (MSC7901)

Suite 601 (H)

Bethesda, MD 20892

301-402-8425

From: (b) (6) <(b) (6)@nara.gov>
Sent: Wednesday, August 23, 2023 2:06 PM
To: Gibson, Anthony (NIH/OD) [E] <anthony.gibson@nih.gov>
Cc: Smith-Simpson, Jacqlyn (OS/OCIO/OIS) <(b) (6)@nara.gov>; Laurence Brewer <laurence.brewer@nara.gov>
Subject: [EXTERNAL] NARA follow-up regarding unauthorized disposition case UD-2023-0075

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National Archives and Records Administration

Mb: (b) (6)

Email: (b) (6) [nara.gov](mailto:(b) (6)@nara.gov)

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From: Gibson, Anthony (NIH/OD) [E] <anthony.gibson@nih.gov>
Sent time: 08/24/2023 07:09:44 AM
To: (b) (6) <(b) (6)@nara.gov>
Subject: RE: [EXTERNAL] NARA follow-up regarding unauthorized disposition case UD-2023-0075

Good morning, (b) (6)

Would you happen to know when NARA plans to forward the NIH's response to the staff of a minority member on the Senate Homeland Security and Governmental Affairs Committee (HSGAC)?

Thank you,

Anthony

From: (b) (6) <(b) (6)@nara.gov>
Sent: Wednesday, August 23, 2023 2:26 PM
To: Gibson, Anthony (NIH/OD) [E] <anthony.gibson@nih.gov>
Cc: Smith-Simpson, Jacqlyn (OS/OCIO/OIS) <(b) (6)@nara.gov> Laurence Brewer <laurence.brewer@nara.gov>
Subject: Re: [EXTERNAL] NARA follow-up regarding unauthorized disposition case UD-2023-0075

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NIH Records Officer
Chief, Information Management Branch
National Institutes of Health
Office of Management Assessment
Division of Compliance Management
6705 Rockledge Dr (MSC7901)
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Bethesda, MD 20892
301-402-8425

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National Archives and Records Administration

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Email: (b) (6) [nara.gov](mailto:)

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From: (b) (6) <(b) (6)@nara.gov>
Sent time: 08/24/2023 08:12:58 AM
To: Gibson, Anthony (NIH/OD) [E] <anthony.gibson@nih.gov>
Subject: Re: [EXTERNAL] NARA follow-up regarding unauthorized disposition case UD-2023-0075

Good morning, Anthony,

I don't believe the report has been sent yet, but I am not sure when it will be sent because NARA's congressional affairs liaison will send the report. Would you like to be copied on the email transmission of the report?

And please feel free to address me by my first name, (b) (6)

Thanks,

(b) (6)
(b) (6)
Oversight and Reporting Division
National Archives and Records Administration
Mb: (b) (6)
Email: (b) (6)@nara.gov

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NIH Records Officer
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National Institutes of Health

Office of Management Assessment

Division of Compliance Management

6705 Rockledge Dr (MSC7901)

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National Archives and Records Administration

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Email: (b) (6) [nara.gov](mailto:(b) (6)@nara.gov)

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From: Gibson, Anthony (NIH/OD) [E] <anthony.gibson@nih.gov>
Sent time: 08/24/2023 08:36:57 AM
To: (b) (6) <(b) (6)@nara.gov>
Subject: RE: [EXTERNAL] NARA follow-up regarding unauthorized disposition case UD-2023-0075

Good morning, (b) (6)

Thank you and yes, I would be most appreciative, if you all could copy me in on the transmission.

Have a wonderful day!

Anthony

From: (b) (6) <(b) (6)@nara.gov>
Sent: Thursday, August 24, 2023 8:13 AM
To: Gibson, Anthony (NIH/OD) [E] <anthony.gibson@nih.gov>
Subject: Re: [EXTERNAL] NARA follow-up regarding unauthorized disposition case UD-2023-0075

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From: (b) (6) <(b) (6)@nara.gov>
Sent time: 08/25/2023 02:49:56 PM
To: Gibson, Anthony (NIH/OD) [E] <anthony.gibson@nih.gov>
Cc: (b) (6) <(b) (6)@nara.gov>
Subject: Fwd: July 10 2023 Letter to NIH
Attachments: 2023-08-09_UD20230075_Rpt (1).pdf

Good afternoon, Anthony,

NARA's Director of Congressional Affairs sent NIH's report to the HSGAC, and I did not see your name in the cc block of the email, so I am sending it just in case you were not bcc'd.

Thanks, and have a great weekend,

(b) (6)

----- Forwarded message -----

From: John Hamilton <john.hamilton@nara.gov>
Date: Fri, Aug 25, 2023 at 2:40 PM
Subject: Re: July 10 2023 Letter to NIH
To: (b) (6) (HSGAC) <(b) (6)>
Cc: <(b) (6)> <(b) (6)> (b) (6) (HSGAC) <(b) (6)> <(b) (6)> <UnauthorizedDisposition@nara.gov>, Brewer, Laurence <laurence.brewer@nara.gov>, (b) (6) <(b) (6)@nara.gov>

Hi (b) (6)

I am responding on behalf of my colleague Laurence Brewer to your request for the report to NARA from the NIH in regard to our inquiry about an unauthorized disposition of federal records matter. That report from the NIH is attached to this email.

Let me know if you have any questions.

Best,
John

From: (b) (6) (HSGAC) <(b) (6)>
Date: Thu, Aug 17, 2023 at 3:27 PM
Subject: July 10 2023 Letter to NIH
To: laurence.brewer@nara.gov <laurence.brewer@nara.gov>
Cc: (b) (6) (HSGAC) <(b) (6)> (b) (6) (HSGAC) <(b) (6)> (b) (6) (HSGAC) <(b) (6)> (b) (6) (HSGAC) <(b) (6)>

Mr. Brewer,

We are aware of your letter to NIH regarding Dr. David Morens. Your office requested that NIH provide a report within 30 days. Has NIH provided you a report? If so, our office is interested in reviewing that report. We're happy to talk about this request. Thank you.

(b) (6)

--

John O. Hamilton
Director of Congressional Affairs
National Archives and Records Administration
700 Pennsylvania Avenue, NW

Washington, DC 20408-0001

PH: 202-357-6832

Cell: (b) (6)

Best regards,

(b) (6)

(b) (6)

Oversight and Reporting Division
National Archives and Records Administration

Mb: (b) (6)

Email: (b) (6) nara.gov



**PRIVILEGED & CONFIDENTIAL
MEMORANDUM**

DATE: 08/9/2023

TO: Laurence Brewer, Chief Records Officer for the U.S. Government
National Archives and Records Administration (NARA)

CC: Cheryl Campbell, Deputy Secretary, Assistant Secretary for Administration,
Senior Agency Official for Records Management
U.S. Department of Health and Human Services (HHS)

Jacqlyn Smith-Simpson, Acting Department Records Officer
U.S. Department of Health and Human Services (HHS)

(b) (6) **(b) (6)**
Records Management Oversight and Reporting Division
National Archives and Records Administration (NARA)

FROM: Anthony D. Crawley Gibson, NIH Records Officer
Chief, Information Management Branch, Division of Compliance Management
Office of Management Assessment (OMA) Office of Management (OM)
Office of the Director (OD) National Institutes of Health (NIH)
U.S. Department of Health and Human Services (HHS)
anthony.gibson@nih.gov 301-402-8425

SUBJECT: **TIME SENSITIVE** - National Archives and Records Administration (NARA) request
for a response to allegations of unauthorized disposition of National Institute of Health
(NIH) records (UD-202-0075)

DELIVERABLE:

No later than August 9, 2023, the NIH Records Officer will submit as requested, information regarding
NIH's investigation into this allegation; including a description of the actions taken to investigate the
matter and the relevant findings that led to NIH's determination to: **(b) (6)** **(b) (6)**
(b) (6) Records Management Oversight and Reporting Division National Archives and Records
Administration (NARA) (via email) with a copy to U.S. Health and Human Services (HHS) Senior
Agency Official for Records Management (SAORM) and Departmental Records Officer (DRO).

Privileged & Confidential Version 08 August 23, NIH Records Officer, Chief, Information Management Branch,
Division of Compliance Management Office of Management Assessment (OMA) Office of Management (OM)
Office of the Director (OD) National Institutes of Health (NIH)
U.S. Department of Health and Human Services (HHS)

RESPONSE (CERTIFICATION):

NIH has completed an investigation of allegations of unauthorized disposition and certifies findings that the National Institute of Allergy and Infectious Diseases (NIAID), National Institutes of Health (NIH), U.S. Department of Health and Human Services (HHS), has no evidence that any federal records within their custody have been prematurely destroyed; as related to Dr. David Morens' alleged use of personal email accounts to conduct NIH business; as outlined in a Letter received from Hon. Brad Wenstrup, Chairman, Select Subcommittee on the Coronavirus Pandemic, House Committee on Oversight & Accountability, addressed to David Morens, M.D., Senior Scientific Advisor (June 29, 2023).

All Agency/Institute records are managed in accordance with federal recordkeeping requirements as stipulated in 36 CFR 1222.22 (c).

ISSUE:

Mr. Anthony D. Crawley Gibson, Agency Records Officer, National Institutes of Health, acknowledges receipt of the National Archives and Records Administration's (NARA) Open Letter dated July 10, 2023, from Laurence Brewer, Chief Records Officer for the U.S. Government.

In accordance with 36 CFR 1230.16(b), NARA requested the NIH investigate allegations of unauthorized disposition as outlined in a Letter from Hon. Brad Wenstrup, Chairman, Select Subcommittee on the Coronavirus Pandemic, House Committee on Oversight & Accountability, addressed to David Morens, M.D., Senior Scientific Advisor (June 29, 2023), referencing the following:

1. E-Mail from David Morens, M.D., Senior Scientific Advisor, NIAID, to Peter Daszak, Ph.D., et. al., President, EcoHealth Alliance, Inc. (Sept. 9, 2021), stating: *"As you know, I try to always communicate on gmail because my NIH email is FOIA'd constantly. . . . Stuff sent to my gmail gets to my phone, but not my NIH computer. . . . Don't worry, just send to any of my addresses, and I will delete anything I don't want to see in the New York Times."*
2. Documents related to the origins of COVID-19 and the following documents and information from any personal e-mail accounts and any personal cell phones.
3. All documents and communications regarding the drafting, publication, or critical reception of the publications specified in the Select Subcommittee letter.
4. All documents and communications, including text messages, regarding the Wuhan Institute of Virology, EcoHealth Alliance, Inc., or the origins of COVID-19 between November 1, 2019, and present between Dr. Morens and the individuals specified in the Select Subcommittee letter.

SCOPE: Following is a listing of the actions taken to investigate the matter and the relevant findings that led to NIH's determination and certification that there is no evidence that any federal records within their custody have been prematurely destroyed, as related to Dr. David Morens' alleged use of personal email accounts to conduct NIH business:

- A. The Executive Officer, NIAID, conducted an interview with Dr. Morens; at which time he was formally made aware of the allegation as cited in the Select Subcommittee letter.

Privileged & Confidential Version 08 August 23, NIH Records Officer, Chief, Information Management Branch,
Division of Compliance Management Office of Management Assessment (OMA) Office of Management (OM)
Office of the Director (OD) National Institutes of Health (NIH)
U.S. Department of Health and Human Services (HHS)

B. NIAID provided Dr. Morens with a *Knowledge of Agreement* (dated July 19, 2023) requesting he comply with the following actions, to be completed no later than Wednesday, July 26, 2023.

1. Locate, mark for records hold, and provide to the Institute:
 - a copy of all records, documents, data, and information to include working drafts and peer reviewed correspondence, emails, texts, or instant messages (“communications”) created and/or received by NIAID personnel at NIH email addresses/devices using his Government or personal email accounts or any other associated accounts/mobile devices, whether Government-furnished or personal
 - all documents and communications regarding the drafting, publication, or critical reception of the COVID related publications
 - a detailed list of any responsive communications that were deleted.

2. Acknowledge the following:
 - Receipt of notification by way of the Chairman of the House Select Subcommittee on the Coronavirus Pandemic that alleged you used a personal email account as a method of conducting official government business in an apparent effort to evade the strictures of the Freedom of Information Act, including the statement that you would delete any NIH or personal emails that you “don’t want to see in the New York Times”.
 - You understand that it is stipulated in the NIH Information Technology (IT) General Rules of Behavior that employees must:
 - Use only Government Issued Federal Equipment (GFE) to perform official duties or to connect to NIH IT resources.
 - Take all necessary precautions to protect NIH information and IT resources, including but not limited to federal records [media neutral], and other NIH information from unauthorized access, use, modification, destruction, theft, disclosure, loss, damage, or abuse, and in accordance with NIH information handling policies.
 - Not use personal email and storage/service accounts to conduct NIH business.
 - Never use personal devices to conduct NIH business or store/transmit NIH data without official approval. Using personal phones to take phone calls or attend remote meetings is permitted.
 - Only disseminate authorized NIH information related to official job and duties at NIH to internal and external sources. (Note: While teleworking, managers/coworkers are encouraged to use Skype, Microsoft Teams, and ZoomGov to communicate essential NIH business. Other messaging services such as WhatsApp and WeChat are not currently approved.)
 - Unauthorized Records Destruction: You understand that Federal employees must not remove Federal records from Government custody without proper authorization. Under 36 CFR 1222.24.

Privileged & Confidential Version 08 August 23, NIH Records Officer, Chief, Information Management Branch,
Division of Compliance Management Office of Management Assessment (OMA) Office of Management (OM)
Office of the Director (OD) National Institutes of Health (NIH)
U.S. Department of Health and Human Services (HHS)

3. Transfer to your official NIH account all communications related to NIH work or sent with a NIH signature block from personal email accounts.
- C. Dr. Morens acknowledged the agreement (signed and submitted July 20, 2023).
- D. Dr. Morens stated (July 21, 2023) that he was not conducting NIH business on his personal email account. Nonetheless, he identified and began to forward materials to NIH by July 25, 2023, as requested. As of July 26, 2023, he provided notes as to the manner in which he searched his personal email account. He also reported that he had not delete any substantive communications.
- E. To ensure the continued preservation of all federal records, the Department of Health and Human Services issued to all staff a Notice regarding Records Retention Requirements. The notice addressed Rules of Behavior for General Users, 44 U.S.C. 2911-Disclosure Requirements for Official Business Conducted Using Non-Official Electronic Messaging Accounts, HHS Policy for Implementing Electronic Mail (Email) Records Management, and NARA Bulletin 2015-05, Guidance on Managing Electronic Messages.

In closing, the NIH appreciates the opportunity to report our findings and respectfully requests that NARA close this matter, certifying that a thorough investigation and response from Dr. Morens confirms finding that there was no unauthorized destruction of federal records. The NIH, an Operating Division of HHS, remains fully committed to effective governance and the continued preservation of all federal records.

As the NIH Agency Records Officer, Anthony D. Crawley Gibson is the Point of Contact for this coordinated response, as submitted: anthony.gibson@nih.gov or 301-402-8425.

Respectfully,

Anthony D. Crawley Gibson
Records Officer, NIH

REFERENCE:

The National Archives and Records Administration (NARA) was recently made aware of allegations of unauthorized disposition of National Institute of Health (NIH) records, as outlined in a Letter from Hon. Brad Wenstrup, Chairman, Select Subcommittee on the Coronavirus Pandemic, House Committee on Oversight & Accountability, addressed to David Morens, M.D., Senior Scientific Advisor (June 29, 2023), referencing the following:

1. E-Mail from David Morens, M.D., Senior Scientific Advisor, NIAID, to Peter Daszak, Ph.D., et. al., President, EcoHealth Alliance, Inc. (Sept. 9, 2021) stating: *“As you know, I try to always communicate on gmail because my NIH email is FOIA’d constantly. . . . Stuff sent to my gmail gets to my phone, but not my NIH computer. . . . Don’t worry, just send to any of my addresses, and I will delete anything I don’t want to see in the New York Times.”*
2. Documents related to the origins of COVID-19 and specified documents and information from any personal e-mail accounts and any personal cell phones.

(b) (6)

--

John O. Hamilton
Director of Congressional Affairs
National Archives and Records Administration
700 Pennsylvania Avenue, NW
Washington, DC 20408-0001
PH: 202-357-6832
Cell: (b) (6)

Best regards,

(b) (6)
(b) (6)
Oversight and Reporting Division
National Archives and Records Administration
Mb: (b) (6)
Email: (b) (6) nara.gov

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and are confident the content is safe.

From: (b) (6) <(b) (6)@nara.gov>
Sent time: 09/13/2023 10:05:07 AM
To: Gibson, Anthony (NIH/OD) [E] <anthony.gibson@nih.gov>
Subject: Another request for UD-2023-0075 report

Good morning, Anthony,

I hope my email finds you well. NARA has received another request for NIH's UD-2023-0075 report. The request comes from representatives at [America First Legal](#) (AFL), a non-profit entity in Washington, DC.

NARA would like to comply with this request. Please advise if the report can be released in full to AFL.

Best regards,

(b) (6)
(b) (6)
Oversight and Reporting Division
National Archives and Records Administration
Mb: (b) (6)
Email: (b) (6)@nara.gov

From: Gibson, Anthony (NIH/OD) [E] <anthony.gibson@nih.gov>
Sent time: 09/13/2023 10:09:48 AM
To: (b) (6) <(b) (6)@nara.gov>
Subject: Automatic reply: [EXTERNAL] Another request for UD-2023-0075 report

Good day, I am currently Out of Office, (01 - 13, September), with limited connectivity. If you need immediate assistance during my absence, please contact the Records Management Support Office @ nihrecordsmanagement@nih.gov, or call **301-496-4606**. Otherwise I will respond to your emails as soon as possible, upon my return.

Best regards,

Anthony D. Cawley Gibson

From: Gibson, Anthony (NIH/OD) [E] <anthony.gibson@nih.gov>
Sent time: 09/14/2023 08:20:31 AM
To: (b) (6) <(b) (6)@nara.gov>
Subject: RE: [EXTERNAL] Another request for UD-2023-0075 report

Good morning, (b) (6)

Is this case considered closed as NARA, has accepted the NIH's findings or is it still open pending further investigation and final adjudication?

I have no objections to NARA sharing the NIH's report with other federal agencies; however, I do have a concern with sharing our response to outside entities for a case that has not yet been adjudicated.

Thank you,

Anthony

From: (b) (6) <(b) (6)@nara.gov>
Sent: Wednesday, September 13, 2023 10:05 AM
To: Gibson, Anthony (NIH/OD) [E] <anthony.gibson@nih.gov>
Subject: [EXTERNAL] Another request for UD-2023-0075 report

Good morning, Anthony,

I hope my email finds you well. NARA has received another request for NIH's UD-2023-0075 report. The request comes from representatives at [America First Legal](#) (AFL), a non-profit entity in Washington, DC.

NARA would like to comply with this request. Please advise if the report can be released in full to AFL.

Best regards,

(b) (6)
(b) (6)
Oversight and Reporting Division
National Archives and Records Administration
Mb: (b) (6)
Email: (b) (6)@nara.gov

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and are confident the content is safe.

From: (b) (6) <(b) (6)@nara.gov>
Sent time: 09/14/2023 02:38:51 PM
To: Gibson, Anthony (NIH/OD) [E] <anthony.gibson@nih.gov>
BCc: (b) (6)@nara.gov
Subject: Re: [EXTERNAL] Another request for UD-2023-0075 report

Good afternoon, Anthony.

Thanks for your response. Since sharing it with NARA senior management, Laurence has communicated that the case remains open as the report is still with senior management and that NARA will refer all public requests for the report to NIH. I anticipate receiving instructions on how they want to proceed on this case very soon. Thanks again, and have a great evening.

Best regards,

(b) (6)
(b) (6)
Oversight and Reporting Division
National Archives and Records Administration
Mb: (b) (6)
Email: (b) (6)@nara.gov

On Thu, Sep 14, 2023 at 8:20 AM Gibson, Anthony (NIH/OD) [E] <anthony.gibson@nih.gov> wrote:

Good morning, (b) (6),

Is this case considered closed as NARA, has accepted the NIH's findings or is it still open pending further investigation and final adjudication?

I have no objections to NARA sharing the NIH's report with other federal agencies; however, I do have a concern with sharing our response to outside entities for a case that has not yet been adjudicated.

Thank you,

Anthony

From: (b) (6) <(b) (6)@nara.gov>
Sent: Wednesday, September 13, 2023 10:05 AM
To: Gibson, Anthony (NIH/OD) [E] <anthony.gibson@nih.gov>
Subject: [EXTERNAL] Another request for UD-2023-0075 report

Good morning, Anthony,

I hope my email finds you well. NARA has received another request for NIH's UD-2023-0075 report. The request comes from representatives at [America First Legal](#) (AFL), a non-profit entity in Washington, DC.

NARA would like to comply with this request. Please advise if the report can be released in full to AFL.

Best regards,

(b) (6)

(b) (6)

Oversight and Reporting Division

National Archives and Records Administration

Mb: (b) (6)

Email: (b) (6) nara.gov

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and are confident the content is safe.

From: Gibson, Anthony (NIH/OD) [E] <anthony.gibson@nih.gov>
Sent time: 09/14/2023 05:31:30 PM
To: (b) (6) <(b) (6)@nara.gov>
Subject: RE: [EXTERNAL] Another request for UD-2023-0075 report

Good afternoon, (b) (6)

Thank you very much for the update.

Best,

Anthony

From: (b) (6) <(b) (6)@nara.gov>
Sent: Thursday, September 14, 2023 2:39 PM
To: Gibson, Anthony (NIH/OD) [E] <anthony.gibson@nih.gov>
Subject: Re: [EXTERNAL] Another request for UD-2023-0075 report

Good afternoon, Anthony.

Thanks for your response. Since sharing it with NARA senior management, Laurence has communicated that the case remains open as the report is still with senior management and that NARA will refer all public requests for the report to NIH. I anticipate receiving instructions on how they want to proceed on this case very soon. Thanks again, and have a great evening.

Best regards,

(b) (6)
(b) (6)
Oversight and Reporting Division
National Archives and Records Administration
Mb: (b) (6)
Email: (b) (6)@nara.gov

On Thu, Sep 14, 2023 at 8:20 AM Gibson, Anthony (NIH/OD) [E] <anthony.gibson@nih.gov> wrote:

Good morning, (b) (6)

Is this case considered closed as NARA, has accepted the NIH's findings or is it still open pending further investigation and final adjudication?

I have no objections to NARA sharing the NIH's report with other federal agencies; however, I do have a concern with sharing our response to outside entities for a case that has not yet been adjudicated.

Thank you,

Anthony

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Sent: Wednesday, September 13, 2023 10:05 AM
To: Gibson, Anthony (NIH/OD) [E] <anthony.gibson@nih.gov>
Subject: [EXTERNAL] Another request for UD-2023-0075 report

Good morning, Anthony,

I hope my email finds you well. NARA has received another request for NIH's UD-2023-0075 report. The request comes from representatives at [America First Legal](#) (AFL), a non-profit entity in Washington, DC.

NARA would like to comply with this request. Please advise if the report can be released in full to AFL.

Best regards,

(b) (6)
(b) (6)
Oversight and Reporting Division
National Archives and Records Administration

Mb: (b) (6)
Email: (b) (6) [nara.gov](mailto:(b) (6)@nara.gov)

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CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and are confident the content is safe.

From: (b) (6) <(b) (6)@nara.gov>
Sent time: 09/15/2023 02:17:29 PM
To: Gibson, Anthony (NIH/OD) [E] <anthony.gibson@nih.gov>
Cc: Smith-Simpson, Jacqlyn (OS/ASA/OCIO) <(b) (6)>; Laurence Brewer <laurence.brewer@nara.gov>
BCc: (b) (6)@nara.gov
Subject: Follow-up regarding NARA Unauthorized Disposition Case UD-2023-0075
Attachments: 2023-09-15_UD-2023-0075_HHS_NIH_Follow-up Letter_1301-1b.pdf

Good afternoon, Anthony,

Attached is correspondence from the Chief Records Officer for the U.S. Government, Laurence Brewer, regarding UD-2023-0075. Please send the requested information to me via email by **Friday, September 29, 2023**. If you have any questions or concerns, do not hesitate to contact me. Thanks, and have a great weekend.

Best regards,

(b) (6)

(b) (6)

Oversight and Reporting Division
National Archives and Records Administration

Mb: (b) (6)

Email: (b) (6)@nara.gov



Office of the Chief
Records Officer for the
U.S. Government

Sent Via Email. No Hard Copy to Follow.

September 15, 2023

Anthony Gibson
Agency Records Officer
National Institutes of Health
6701 Rockledge Drive
Room 601 H
Rockville MD, 20892

Dear Anthony Gibson,

The National Archives and Records Administration (NARA) received the National Institutes of Health's (NIH) report dated August 9, 2023, regarding allegations of unauthorized disposition of agency records related to Dr. David Morens' use of personal email to allegedly evade the strictures of the Freedom of Information Act.

NARA understands that, as part of NIH's investigation, Dr. David Morens was interviewed, signed a *Knowledge of Agreement*, and was instructed to locate, mark for records hold, and transfer located records from his personal email to NIH.

NARA requests that NIH provide copies of the signed *Knowledge of Agreement*, any notes Dr. Morens provided as to the manner in which he searched his personal email account, a description of the emails he forwarded to NIH as a result of his search, the number of emails forwarded, and a description of the non-substantive communications he reported deleting from his personal email account.

Please forward this information within ten business days of the date of this letter. I appreciate your continued attention to this important matter. If you have any questions or wish to discuss further, please contact me at Laurence.Brewer@nara.gov.

Sincerely,

LAURENCE BREWER
Chief Records Officer
for the U.S. Government

cc: Jacqlyn Smith-Simpson
Acting Department Records Officer

(b) (6)

From: Gibson, Anthony (NIH/OD) [E] <anthony.gibson@nih.gov>
Sent time: 09/15/2023 02:23:46 PM
To: (b) (6) <(b) (6)@nara.gov>
Cc: Smith-Simpson, Jacqlyn (OS/OCIO/OIS) <(b) (6)>; Laurence Brewer <laurence.brewer@nara.gov>
Subject: RE: [EXTERNAL] Follow-up regarding NARA Unauthorized Disposition Case UD-2023-0075

Good afternoon, (b) (6)

Receipt acknowledged.

Thank you,

Anthony

From: (b) (6) <(b) (6)@nara.gov>
Sent: Friday, September 15, 2023 2:17 PM
To: Gibson, Anthony (NIH/OD) [E] <anthony.gibson@nih.gov>
Cc: Smith-Simpson, Jacqlyn (OS/OCIO/OIS) <(b) (6)>; Laurence Brewer <laurence.brewer@nara.gov>
Subject: [EXTERNAL] Follow-up regarding NARA Unauthorized Disposition Case UD-2023-0075

Good afternoon, Anthony,

Attached is correspondence from the Chief Records Officer for the U.S. Government, Laurence Brewer, regarding UD-2023-0075. Please send the requested information to me via email by **Friday, September 29, 2023**. If you have any questions or concerns, do not hesitate to contact me. Thanks, and have a great weekend.

Best regards,

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(b) (6)
Oversight and Reporting Division
National Archives and Records Administration
Mb: (b) (6)
Email: (b) (6)@nara.gov

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and are confident the content is safe.

From: Gibson, Anthony (NIH/OD) [E] <anthony.gibson@nih.gov>
Sent time: 09/29/2023 08:34:41 AM
To: (b) (6) <(b) (6)@nara.gov>
Cc: Smith-Simpson, Jacqlyn (OS/OCIO/OIS) <(b) (6)>; Laurence Brewer <laurence.brewer@nara.gov>
Subject: RE: [EXTERNAL] Follow-up regarding NARA Unauthorized Disposition Case UD-2023-0075
2023-09-15_UD-2023-0075_HHS_NIH_Follow-up Letter_1301-1b.pdf NIH Records Officer Follow up Response_NIAID_Morens_NARA Allegations of Unauthorized Records Destruction 20230929_Final.pdf NIH Records Officer Notification_NIAID_NARA Allegations of Unauthorized Records Destruction 10 July 2023 (002)fc.pdf NIAID Notification to Morens-NARA Allegations of Unauthorized Records Destruction 19 July 2023.pdf 07 26 2023 to jh Morens notes on searching for requested covid materials.pdf

Good morning, (b) (6)

I hope this email finds you well. please see the attached, NIH's response to NARA's follow-up request.

- HHS, NIH, Follow-up Letter
- NIH Records Officer Follow – up Response
- NIH Records Officer Notification NIAID
- NIAID Notification and Acknowledgement Notification to Dr. Morens (Signed)
- Dr. Morens' Handwritten Notes Detailing His Search

Have a wonderful week.

Best,

Anthony

From: (b) (6) <(b) (6)@nara.gov>
Sent: Friday, September 15, 2023 2:17 PM
To: Gibson, Anthony (NIH/OD) [E] <anthony.gibson@nih.gov>
Cc: Smith-Simpson, Jacqlyn (OS/OCIO/OIS) <(b) (6)> Laurence Brewer <laurence.brewer@nara.gov>
Subject: [EXTERNAL] Follow-up regarding NARA Unauthorized Disposition Case UD-2023-0075

Good afternoon, Anthony,

Attached is correspondence from the Chief Records Officer for the U.S. Government, Laurence Brewer, regarding UD-2023-0075. Please send the requested information to me via email by **Friday, September 29, 2023**. If you have any questions or concerns, do not hesitate to contact me. Thanks, and have a great weekend.

Best regards,

(b) (6)
(b) (6)
Oversight and Reporting Division
National Archives and Records Administration
Mb: (b) (6)
Email: (b) (6)@nara.gov

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and are confident the content is safe.



MEMORANDUM

DATE: 19 July 2023

TO: David Morens, Ph.D., Senior Scientific Advisor, National Institute of Allergy and Infectious Disease (NIAID), National Institutes of Health (NIH)

CC: Anthony D. Crawley Gibson, NIH Records Officer
Chief, Information Management Branch, Division of Compliance Management (DCM),
Office of Management Assessment (OMA), Office of Management (OM), Office of the Director (OD)

FROM: Jill R. Harper, Ph.D. Deputy Director for Science Management, NIAID, NIH

SUBJECT: TIME SENSITIVE - In accordance with [36 CFR 1230.16\(b\)](#), the National Archives and Records Administration (NARA) is requesting in an [open letter](#) a response to *allegations of unauthorized disposition of NIH records* to assist in its investigation of any potential violations of federal record keeping laws, regulations, or policies.

Dear Dr. Morens,

This memorandum requires your immediate action. By close of business on July 26, I request that you:

1. **Locate, mark for litigation hold and provide a copy to me** of all records, documents, data and information to include working drafts and peer reviewed correspondence, emails, texts, or instant messages (“communications”) created and/or received by NIAID personnel at NIH email addresses/devices using:
 - dmorens@niaid.nih.gov,
 - (b) (6) gmail.com, or
 - any other associated accounts/mobile devices government sponsored or personal.

This is to include:

- a. All documents and Communications regarding the drafting, publication, or critical reception of the following publications:
 - i. The Correspondence in The Lancet titled, “Statement in support of the scientists, public health professionals, and medical professionals of China combatting COVID-19.”
 - ii. The Correspondence in Nature Medicine titled, “The proximal origin of SARS-CoV-2.”
 - iii. The Letter in Science titled, “Investigate the origins of COVID-19.”
 - iv. The Review in Cell Press titled, “The origins of SARS-CoV-2: A critical review.”
 - v. The Publication in Science titled, “The Hunan Seafood Wholesale Market in Wuhan was the early epicenter of the COVID-19 pandemic.”

- vi. The Publication in Science titled, “The molecular epidemiology of multiple zoonotic origins of SARS-CoV-2.”
- vii. The Publication in The Lancet titled, “The Lancet Commission on lessons for the future from the COVID-19 pandemic.”
- viii. The Perspective in The Proceedings of the National Academy of Sciences titled, “Pandemic origins and a One Health approach to preparedness and prevention: Solutions based on SARS-CoV-2 and other RNA viruses.”
- ix. The Report in Zenodo titled, “Genetic evidence of susceptible wildlife in SARS-CoV-2 positive samples at the Huanan Wholesale Seafood Market, Wuhan: Analysis and interpretation of data released by the Chinese Center for Disease Control.”
- x. The Pre-Print Publication in Nature titled, “Surveillance of SARS-CoV-2 in the environment and animal samples of the Huanan Seafood Market.

b. All documents and Communications regarding the Wuhan Institute of Virology, EcoHealth Alliance, Inc., or the origins of COVID-19 from 1 November 2019, to present.

2. Provide a detailed list to me of any Communications that were deleted

Please ensure your report contains a complete description of the records involved, including volume and dates of the records, any salvage, recovery, or restoration efforts, and all safeguards that will be implemented to prevent the future unauthorized disposition of agency records.

3. Acknowledge the following:

- a. NIH received notification by way of the Chairman of the House Select Subcommittee on the Coronavirus Pandemic that alleged you used a personal email account ((b) (6) gmail.com) as a method of conducting official government business in an apparent effort to evade the strictures of the Freedom of Information Act. Including the statement that you would delete any NIH or personal emails that you “don’t want to see in the New York Times”.
- b. You understand that it is stipulated in the NIH IT General Rules of Behavior that employees must:
 - Use only Government Issued Federal Equipment (GFE) to perform official duties or to connect to NIH IT resources (excluding NIH public websites and other public use systems).
 - Take all necessary precautions to protect NIH information and IT resources, including but not limited to hardware, software, sensitive information, federal records [media neutral], and other NIH information from unauthorized access, use, modification, destruction, theft, disclosure, loss, damage, or abuse, and in accordance with NIH information handling policies.
 - Not use personal email and storage/service accounts to conduct NIH business.
 - Never use personal devices to conduct NIH business or store/transmit NIH data without official approval. Using personal phones to take phone calls or attend remote meetings is permitted.
 - Only disseminate authorized NIH information related to official job and duties at NIH to internal and external sources. (Note: While teleworking, managers/coworkers are encouraged to use Skype, Microsoft Teams, and ZoomGov to communicate essential NIH business. Other messaging services such as WhatsApp and WeChat are not currently approved.
- c. You understand that Federal employees must not remove Federal records from Government custody without proper authorization. Under 36 CFR 1222.24
 - Unauthorized Records Destruction: means disposal of an unscheduled or permanent record; disposal prior to the end of the NARA-approved retention period of a temporary record

(other than court-ordered disposal under § 1226.14(d) of this subchapter); and disposal of a record subject to a FOIA request, litigation hold, or any other hold requirement to retain the records.

- The ICO must report promptly any unlawful or accidental removal, defacing, alteration, or destruction of records in their custody to the NIH Records Officer. Title 36 / Chapter XII / Subchapter B / Part 1230
- While it is prohibited for NIH employees to use personal email accounts to conduct official agency business. In the event of an emergency situations when Federal accounts are not accessible or when an employee is initially contacted through a personal account. In these situations, **agency employees must ensure that all Federal records sent or received on personal email systems are captured and managed in accordance with agency recordkeeping practices and procedures** to ensure compliance with other statutes and obligations, such as Litigation Hold, FOIA and discovery.
- The Federal Records Act (44 U.S.C. 2911 as amended by Pub. L. 113-187): Electronic messages created or received in a personal account under the conduct of official NIH business must be forwarded to an official electronic messaging account within 20 days of receipt and/or creation.

4. **Agree to immediately transfer all communications related to your NIH work or sent with a NIH signature block** from your personal email accounts to your official NIH account. This is to be completed no later than Wednesday, July 26.

I, David Morens, acknowledge and agree to the above:

Signature: (b) (6)

Title: Senior Advisor to the Director, NIAID, NIH

Date: 20 July 2023



Office of the Chief
Records Officer for the
U.S. Government

Sent Via Email. No Hard Copy to Follow.

September 15, 2023

Anthony Gibson
Agency Records Officer
National Institutes of Health
6701 Rockledge Drive
Room 601 H
Rockville MD, 20892

Dear Anthony Gibson,

The National Archives and Records Administration (NARA) received the National Institutes of Health's (NIH) report dated August 9, 2023, regarding allegations of unauthorized disposition of agency records related to Dr. David Morens' use of personal email to allegedly evade the strictures of the Freedom of Information Act.

NARA understands that, as part of NIH's investigation, Dr. David Morens was interviewed, signed a *Knowledge of Agreement*, and was instructed to locate, mark for records hold, and transfer located records from his personal email to NIH.

NARA requests that NIH provide copies of the signed *Knowledge of Agreement*, any notes Dr. Morens provided as to the manner in which he searched his personal email account, a description of the emails he forwarded to NIH as a result of his search, the number of emails forwarded, and a description of the non-substantive communications he reported deleting from his personal email account.

Please forward this information within ten business days of the date of this letter. I appreciate your continued attention to this important matter. If you have any questions or wish to discuss further, please contact me at Laurence.Brewer@nara.gov.

Sincerely,

LAURENCE BREWER
Chief Records Officer
for the U.S. Government

cc: Jacqlyn Smith-Simpson
Acting Department Records Officer

(b) (6)



**PRIVILEGED & CONFIDENTIAL
MEMORANDUM**

DATE: 07/12/2023

TO: Jill R. Harper, Ph.D. NIAID Deputy Director, Science Management

CC: Colleen Boyd (NIAID)

FROM: Anthony D. Crawley Gibson, NIH Records Officer
Chief, Information Management Branch, Division of Compliance Management
Office of Management Assessment (OMA) Office of Management (OM)
Office of the Director (OD) National Institutes of Health (NIH)
U.S. Department of Health and Human Services (HHS)
anthony.gibson@nih.gov 301-402-8425

SUBJECT: **TIME SENSITIVE** - National Archives and Records Administration (NARA) request for a response to *allegations of unauthorized disposition of National Institute of Health (NIH) records*

ISSUE:

Mr. Anthony D. Crawley Gibson, Agency Records Officer, National Institutes of Health, acknowledges receipt of the National Archives and Records Administration's (NARA) Open Letter (10 July 2023), *Allegations of Unauthorized Disposition (UAD) of National Institute of Health (NIH) records* (Laurence Brewer, Chief Records Officer for the U.S. Government).

In accordance with [36 CFR 1230.16\(b\)](#), NARA is requesting that NIH investigate the *allegations* of unauthorized disposition related to:

- a. David Morens, Senior Scientific Advisor, use of personal email account (GMAIL) in an apparent effort to evade the strictures of the Freedom of Information Act
- b. as referenced by email (Gmail) dated 09 September 202, Subject: Here's the latest line of attack today....
- c. to the following individuals: Peter Daszak, Robert F. Garry, Kristian G. Andersen, Edward Holmes, Jason Gale, Rasmussen Angie, Robert Kessler, Stephen Goldstein.

DELIVERABLES:

Privileged & Confidential Version 12 July 23 NIH Records Officer Chief, Information Management Branch,
Division of Compliance Management Office of Management Assessment (OMA) Office of Management (OM) Office of the
Director (OD) National Institutes of Health (NIH)
U.S. Department of Health and Human Services (HHS)

- 1) **No later than 04 August 2023**, the National Institute of Allergy, and Infectious Diseases (NIAID) shall provide a detailed report to the NIH Records Officer at anthony.gibson@nih.gov.
- 2) **No later than 10 August 2023**, the U.S. Health, and Human Services (HHS) Departmental Records Officer will submit the NIH final report to NARA.

SCOPE: The full and final NIAID/NIH report to NARA must include:

- a. A complete description of the records *allegedly* destroyed, including volume and dates of the records.
- b. NARA approved disposition authority(s) that covers these records.
- c. Details related to the destruction of the records.
- d. Any efforts made to salvage, recover, or restore the destroyed records.
- e. Safeguards that will be implemented to prevent future unauthorized disposition of agency records.

As the NIH Agency Records Officer, Anthony D. Crawley Gibson is the Point of Contact for this coordinated response, anthony.gibson@nih.gov or 301-402-8425.

The following has been identified as NIAID's Records Management point of contact:

- Colleen Boyd (b) (6) or (b) (6)

REFERENCE:

The National Archives and Records Administration (NARA) has recently become aware of an allegation of unauthorized disposition of National Institutes of Health (NIH) records. On June 29, 2023, the Chairman of the House Select Subcommittee on the Coronavirus Pandemic sent a letter to NIH alleging that David Morens, a Senior Scientific Advisor, used a personal email account in an apparent effort to evade the strictures of the Freedom of Information Act. The letter included an email from Mr. Morens stating that:

As you know, I try to always communicate on gmail because my NIH email is FOIA'd constantly. . . . Stuff sent to my gmail gets to my phone, but not my NIH computer. . . . Don't worry, just send to any of my addresses, and I will delete anything I don't want to see in the New York Times.

Privileged & Confidential Version 12 July 23 NIH Records Officer Chief, Information Management Branch,
Division of Compliance Management Office of Management Assessment (OMA) Office of Management (OM) Office of the
Director (OD) National Institutes of Health (NIH)
U.S. Department of Health and Human Services (HHS)

Email & gmail search started 7/21/2023

1. ID'd 10 security ic articles - 6/29 Subcommittee letter, from a. - j)
2. ID'd names of all authors of these papers with whom I have corresponded:

File 5 emails	5	<u>Calisher</u>	co. author on my paper
1 email		<u>Carroll</u>	" " on my paper
File 10 emails	10	<u>Dargatz</u>	" " on my paper
1 email		<u>John (not) (±?)</u>	
1 email		<u>Kelrick</u>	
File 11 emails	11	<u>Kensel</u>	" " " my paper
1 email		<u>Madeff (±)</u>	
1 email		<u>Moy</u>	" " " my paper
1 email		<u>Pestman</u>	
1 email		<u>Said</u>	" " " my paper
1 email		<u>Subramaniam</u>	" " " my paper
1 email		<u>Anderson</u>	
1 email		<u>Epstein</u>	" " " my paper? (check)
File 7 emails	7	<u>Holmes</u>	" " " "
File 11 emails	2	<u>Garry</u>	
File 6 emails	6	<u>Baric</u>	
1 email; not relevant		<u>Cabe (±)</u>	
File 7 emails	7	<u>Reimann (±)</u>	
File 14 emails	14	<u>Rasmussen</u>	
File 19 email	1	<u>Barclay</u>	" " " my paper? (check)
1 email	N=24	<u>DeHoff</u>	" " " "
File 12 emails	12	<u>Heister</u>	
1 email		<u>Perkins</u>	co. author on unpubl paper
File 4 emails	4	<u>Tracy</u>	

(b) (6)

7/21/2023

Later 7/21 - looked at all binders in copy room - ID'd one 3" binder of ^{published} papers on possible early cases of C-19. Will go through page by page

7/21 went through all 6 file cabinet drawers and 3 loose piles on top of 4-drawer cabinet. ID'd about a 2" pile of COVID stuff. To be reviewed page by page

(b) (6)

7/21/23

7/22 Searched & organized N.H. computer & put things in a folder called FBI A

(b) (6)

7/22/23

Table of Contents

7/23 - Did repeat one secondary email searches on some names. Don't alot of duplicates - not sure why. It seems like if I found a gmail to my email it creates a duplicate record when I search next time - i.e., what's in the file & what's in sent mail.

Recheck file's instructions & research papers

(b) (6)

7/23/23

7/24/23 - Rechecked selected email searches on my 10-mo. calendar list as above. Search also shows created many duplicates. Started searching names on JTH's list, but found very little so far.

Searches from JTH's list

- Fane
- Collins
- "Tabek" and Tabek
- Dzan
- Pany (re checked)
- Holmes (re checked)
- Daszak (re checked)
- Clival (3 hits)
- Katman (re checked)
- Banic (re checked)

- went through various desktop & pulled up papers - mostly publications and Greg Folkers' daily "facts". Nothing of relevance so far.

(b) (6)

7/24/23

7/25/23 Searched all email add'l names on JTH list & put all found emails into folder called "foia & jth"

Looked through the 3 binders in copy room that have COVID material & all other loose papers that might or might not have COVID material, in 3 places (my file cabinet - both in and on top, the one outside lab door (2) on top of that cabinet but not fully filed or sorted and (3) loose papers on the floor. Copied anything relevant I found including notes on one ASTMH COVID origin publication.

Also took photos of all the files & cabinets & binders. Made list & pdfs of my COVID publications, some with co-authors on the SFC list, e.g., Klusch, Dazgale, Calisher.

7/26/23 Checked all of cell phone texts & did not find anything relevant. * the 3 binders contain only published mss. (b) (6)

Also sending 19 articles that these notes + explanation of what's in

Morens, David (NIH/NIAID) [E]

From: Harper, Jill (NIH/NIAID) [E]
It: Friday, July 21, 2023 12:55 PM
to: Morens, David (NIH/NIAID) [E]
Cc: Gibson, Anthony (NIH/OD) [E]; Green, Christine (NIH/OD) [E]; Harper, Jill (NIH/NIAID) [E]
Subject: RE: Notification and Action: NARA Allegations of Unauthorized Records Destruction

David, please see responses in yellow below.

In addition, I would suggest looking at the individuals listed below, to identify, who if any, you have corresponded with, in conducting NIH business via your personal accounts.

- a. Anthony Fauci ✓ *pan 7/24*
- b. Francis Collins ✓ *pan 7/24/23*
- c. Lawrence Tabak ✓ *pan 7/24/23 N=0*
- d. Hugh Auchincloss ✓ *pan 7/25/23 N=0*
- e. Cliff Lane ✓ *pan 7/25/23 N=0*
- f. David Morens
- g. Ping Chen *pan 7/25/23 N=0*
- h. Ian Watson *7/25/23 N=0*
- i. Andrew Pope *7/25/23 N=0*
- j. Victor Dzau *pan 7/24/23 N=0*
- k. Robert Redfield *7/25/23 N=0*
Michael Lauer - NIH Employee *7/25/23 N=0*
- .. David Christian Hassell *7/25/23 N=0*
- n. Jeremy Farrar *7/25/23 N=0*
- o. Robert Garry *Done*
- p. Michael Farzan *pan 7/25/23 N=1*
- q. Edward Holmes *Done*
- r. W. Ian Lipkin *pan 7/25/23 N=1*
- s. Andrew Rambaut *pan 7/25/23 N=0*
- t. Peter Daszak *Done*
- u. Aleksei Chmura *pan 7/25/23 N=0 except cc's on external email here*
- v. Kevin Olival *pan 7/23/23 3 hits*
- w. Christian Drosten *pan 7/25/23 N=2*
- x. Ron Fouchier *pan 7/25/23 N=0*
- y. Marion Koopmans *pan 7/25/23 N=1*
- z. Michael Worobey *pan 7/25/23 N=1*
- aa. Jonathan Pekar *pan 7/25/23 N=1*
- bb. Florence Debarre *pan 7/25/23 N=0*
- cc. Angela Rasmussen *Done*
- dd. Ralph Baric *Done*
- ee. James LeDuc *pan 7/25/23 N=2*
- ff. Shi Zhengli *pan 7/25/23 N=0*

From: Morens, David (NIH/NIAID) [E] <dmorens@niaid.nih.gov>
Sent: Friday, July 21, 2023 10:45 AM
To: Harper, Jill (NIH/NIAID) [E] <jharper@niaid.nih.gov>



**PRIVILEGED & CONFIDENTIAL
MEMORANDUM**

DATE: 09/29/2023

TO: Laurence Brewer, Chief Records Officer for the U.S. Government
National Archives and Records Administration (NARA)

CC: Cheryl Campbell, Deputy Secretary, Assistant Secretary for Administration,
Senior Agency Official for Records Management
U.S. Department of Health and Human Services (HHS)

Jacqlyn Smith-Simpson, Acting Department Records Officer
U.S. Department of Health and Human Services (HHS)

(b) (6) **(b) (6)**
Records Management Oversight and Reporting Division
National Archives and Records Administration (NARA)

FROM: Anthony D. Crawley Gibson, NIH Records Officer
Chief, Information Management Branch, Division of Compliance Management
Office of Management Assessment (OMA) Office of Management (OM)
Office of the Director (OD) National Institutes of Health (NIH)
U.S. Department of Health and Human Services (HHS)
anthony.gibson@nih.gov 301-402-8425

SUBJECT: **TIME SENSITIVE** - National Archives and Records Administration (NARA) request
for a response to *allegations of unauthorized disposition of National Institute of Health
(NIH) records (2023-09-15_UD-2023-0075)*

DELIVERABLE:

No later than 29 September 2023, the NIH Records Officer will submit as requested, information
regarding NIH’s investigation into this allegation; including a description of the actions taken to
investigate the matter and the relevant findings that led to NIH’s determination to: **(b) (6)**
(b) (6) Records Management Oversight and Reporting Division National Archives and
Records Administration (NARA) (via email) with a copy to U.S. Health and Human Services (HHS)
Senior Agency Official for Records Management (SAORM) and Departmental Records Officer (DRO).

Privileged & Confidential Version 29 September 23, NIH Records Officer, Chief, Information Management Branch,
Division of Compliance Management Office of Management Assessment (OMA) Office of Management (OM) Office of the
Director (OD) National Institutes of Health (NIH)
U.S. Department of Health and Human Services (HHS)

RESPONSE (CERTIFICATION):

NIH has completed an investigation of allegations of unauthorized disposition and certifies findings that the National Institute of Allergy and Infectious Diseases (NIAID), National Institutes of Health (NIH), U.S. Department of Health and Human Services (HHS), has no evidence that any federal records within their custody have been prematurely destroyed; as related to Dr. David Morens' alleged use of personal email accounts to conduct NIH business; as outlined in a Letter received from Hon. Brad Wenstrup, Chairman, Select Subcomm. on the Coronavirus Pandemic, H. Comm. on Oversight & Accountability, to Hon. Xavier Becerra, Sec'y, U.S. Dep't of Health and Human Servs. (Feb. 13, 2023).

All Agency/Institute records are managed in accordance with federal recordkeeping requirements as stipulated in 36 CFR 1222.22 (c).

ISSUE:

Mr. Anthony D. Crawley Gibson, Agency Records Officer, National Institutes of Health, acknowledges receipt of the National Archives and Records Administration's (NARA) UD-2023-0075-HHS-NIH-Follow-up Letter, 1301-1b (15 September 2023), *Allegations of Unauthorized Disposition (UAD) of National Institute of Health (NIH) records* (Laurence Brewer, Chief Records Officer for the U.S. Government).

In accordance with 36 CFR 1230.16(b), NARA requested the NIH investigate *allegations* of unauthorized disposition as outlined in a Letter from Hon. Brad Wenstrup, Chairman, Select Subcomm. on the Coronavirus Pandemic, H. Comm. on Oversight & Accountability, to Hon. Xavier Becerra, Sec'y, U.S. Dept of Health and Human Servs. (Feb. 13, 2023), referencing the following:

1. E-Mail from David Morens, M.D., Senior Scientific Advisor, Nat'l Inst. of Allergy & Infectious Diseases (NIAID), to Peter Daszak, Ph.D., et. al., President, EcoHealth Alliance, Inc. (Sept. 9, 2021), stating: *"As you know, I try to always communicate on gmail because my NIH email is FOIA'd constantly. . . . Stuff sent to my gmail gets to my phone, but not my NIH computer. . . . Don't worry, just send to any of my addresses, and I will delete anything I don't want to see in the New York Times."*

2. Documents related to the origins of COVID-19 and the following documents and information from any personal e-mail accounts, but primarily (b) (6) gmail.com, and any personal cell phones, but primarily (b) (6). All documents and communications regarding the drafting, publication, or critical reception of the following publications:

- a. The Correspondence in The Lancet titled, "Statement in support of the scientists, public health professionals, and medical professionals of China combatting COVID-19."
- b. The Correspondence in Nature Medicine titled, "The proximal origin of SARS-CoV-2."

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Director (OD) National Institutes of Health (NIH)
U.S. Department of Health and Human Services (HHS)

- c. The Letter in Science titled, “Investigate the origins of COVID-19.”
 - d. The Review in Cell Press titled, “The origins of SARS-CoV-2: A critical review.”
 - e. The Publication in Science titled, “The Hunan Seafood Wholesale Market in Wuhan was the early epicenter of the COVID-19 pandemic.”
 - f. The Publication in Science titled, “The molecular epidemiology of multiple zoonotic origins of SARS-CoV-2.”
 - g. The Publication in The Lancet titled, “The Lancet Commission on lessons for the future from the COVID-19 pandemic.”
 - h. The Perspective in The Proceedings of the National Academy of Sciences titled, “Pandemic origins and a One Health approach to preparedness and prevention: Solutions based on SARS-CoV-2 and other RNA viruses.”
 - i. The Report in Zenodo titled, “Genetic evidence of susceptible wildlife in SARS-CoV-2 positive samples at the Huanan Wholesale Seafood Market, Wuhan: Analysis and interpretation of data released by the Chinese Center for Disease Control.”
 - j. The Pre-Print Publication in Nature titled, “Surveillance of SARS-CoV-2 in the environment and animal samples of the Huanan Seafood Market.”
- 3.** All documents and communications, including text messages, regarding the Wuhan Institute of Virology, EcoHealth Alliance, Inc., or the origins of COVID-19 between November 1, 2019, and present between yourself and the following individuals or regarding or referencing the following individuals:
- a. Anthony Fauci
 - b. Francis Collins
 - c. Lawrence Tabak
 - d. Hugh Auchincloss
 - e. Cliff Lane
 - f. David Morens
 - g. Ping Chen
 - h. Ian Watson
 - i. Andrew Pope

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Director (OD) National Institutes of Health (NIH)
U.S. Department of Health and Human Services (HHS)

- j. Victor Dzau
- k. Robert Redfield
- l. Michael Lauer
- m. David Christian Hassell
- n. Jeremy Farrar
- o. Robert Garry
- p. Michael Farzan
- q. Edward Holmes
- r. W. Ian Lipkin
- s. Andrew Rambaut
- t. Peter Daszak
- u. Aleksei Chmura
- v. Kevin Olival
- w. Christian Drosten
- x. Ron Fouchier
- y. Marion Koopmans
- z. Michael Worobey
- aa. Jonathan Pekar
- bb. Florence Debarre
- cc. Angela Rasmussen
- dd. Ralph Baric
- ee. James LeDuc
- ff. Shi Zhengli
- gg. Ben Hu
- hh. Yu Ping
- ii. Yan Zhu
- jj. Zhou Yusen

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Director (OD) National Institutes of Health (NIH)
U.S. Department of Health and Human Services (HHS)

kk. Peter Hotez

ll. Richard Ebright

mm. Y. Alina Chan

nn. Jesse Bloom

oo. David Relman

SCOPE: Following is a listing of the actions taken to investigate the matter and the relevant findings that led to NIH’s determination and certification that there is no evidence that any federal records within their custody have been prematurely destroyed, as related to Dr. David Morens’ alleged use of personal email accounts to conduct NIH business:

A. The Executive Officer, National Institute of Allergy, and Infectious Diseases (NIAID) conducted an interview with Dr. Morens; at which time he was formally made aware of the allegation as cited in the Select Subcommittee on the Coronavirus Pandemic letter (addressed to both Dr. Morens and the Office of the Director, NIAID).

As a result of the interview:

B. NIAID provided Dr. Morens with a *Knowledge of Agreement (dated July 19, 2023)* requesting he comply with the following actions, to be completed no later than Wednesday, July 26, 2023.

Dr. Morens acknowledged the agreement and fully complied with the following actions, signed, and submitted 20 July 2023, as follows:

1. Locate, mark for litigation hold and provide to the Institute a copy of all records, documents, data, and information to include working drafts and peer reviewed correspondence, emails, texts, or instant messages (“communications”) created and/or received by NIAID personnel at NIH email addresses/devices using:

- a. dmorens@niaid.nih.gov,
- b. (b) (6) gmail.com, or
- c. any other associated accounts/mobile devices government sponsored or personal

2. All documents and Communications regarding the drafting, publication, or critical reception of the COVID related publications;

3. Provide to the Institute a detailed list of any Communications that were deleted; and

4. Acknowledge the following:

a. Receipt of notification by way of the Chairman of the House Select Subcommittee on the Coronavirus Pandemic that alleged you used a personal email account ((b) (6) gmail.com) as a method of conducting official government business in an apparent effort to evade the strictures of the

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Director (OD) National Institutes of Health (NIH)
U.S. Department of Health and Human Services (HHS)

Freedom of Information Act. Including the statement that you would delete any NIH or personal emails that you “don’t want to see in the New York Times”.

b. You understand that it is stipulated in the NIH Information Technology (IT) General Rules of Behavior that employees must:

- Use only Government Issued Federal Equipment (GFE) to perform official duties or to connect to NIH IT resources.
- Take all necessary precautions to protect NIH information and IT resources, including but not limited to federal records [media neutral], and other NIH information from unauthorized access, use, modification, destruction, theft, disclosure, loss, damage, or abuse, and in accordance with NIH information handling policies.
- Not use personal email and storage/service accounts to conduct NIH business.
- Never use personal devices to conduct NIH business or store/transmit NIH data without official approval. Using personal phones to take phone calls or attend remote meetings is permitted.
- Only disseminate authorized NIH information related to official job and duties at NIH to internal and external sources. (Note: While teleworking, managers/coworkers are encouraged to use Skype, Microsoft Teams, and ZoomGov to communicate essential NIH business. Other messaging services such as WhatsApp and WeChat are not currently approved.
- Unauthorized Records Destruction: You understand that Federal employees must not remove Federal records from Government custody without proper authorization. Under 36 CFR 1222.24.
- Agree to immediately transfer all communications related to your NIH work or sent with a NIH signature block from your personal email accounts to your official NIH account.

C. Statement from Dr. Morens, dated July 21, 2023: *“I have never done nih business on my gmail account. The misunderstanding of the subcommittee comes, I believe, from one facetious joking email I sent to a group of scientists-friends trying to support our colleagues (Daszak, Holmes, Rasmussen, and a few others, and by default Tony) who were being stalked and threatened with death by organized groups of people who believed scientists created the pandemic. The goal of these networking emails was to support these scientists, who are my friends and who were living in literal terror. However, since this wasn’t really government business, and contained a lot of dark humor, and I knew that my emails had been and would be foia’d, potentially allowing their private worries to become public, I kept repeatedly trying to get them to stop sending stuff to my govt email.” “These science “support group” friends were a core group of 7 people, occasionally one or more added for specific reasons, all but me nongovernment scientists.”*

1. July 25, 2023, Dr Morens identified and began to forward all subject materials he could find to his NIH email account, .pst drive titled COVID-19, subfolder “materials to JH (EO).

2. *“All of the files, through the date of 7 25 2023 are gmails forwarded to my email. There are undoubtedly quite a few duplicates, in part because someone resent me a gmail of one I already had,*

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and because when I went back a second time to check to be sure my searches turn up the same results, I got doubles, i.e., not only the original gmails showed up on the searches, but the exact same gmails which had previously been sent to my email.”

3. *“July 26, 2023 are pdfs of:*

- 1) hardcopy materials from my office and files I found and scanned,*
- 2) materials related to my search approaches, including a 2-page handwritten log of what I did,*
- 3) lists of names I searched on, and*
- 4) all 19 of my publications on COVID-19, because many of these publications included coauthors on the SSCP list as well as ideas and conclusions at the time.”*

4. *“My first search was as follows. I got copies of all 10 publications identified by the SSCP, printed them out, and made a list of all coauthors who I either know of, or might have, or definitely did correspond with. This amounted to 24 people, 8 of whom I have published papers with and three more with whom I might at some point long in the past published but couldn't immediately remember if/where. Five of these names are people with whom I published on the subject of COVID. Searching on these 24 names, I found 80 emails, not counting exact duplicates.*

- a) Of those 10 papers listed by the SSCP, I had no recollection of any communications about those papers specifically, and found no gmails about those publications;*
- b) However, I did find gmails about other papers not listed by the SSCP, including some I co-wrote with them. Looking through my hardcopy materials going back to 2019 I found that I had printed out and saved two of these papers, by Pekar and by Worobey.*
- c) My second gmail search was from the additional list you sent me on 07 21. I did searches on all of the names on that list that were not on the first list and turned up relatively little, I think one from Farzan, one from Lipkin, 3 from Olival, 2 from Drosten, 1 from Koopmans, 1 from Worobey and 2 from LeDuc, but none of those were related to communications asked for by the SSCP. Few if any were actually FROM or TO those people, they are mostly emails sent to me that mention them, or in a few cases they and I were on a big distribution list.*
- d) I have, as I expected, no correspondence with any author about the 10 papers specifically, although I have corresponded with some of those authors on other matters.”*

5. *“Regarding, "Communications I deleted", I never deleted any specific thing from either my gmail or email other than my daily pruning of mail messages. These are predominantly from my inbox and inbox subfolders, from sent mail, from deleted, and from junk mail. When I receive a mail I need to keep for future purposes, I move it to the relevant pst folder related to the subject. Aside from Greg's feeds, which are in the COVID pst, most of those are in the MSS pst. I occasionally delete some of those when time permits, but I expect that most are still there in my email and, as mentioned above, some did show up in my gmail.”*

D. Furthermore, to ensure the continued preservation of all federal records, the Department of Health and Human Services issued to all staff a Notice regarding Records Retention Requirements, Rules of Behavior for general Users, 44 U.S.C. 2911-Disclosure Requirements for Official Business Conducted

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Using Non-Official Electronic Messaging Accounts, HHS Policy for Implementing Electronic Mail (Email) Records Management and NARA Bulletin 2015-05, Guidance on Managing Electronic Messages.

Additionally, to further mitigate the risk of an unauthorized destruction, the NIH identified 5 current and/or former employees named in the Chairman of the House Select Subcommittee on the Coronavirus Pandemic's correspondence and each of their Official NIH Email Accounts have been placed on Litigation hold, an estimated 357,826 items, 474.47 GB.

In closing, the NIH appreciates the opportunity to report our findings and respectfully requests that NARA close this matter, certifying that a thorough investigation and response from Dr. Morens confirms finding that there was no unauthorized destruction of federal records. The NIH, an Operating Division of HHS, remains fully committed to effective governance and the continued preservation of all federal records.

As the NIH Agency Records Officer, Anthony D. Crawley Gibson is the Point of Contact for this coordinated response, as submitted: anthony.gibson@nih.gov or 301-402-8425.

Respectfully,

(b) (6)

Anthony D. Crawley Gibson
Records Officer, NIH

REFERENCE:

The National Archives and Records Administration (NARA) was recently made aware of allegations of unauthorized disposition of National Institute of Health (NIH) records, as outlined in a Letter from Hon. Brad Wenstrup, Chairman, Select Subcomm. on the Coronavirus Pandemic, H. Comm. on Oversight & Accountability, to Hon. Xavier Becerra, Sec'y, U.S. Dep't of Health and Human Servs. (Feb. 13, 2023), referencing the following:

1. E-Mail from David Morens, M.D., Senior Scientific Advisor, Nat'l Inst. of Allergy & Infectious Diseases, to Peter Daszak, Ph.D., et. al., President, EcoHealth Alliance, Inc. (Sept. 9, 2021).

stating: "As you know, I try to always communicate on gmail because my NIH email is FOIA'd constantly. . . . Stuff sent to my gmail gets to my phone, but not my NIH computer. . . . Don't worry, just send to any of my addresses, and I will delete anything I don't want to see in the New York Times."

2. Documents related to the origins of COVID-19 and the following documents and information from any personal e-mail accounts, but primarily (b) (6) gmail.com, and any personal cell phones, but primarily (b) (6).

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Division of Compliance Management Office of Management Assessment (OMA) Office of Management (OM) Office of the
Director (OD) National Institutes of Health (NIH)
U.S. Department of Health and Human Services (HHS)

From: (b) (6) <(b) (6)@nara.gov>
Sent time: 10/02/2023 12:37:55 PM
To: Gibson, Anthony (NIH/OD) [E] <anthony.gibson@nih.gov>
Cc: Smith-Simpson, Jacqlyn (OS/OCIO/OIS) <(b) (6)>; Laurence Brewer <laurence.brewer@nara.gov>
Subject: Re: [EXTERNAL] Follow-up regarding NARA Unauthorized Disposition Case UD-2023-0075

Good afternoon, Anthony,

I was out sick on Friday. Just wanted to confirm receipt of the information you've provided. Thanks and I will be in touch soon.

Best regards and have a great week,

(b) (6)
(b) (6)
Oversight and Reporting Division
National Archives and Records Administration
Mb: (b) (6)
Email: (b) (6)@nara.gov

On Fri, Sep 29, 2023 at 8:36 AM Gibson, Anthony (NIH/OD) [E] <anthony.gibson@nih.gov> wrote:

Good morning, (b) (6)

I hope this email finds you well. please see the attached, NIH's response to NARA's follow-up request.

- HHS, NIH, Follow-up Letter
- NIH Records Officer Follow – up Response
- NIH Records Officer Notification NIAID
- NIAID Notification and Acknowledgement Notification to Dr. Morens (Signed)
- Dr. Morens' Handwritten Notes Detailing His Search

Have a wonderful week.

Best,

Anthony

From: (b) (6) <(b) (6)@nara.gov>
Sent: Friday, September 15, 2023 2:17 PM
To: Gibson, Anthony (NIH/OD) [E] <anthony.gibson@nih.gov>
Cc: Smith-Simpson, Jacqlyn (OS/OCIO/OIS) <(b) (6)>; Laurence Brewer <laurence.brewer@nara.gov>
Subject: [EXTERNAL] Follow-up regarding NARA Unauthorized Disposition Case UD-2023-0075

Good afternoon, Anthony,

Attached is correspondence from the Chief Records Officer for the U.S. Government, Laurence Brewer, regarding UD-2023-0075. Please send the requested information to me via email by **Friday, September 29, 2023**. If you have any questions or concerns, do not hesitate to contact me. Thanks, and have a great weekend.

Best regards,

(b) (6)

(b) (6)

Oversight and Reporting Division

National Archives and Records Administration

Mb: (b) (6)

Email: (b) (6) nara.gov

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From: Gibson, Anthony (NIH/OD) [E] <anthony.gibson@nih.gov>
Sent time: 10/02/2023 12:44:02 PM
To: (b) (6) <(b) (6)@nara.gov>
Subject: RE: [EXTERNAL] Follow-up regarding NARA Unauthorized Disposition Case UD-2023-0075

Good afternoon, (b) (6)

Thank you, so very glad to hear you are feeling better.

Best,

Anthony

From: (b) (6) <(b) (6)@nara.gov>
Sent: Monday, October 2, 2023 12:38 PM
To: Gibson, Anthony (NIH/OD) [E] <anthony.gibson@nih.gov>
Cc: Smith-Simpson, Jacqlyn (OS/OCIO/OIS) <(b) (6)@nara.gov> Laurence Brewer <laurence.brewer@nara.gov>
Subject: Re: [EXTERNAL] Follow-up regarding NARA Unauthorized Disposition Case UD-2023-0075

Good afternoon, Anthony,

I was out sick on Friday. Just wanted to confirm receipt of the information you've provided. Thanks and I will be in touch soon.

Best regards and have a great week,

(b) (6)
(b) (6)
Oversight and Reporting Division
National Archives and Records Administration
Mb: (b) (6)
Email: (b) (6)@nara.gov

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Good morning, (b) (6)

I hope this email finds you well. please see the attached, NIH's response to NARA's follow-up request.

- HHS, NIH, Follow-up Letter
- NIH Records Officer Follow – up Response
- NIH Records Officer Notification NIAID
- NIAID Notification and Acknowledgement Notification to Dr. Morens (Signed)
- Dr. Morens' Handwritten Notes Detailing His Search

Have a wonderful week.

Best,

Anthony

From: (b) (6) <(b) (6)@nara.gov>
Sent: Friday, September 15, 2023 2:17 PM
To: Gibson, Anthony (NIH/OD) [E] <anthony.gibson@nih.gov>
Cc: Smith-Simpson, Jacqlyn (OS/OCIO/OIS) <(b) (6)@nara.gov> Laurence Brewer <laurence.brewer@nara.gov>
Subject: [EXTERNAL] Follow-up regarding NARA Unauthorized Disposition Case UD-2023-0075

Good afternoon, Anthony,

Attached is correspondence from the Chief Records Officer for the U.S. Government, Laurence Brewer, regarding UD-2023-0075. Please send the requested information to me via email by **Friday, September 29, 2023**. If you have any questions or concerns, do not hesitate to contact me. Thanks, and have a great weekend.

Best regards,

(b) (6)
(b) (6)

Oversight and Reporting Division
National Archives and Records Administration

Mb: (b) (6)

Email: (b) (6) nara.gov

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CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and are confident the content is safe.

From: (b) (6) <(b) (6)@nara.gov>
Sent time: 10/17/2023 11:21:33 AM
To: Gibson, Anthony (NIH/OD) [E] <anthony.gibson@nih.gov>
Subject: UD-2023-0075 status update and release of information request

Good morning, Anthony,

I hope my email finds you well. I am writing to update you on the status of UD-2023-0075 and to request permission to release NIH's most recent, September 29, 2023, response with attachments to the Senate Homeland Security and Governmental Affairs Committee (HSGAC).

(b) (5)

Previously, you asserted that you were comfortable with NARA releasing the initial report to any federal entities. I just need confirmation that NIH is ok with NARA releasing what was transmitted on September 29th to HSGAC.

Best regards,

(b) (6)
(b) (6)
Oversight and Reporting Division
National Archives and Records Administration
Mb: (b) (6)
Email: (b) (6)@nara.gov

From: Gibson, Anthony (NIH/OD) [E] <anthony.gibson@nih.gov>
Sent time: 10/17/2023 12:03:42 PM
To: (b) (6) <(b) (6)@nara.gov>
Subject: RE: [EXTERNAL] UD-2023-0075 status update and release of information request

Good afternoon, (b) (6)

I'm well thank you and hope the same for you.

Thank you for the update; it is good news!

The NIH has no objection to NARA releasing the agency's, 29, September 2023, response with attachments to the Senate Homeland Security and Governmental Affairs Committee (HSGAC).

Best regards,

Anthony

From: (b) (6) <(b) (6)@nara.gov>
Sent: Tuesday, October 17, 2023 11:22 AM
To: Gibson, Anthony (NIH/OD) [E] <anthony.gibson@nih.gov>
Subject: [EXTERNAL] UD-2023-0075 status update and release of information request

Good morning, Anthony,

I hope my email finds you well. I am writing to update you on the status of UD-2023-0075 and to request permission to release NIH's most recent, September 29, 2023, response with attachments to the Senate Homeland Security and Governmental Affairs Committee (HSGAC).

(b) (5)

Previously, you asserted that you were comfortable with NARA releasing the initial report to any federal entities. I just need confirmation that NIH is ok with NARA releasing what was transmitted on September 29th to HSGAC.

Best regards,

(b) (6)
(b) (6)
Oversight and Reporting Division
National Archives and Records Administration
Mb: (b) (6)
Email: (b) (6) [nara.gov](mailto:(b) (6)@nara.gov)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and are confident the content is safe.

From: (b) (6) <(b) (6)@nara.gov>
Sent time: 10/17/2023 12:08:37 PM
To: Gibson, Anthony (NIH/OD) [E] <anthony.gibson@nih.gov>
Subject: Re: [EXTERNAL] UD-2023-0075 status update and release of information request

Good afternoon, Anthony,

I am thriving. Thanks for your speedy response.

Best regards and have a great week,

(b) (6)
(b) (6)
Oversight and Reporting Division
National Archives and Records Administration
Mb: (b) (6)
Email: (b) (6)@nara.gov

On Tue, Oct 17, 2023 at 12:03 PM Gibson, Anthony (NIH/OD) [E] <anthony.gibson@nih.gov> wrote:

Good afternoon, (b) (6)

I'm well thank you and hope the same for you.

Thank you for the update; it is good news!

The NIH has no objection to NARA releasing the agency's, 29, September 2023, response with attachments to the Senate Homeland Security and Governmental Affairs Committee (HSGAC).

Best regards,

Anthony

From: (b) (6) <(b) (6)@nara.gov>
Sent: Tuesday, October 17, 2023 11:22 AM
To: Gibson, Anthony (NIH/OD) [E] <(b) (6)>
Subject: [EXTERNAL] UD-2023-0075 status update and release of information request

Good morning, Anthony,

I hope my email finds you well. I am writing to update you on the status of UD-2023-0075 and to request permission to release NIH's most recent, September 29, 2023, response with attachments to the Senate Homeland Security and Governmental Affairs Committee (HSGAC).

(b) (5)

Previously, you asserted that you were comfortable with NARA releasing the initial report to any federal entities. I just need confirmation that NIH is ok with NARA releasing what was transmitted on September 29th to HSGAC.

Best regards,

(b) (6)

(b) (6)

Oversight and Reporting Division

National Archives and Records Administration

Mb: (b) (6)

Email: (b) (6) [nara.gov](mailto:(b) (6)@nara.gov)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and are confident the content is safe.

From: (b) (6) <(b) (6)@nara.gov>
Sent time: 10/18/2023 12:35:04 PM
To: Gibson, Anthony (NIH/OD) [E] <anthony.gibson@nih.gov>
Subject: UD-2023-0075 Follow-up

Good afternoon, Anthony,

It is my hope that you will be rid of me, regarding this case, very soon. In the meantime however, can you address the following questions posed by NARA senior leadership.

Can NIH confirm whether or not the materials related to Dr. Morens' NIH work or sent with a NIH signature block from his personal email accounts that he identified and forwarded to his official NIH email account were 1. not previously captured before the July 25, 2023, transfer in an NIH recordkeeping system and 2. transitory, temporary or permanent federal records or nonrecords?

If yes, how many not previously captured materials transferred by Dr. Morens were transitory, temporary and or permanent federal records?

If not, please quantify how many of the transferred materials were original or duplicative? And quantify and classify which of the transferred materials were transitory, temporary and permanent federal records?

Please provide a response as soon as is reasonable.

Best regards and many thanks for your patience and cooperation,

(b) (6)

(b) (6)

Oversight and Reporting Division
National Archives and Records Administration

Mb: (b) (6)

Email: (b) (6)@nara.gov

From: Gibson, Anthony (NIH/OD) [E] <anthony.gibson@nih.gov>
Sent time: 10/19/2023 08:46:57 AM
To: (b) (6) <(b) (6)@nara.gov>
Subject: RE: [EXTERNAL] UD-2023-0075 Follow-up

Good morning (b) (6)

This made me chuckle 😊, I hope this email finds you well.

Can NIH confirm whether or not the materials related to Dr. Morens' NIH work or sent with a NIH signature block from his personal email accounts that he identified and forwarded to his official NIH email account were

- 1. not previously captured before the July 25, 2023 – The items were not previously captured prior to July 25.
- 2. transfer in an NIH recordkeeping system – Yes, the items have been transferred to an NIH recordkeeping system
- 3. transitory, temporary or permanent federal records or nonrecords – Due to the subject matter, all materials have been classified as Permanent.

Thank you,

Anthony

From: (b) (6) <(b) (6)@nara.gov>
Sent: Wednesday, October 18, 2023 12:35 PM
To: Gibson, Anthony (NIH/OD) [E] <anthony.gibson@nih.gov>
Subject: [EXTERNAL] UD-2023-0075 Follow-up

Good afternoon, Anthony,

It is my hope that you will be rid of me, regarding this case, very soon. In the meantime however, can you address the following questions posed by NARA senior leadership.

Can NIH confirm whether or not the materials related to Dr. Morens' NIH work or sent with a NIH signature block from his personal email accounts that he identified and forwarded to his official NIH email account were 1. not previously captured before the July 25, 2023, transfer in an NIH recordkeeping system and 2. transitory, temporary or permanent federal records or nonrecords?

If yes, how many not previously captured materials transferred by Dr. Morens were transitory, temporary and or permanent federal records?

If not, please quantify how many of the transferred materials were original or duplicative? And quantify and classify which of the transferred materials were transitory, temporary and permanent federal records?

Please provide a response as soon as is reasonable.

Best regards and many thanks for your patience and cooperation,

(b) (6)
(b) (6)
Oversight and Reporting Division
National Archives and Records Administration
Mb: (b) (6)
Email: (b) (6)@nara.gov

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and are confident the content is safe.

From: Gibson, Anthony (NIH/OD) [E] <anthony.gibson@nih.gov>
Sent time: 10/19/2023 12:22:56 PM
To: (b) (6) <(b) (6)@nara.gov>
Subject: Automatic reply: [EXTERNAL] UD-2023-0075 Follow-up

Good day, I am currently Offsite, (12, October), with limited connectivity. If you need immediate assistance during my absence, please contact the Records Management Support Office @ nihrecordsmanagement@nih.gov, or call **301-496-4606**. Otherwise I will respond to your emails as soon as possible, upon my return.

Best regards,

Anthony D. Cawley Gibson

From: (b) (6) <(b) (6)@nara.gov>
Sent time: 10/19/2023 12:22:11 PM
To: Gibson, Anthony (NIH/OD) [E] <anthony.gibson@nih.gov>
Subject: Re: [EXTERNAL] UD-2023-0075 Follow-up

Good afternoon, Anthony,

Glad to know . Thanks for the prompt response. Stay tuned.

Best regards,

(b) (6)
(b) (6)
Oversight and Reporting Division
National Archives and Records Administration
Mb: (b) (6)
Email: (b) (6)@nara.gov

On Thu, Oct 19, 2023 at 8:47 AM Gibson, Anthony (NIH/OD) [E] <anthony.gibson@nih.gov> wrote:

Good morning, (b) (6)

This made me chuckle 😊, I hope this email finds you well.

Can NIH confirm whether or not the materials related to Dr. Morens' NIH work or sent with a NIH signature block from his personal email accounts that he identified and forwarded to his official NIH email account were

- 1. not previously captured before the July 25, 2023 – The items were not previously captured prior to July 25.
- 2. transfer in an NIH recordkeeping system – Yes, the items have been transferred to an NIH recordkeeping system
- 3. transitory, temporary or permanent federal records or nonrecords – Due to the subject matter, all materials have been classified as Permanent.

Thank you,

Anthony

From: (b) (6) <(b) (6)@nara.gov>
Sent: Wednesday, October 18, 2023 12:35 PM
To: Gibson, Anthony (NIH/OD) [E] <(b) (6)>
Subject: [EXTERNAL] UD-2023-0075 Follow-up

Good afternoon, Anthony,

It is my hope that you will be rid of me, regarding this case, very soon. In the meantime however, can you address the following questions posed by NARA senior leadership.

Can NIH confirm whether or not the materials related to Dr. Morens' NIH work or sent with a NIH signature block from his personal email accounts that he identified and forwarded to his official NIH email account were 1. not

previously captured before the July 25, 2023, transfer in an NIH recordkeeping system and 2. transitory, temporary or permanent federal records or nonrecords?

If yes, how many not previously captured materials transferred by Dr. Morens were transitory, temporary and or permanent federal records?

If not, please quantify how many of the transferred materials were original or duplicative? And quantify and classify which of the transferred materials were transitory, temporary and permanent federal records?

Please provide a response as soon as is reasonable.

Best regards and many thanks for your patience and cooperation,

(b) (6)

(b) (6)

Oversight and Reporting Division

National Archives and Records Administration

Mb: (b) (6)

Email: (b) (6) [nara.gov](mailto:(b) (6)@nara.gov)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and are confident the content is safe.

From: Laurence Brewer <laurence.brewer@nara.gov>
Sent time: 05/28/2024 01:05:40 PM
To: Gibson, Anthony (NIH/OD) [E] <(b) (6)>
Cc: (b) (6) <(b) (6)@nara.gov>; Little, Susan (OS/OCIO/Ops) <(b) (6)>; (b) (6) <(b) (6)>; (b) (6) <(b) (6)>
Subject: NIH Unauthorized Case
Attachments: 2024.05.28 BRW Letter to NARA re. Proton.pdf 2024.05.24 SSCP Letter to NARA Enclosure 2.pdf 2024.05.22 SSCP Staff Memo.pdf

Good afternoon Anthony,

This morning the Archivist received the attached letter from Chairman Wenstrup concerning Dr. Morens' email that his committee received after issuing a subpoena. The email was from Gmail and Proton accounts.

The Archivist has asked me to reach out to see if NIH can confirm whether all emails that Dr. Morens created or received in these non-government accounts were returned or captured by NIH. I have explained to the Archivist that using a personal account does not violate the FRA provided such emails are returned (forwarded/copied) to the official account within 20 days.

Are you able to talk today, or perhaps send me an email with your understanding related to the attached letter?

Thanks,
Laurence

--

Laurence Brewer, CRM
Chief Records Officer for the U.S. Government
National Archives and Records Administration
Laurence.Brewer@nara.gov
Office: (301) 837-1539
Cell: (b) (6)
Blog: [Records Express](#)



Congress of the United States

House of Representatives

SELECT SUBCOMMITTEE ON THE CORONAVIRUS PANDEMIC

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

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

May 28, 2024

The Honorable Colleen Shogan, Ph.D.
Archivist of the United States
National Archives and Records Administration
700 Constitution Ave. NW
Washington, DC 20004

Dear Dr. Shogan:

The Select Subcommittee on the Coronavirus Pandemic (Select Subcommittee) writes to you regarding National Archives and Record Administration's (NARA) investigation into Dr. David Morens's use of a personal e-mail to avoid transparency, including the Freedom of Information Act (FOIA), and potential wrongful disposition of official records.¹ Accordingly, it is the Select Subcommittee's understanding that this investigation is still open and ongoing. Based on new evidence, we are concerned that the National Institutes of Health (NIH) was not able to conduct a fulsome or thorough investigation and that many government records have not been properly captured.

On April 16, 2024, the Select Subcommittee announced a subpoena for records in Dr. Morens's personal custody and control that are pertinent to this investigation.² After examining these documents, we have significant reason to believe the above allegations are substantiated (*See e.g.* Enclosure 1) and that Dr. Morens also has a Proton Mail—an e-mail service that uses end-to-end encryption—account in addition to Gmail. It is unclear if NIH had knowledge of this other account during its investigation.

Furthermore, according to evidence in possession of the Select Subcommittee, Dr. Morens enlisted Dr. Peter Daszak, President of EcoHealth Alliance, Inc.—an individual and organization that are now suspended and proposed for debarment—to help collect records potentially responsive to the ongoing NIH and NARA investigations (*See e.g.* Enclosure 2).

We request a staff-level briefing regarding the breadth and status of NARA's open investigation into Dr. Morens's alleged disposition of federal records. In order to assist NARA's investigation, the Select Subcommittee is willing to share all documents in its possession.

¹ Letter from Laurence Brewer, Chief Records Officer, Nat'l Archives and Records Admin., to Nat'l Inst. of Health, (July 10, 2023).

² Letter from Hon. Brad Wenstrup, D.P.M., Chairman, Select Subcomm. on the Coronavirus Pandemic, H. Comm. on Oversight & Accountability, to David Morens, M.D. (Apr. 16, 2024).

The Honorable Colleen Shogan, Ph.D.

May 28, 2024

Page 2

The Select Subcommittee is authorized to investigate “executive branch policies, deliberations, decisions, activities, and internal and external communications related to the coronavirus pandemic” and “cooperation by the executive branch and others with Congress, the Inspectors General, the Government Accountability Office, and others in connection with oversight of the preparedness for and response 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

Enclosures (2)

Date: Tue, 28 Nov 2023 2:45:54 PM -0500
Subject: Fwd: Follow-up Action: NARA Allegations of Unauthorized Records Destruction
From: David Morens [REDACTED]@gmail.com >
Attachments: image001.gif; image002.jpg; image001.gif; image002.jpg

David Morens

[REDACTED]

[REDACTED]

IMPORTANT: For US Government-related email, please use my publicly available NIAID contact information

----- Forwarded message -----

From: David Morens <[REDACTED]@gmail.com >
Date: Wed, Aug 23, 2023 at 8:38 PM
Subject: Re: Follow-up Action: NARA Allegations of Unauthorized Records Destruction
To: Peter Daszak <[REDACTED]@ecohealthalliance.org >
Cc: Aleksei Chmura <[REDACTED]@ecohealthalliance.org >, Gerald Keusch <[REDACTED]@bu.edu >, Peter Hotez <[REDACTED]@bcm.edu >, Jeff Sturchio <[REDACTED]@msn.com >, Rich Roberts <[REDACTED]@neb.com >

What can i say but THANKS?!!!! d

Sent from my iPhone
David M Morens
OD, NIAID, NIH

On Aug 23, 2023, at 20:23, Peter Daszak <[REDACTED]@ecohealthalliance.org > wrote:

First, great to hear you've got legal support David. Thank Rich for reaching out to your daughter and helping – I spoke with David today and the lawyer he has is first rate.

Re. emails – I have all of your gmails and others to and from myself as pdfs. Jeff’s looking through these at the moment to get a sense of how the SSCP might use them to generate publicity.

We’ll also look through them for information re. the request below, and send those on to you.

Cheers,

Peter

Peter Daszak

President

EcoHealth Alliance
520 Eighth Avenue, Suite 1200
New York, NY 10018-6507
USA

Tel.: [REDACTED]

Website: www.ecohealthalliance.org

Twitter: [@PeterDaszak](https://twitter.com/PeterDaszak)

EcoHealth Alliance develops science-based solutions to prevent pandemics and promote conservation

From: David Morens <[REDACTED]@gmail.com >
Sent: Wednesday, August 23, 2023 5:24 PM
To: Peter Daszak <[REDACTED]@ecohealthalliance.org >; Aleksei Chmura <[REDACTED]@ecohealthalliance.org >; Gerald Keusch <[REDACTED]@bu.edu >; Peter Hotez <[REDACTED]@bcm.edu >; Jeff Sturchio <[REDACTED]@msn.com >; Rich Roberts <[REDACTED]@neb.com >
Subject: Re: Follow-up Action: NARA Allegations of Unauthorized Records Destruction

PS, there is some urgency to my responding, with all the info i can dig up. Sorry to ask a favor but this is an important "ask".

I have told nih that i have NOT done what nih defines as "government business" on my gmail, but rather on several occasions, in emails, gmails, and phone calls, to you and others, have requested that personal emails to me or cc'd to me should be sent to my gmail, and even later, sent to my proton mail.

In my understanding, personal emails that are not business of the US govt, include things like discussing death threats to scientists, investigations of non nih scientists for alleged wrongdoing, discussions about defending scientific integrity, etc

As govt scientists we DO NOT lose first amendment rights, but cannot take public positions on matters of government policy unless we identify ourselves as citizens, ie, not as government employees. Hence we have all been trained to keep personal stuff or emails that reflect opinions which are not USG policies, off of NIH email, and by default onto private mails like gmail

That is what i believe i have done, with the extra caveat that since i was being continually foia'd i also wanted to prevent the personal and private opinions and concerns of my friends, ie, all of you, from showing up in the newspapers, and reduce the chance that your harrassments would be magnified

I hope you will recall and even find emails that are supportive of the fact that i said to all of you that i could not discuss govt business on emails, but please keep me in the loop for my info, and that you

should not expect me to respond although i wanted to know what was happening

Stuff like that.

Some of you know that as of yesterday, and thanks to Rich and his daughter and her husband, both attorneys i guess, i now have legal representation. NIH will apparently be happy to throw me under the bus to appease the House Subcommittee, but even at my age i feel i am still highly productive scientifically and have much more to do, including development of covid and influenza vaccines with our molecular pathogenesis lab and with our nih vaccine research center

Thanks for your support, david

Sent from my iPhone

David M Morens

OD, NIAID, NIH

On Aug 23, 2023, at 15:41, David Morens <[REDACTED]@gmail.com > wrote:

Colleagues, the below letter is related to the nih investigation of me and the definition of "government business" as opposed to personal emails to and from colleagues on gmail that do not do government business such as managing grants, organizing meetings, and thins like that

If you think you might have any emails or even remembrances of such, can you please let me know

For example my emails related to the one which the SSCP has quoting me as referring to the GOF unmentionables

Thank you, david

Sent from my iPhone

David M Morens

OD, NIAID, NIH

Begin forwarded message:

From: "Morens, David (NIH/NIAID) [E]" <[REDACTED]@niaid.nih.gov >
Date: August 23, 2023 at 15:18:16 EDT
To: David Morens <[REDACTED]@gmail.com >
Subject: Fwd: Follow-up Action: NARA Allegations of Unauthorized Records Destruction

Sent from my iPhone

David M Morens

OD, NIAID, NIH

Begin forwarded message:

From: "Harper, Jill (NIH/NIAID) [E]" <[REDACTED]@niaid.nih.gov >
Date: August 23, 2023 at 14:54:04 EDT
To: "Morens, David (NIH/NIAID) [E]" <[REDACTED]@niaid.nih.gov >
Cc: "Green, Christine (NIH/OD) [E]" <[REDACTED]@nih.gov >, "Gibson, Anthony (NIH/OD) [E]" <[REDACTED]@nih.gov >, "Harper, Jill (NIH/NIAID) [E]" <

[REDACTED]@niaid.nih.gov >

Subject: Follow-up Action: NARA Allegations of Unauthorized Records Destruction

David,

In follow up to your email below, do you have any email correspondence in your possession that supports the following statement from your July 21, 2023, email below?

I have never done nih business on my gmail account. The misunderstanding of the subcommittee comes, I believe, from one facetious joking email I sent to a group of scientists-friends trying to support our colleagues (Daszak, Holmes, Rasmussen, and a few others, and by default Tony) who were being stalked and threatened with death by organized groups of people who believed scientists created the pandemic. The goal of these networking emails was to support these scientists, who are my friends and who were living in literal terror. However, since this wasn't really government business, and contained a lot of dark humor, and I knew that my emails had been and would be foia'd, potentially allowing their private worries to become public, I kept repeatedly trying to get them to stop sending stuff to my govt email.

If so, please forward that entire string of emails to your NIH account as soon as possible and confirm that you have done so.

Thanks,

Jill

From: Morens, David (NIH/NIAID) [E] <[REDACTED]@niaid.nih.gov >
Sent: Friday, July 21, 2023 2:08 PM
To: Harper, Jill (NIH/NIAID) [E] <[REDACTED]@niaid.nih.gov >
Cc: Gibson, Anthony (NIH/OD) [E] <[REDACTED]@nih.gov >; Green, Christine (NIH/OD) [E] <[REDACTED]@nih.gov >
Subject: RE: Notification and Action: NARA Allegations of Unauthorized Records Destruction

Thanks, Jill, this is helpful.

Just to clarify, I have never done nih business on my gmail account. The misunderstanding of the subcommittee comes, I believe, from one facetious joking email I sent to a group of scientists-friends trying to support our colleagues (Daszak, Holmes, Rasmussen, and a few others, and by default Tony) who were being stalked and threatened with death by organized groups of people who believed scientists created the pandemic. The goal of these networking emails was to support these scientists, who are my friends and who were living in literal terror. However, since this wasn't really government business, and contained a lot of dark humor, and I knew that my emails had been and would be foia'd, potentially allowing their private worries to become public, I kept repeatedly trying to get them to stop sending stuff to my govt email.

I noticed that on my list of 24 people, at least 9 are people with whom I have published scientific papers, 4 of those on COVID issues, so there will be a lot of emails about that, 100% on email.

Regarding the list you sent, I have already made a similar list from a combination of memory and all of the names on the 10 papers ID'd by the subcommittee. Probably 95+ percent of all of my correspondence with them will be in email, not gmail, and what's in gmail will be them sending my stuff and me not replying.

I didn't know about the 7 year thing but I recall that a couple years ago or so David Awwad told me that all my emails lived on the servers forever.

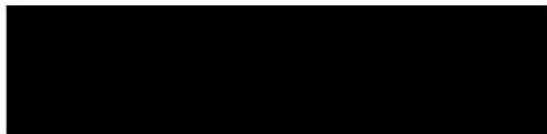
OK, focusing on my gmail now. The only other thing is my govt phone but I doubt there is anything on that. That should be easy to check...

TY,

David

David M. Morens, M.D.
CAPT, United States Public Health Service (ret.)

Senior Advisor to the Director
Office of the Director
National Institute of Allergy and Infectious Diseases
National Institutes of Health



Disclaimer: This message is intended for the exclusive use of the recipient(s) named above. It may contain information that is PROTECTED, PRIVILEGED, and/or CONFIDENTIAL, and it should not be disseminated, distributed, or copied to persons not authorized to receive such information. All sensitive documents must be properly labeled before dissemination via email. If you are not the intended recipient, any dissemination, distribution, or copying is strictly prohibited. If you have received this communication in error, please erase all copies of the message and its attachments and notify us immediately.

From: Harper, Jill (NIH/NIAID) [E] <[REDACTED]@niaid.nih.gov >
Sent: Friday, July 21, 2023 12:55 PM
To: Morens, David (NIH/NIAID) [E] <[REDACTED]@niaid.nih.gov >
Cc: Gibson, Anthony (NIH/OD) [E] <[REDACTED]@nih.gov >; Green, Christine (NIH/OD) [E] <[REDACTED]@nih.gov >; Harper, Jill (NIH/NIAID) [E] <[REDACTED]@niaid.nih.gov >
Subject: RE: Notification and Action: NARA Allegations of Unauthorized Records Destruction

David, please see responses in yellow below.

In addition, I would suggest looking at the individuals listed below, to identify, who if any, you have corresponded with, in conducting NIH business via your personal accounts.

- a. Anthony Fauci
- b. Francis Collins
- c. Lawrence Tabek

- d. Hugh Auchincloss
- e. Cliff Lane
- f. David Morens
- g. Ping Chen
- h. Ian Watson
- i. Andrew Pope
- j. Victor Dzau
- k. Robert Redfield
- l. Michael Lauer - NIH Employee
- m. David Christian Hassell
- n. Jeremy Farrar
- o. Robert Garry
- p. Michael Farzan
- q. Edward Holmes
- r. W. Ian Lipkin
- s. Andrew Rambaut
- t. Peter Daszak
- u. Aleksei Chmura
- v. Kevin Olival
- w. Christian Drosten
- x. Ron Fouchier
- y. Marion Koopmans
- z. Michael Worobey
- aa. Jonathan Pekar
- bb. Florence Debarre
- cc. Angela Rasmussen
- dd. Ralph Baric
- ee. James LeDuc

ff. Shi Zhengli

From: Morens, David (NIH/NIAID) [E] <[REDACTED]@niaid.nih.gov >
Sent: Friday, July 21, 2023 10:45 AM
To: Harper, Jill (NIH/NIAID) [E] <[REDACTED]@niaid.nih.gov >
Cc: Gibson, Anthony (NIH/OD) [E] <[REDACTED]@nih.gov >; Green, Christine (NIH/OD) [E] <[REDACTED]@nih.gov >
Subject: Re: Notification and Action: NARA Allegations of Unauthorized Records Destruction

Jill, Mason is setting up my work station now, so i am over in B31 because we dont get a wifi signal over there

i did about an hours worth of hard copy searching earlier including printing out all ten of the documents requested. Some of them i recognize and at least one i probably sent sn emsil about, that was the Jerry Keusch paper, which i though was great and recall congratulating him on it

I also looked at the list of authors on those ten papers and compiled a sublist of all of those i might have corresponded with in the past, so that i can serch for emails to or from. The list is quite long but i don't expect to find much except for Peter Daszak and Jerry Keusch, two old friends who i have been regularly in touch with for years

Regarding a list of things i might have deleted, for both my email and gmail there isn't any one thing i remember

deleting, just my daily or frequent getting rid of emails. That would include some but not all of my emsils to and from all the folks named above. Most of my deletions are from inbox and sent mail, once i have read them to make sure i got the info. Emails that i have transferred to a folder , eg, regarding a manuscript, should still be there

Policy dictates that emails are retained by CIO/CIT for seven years from the date of deletion; therefore CIT can recover all items deleted from an NIH account.

One further thing that is a bit puzzling. The subcommittee has not asked anything about the published manuscript on the origin of covid 19 that i led, and which was available in spring 2020 and published in July. That was one of the most forceful and reasoned of the early papers that said the virus could only have come from a bat. At least 2-3 of the 9 co authors on that paper are on the list of authors of other papers the subcommittee requests. Should i send the emails with these authors which were about our paper even though they were not requested? Sounds like a semantic question, but the info base for all of us was pretty much the same, and all of the pspers published around that time came to pretty much the same conclusion. I am thinking to err on the side of over rather than under identifying emails and stuff

I agree that over identifying is better – I would include anything COVID related.

Finally, i am still a little unclear, should i be focusing how on finding gmails and sending to email, or the infinitely larger amount of stuff already in email that will take alot of time to identify? d

When you say “stuff already in email”, do you mean in your government email? You should be focusing on correspondence in gmails or any other personal email accounts or any other text messaging or social media that were used to conduct and/or communicate NIH business and forwarding that to your NIH account.

Sent from my iPhone

David M Morens

OD, NIAID, NIH

On Jul 21, 2023, at 09:58, Harper, Jill (NIH/NIAID) [E] <[REDACTED]@niaid.nih.gov> wrote:

David,

If you forward emails from your gmail to your NIH account, NIH will be able to access them.

For pdfs and word documents, you can email to your government account with an subject line that denotes the contents and how it relates to the request.

As a reminder, you have also been requested to provide a detailed list (to me via email) of any communications that were deleted – see original memo for what to include in that list.

Jill

From: Morens, David (NIH/NIAID) [E] <[REDACTED]@niaid.nih.gov >
Sent: Thursday, July 20, 2023 4:14 PM
To: Harper, Jill (NIH/NIAID) [E] <[REDACTED]@niaid.nih.gov >
Cc: Gibson, Anthony (NIH/OD) [E] <[REDACTED]@nih.gov >; Green, Christine (NIH/OD) [E] <[REDACTED]@nih.gov >
Subject: RE: Notification and Action: NARA Allegations of Unauthorized Records Destruction

OK, thanks, then in that case maybe I will try to come in tomorrow, TY

<image001.gif>

David M. Morens, M.D.
CAPT, United States Public Health Service

Senior Advisor to the Director
Office of the Director
National Institute of Allergy and Infectious Diseases
National Institutes of Health

[REDACTED]

[REDACTED]

Disclaimer: This message is intended for the exclusive use of the recipient(s) named above. It may contain information that is PROTECTED, PRIVILEGED, and/or CONFIDENTIAL, and it should not be disseminated, distributed, or copied to persons not authorized to receive such information. All sensitive documents must be properly labeled before dissemination via email. If you are not the intended recipient, any dissemination, distribution, or copying is strictly prohibited. If you have received this communication in error, please erase all copies of the message and its attachments and notify us immediately.



From: Harper, Jill (NIH/NIAID) [E] <[REDACTED]@niaid.nih.gov >
Sent: Thursday, July 20, 2023 3:51 PM
To: Morens, David (NIH/NIAID) [E] <[REDACTED]@niaid.nih.gov >
Cc: Gibson, Anthony (NIH/OD) [E] <[REDACTED]@nih.gov >; Green, Christine (NIH/OD) [E] <[REDACTED]@nih.gov >; Harper, Jill (NIH/NIAID) [E] <[REDACTED]@niaid.nih.gov >
Subject: RE: Notification and Action: NARA Allegations of Unauthorized Records Destruction

David, IT is able to assist you tomorrow (Friday 7/21) if you would like to come in then. Mason Fletcher is your point-of-contact.

I am trying to get clarification about your other questions.

Thanks,

Jill

From: Morens, David (NIH/NIAID) [E] <[REDACTED]@niaid.nih.gov >
Sent: Thursday, July 20, 2023 12:50 PM
To: Harper, Jill (NIH/NIAID) [E] <[REDACTED]@niaid.nih.gov >
Cc: Gibson, Anthony (NIH/OD) [E] <[REDACTED]@nih.gov >; Green, Christine (NIH/OD) [E] <[REDACTED]@nih.gov >
Subject: Re: Notification and Action: NARA Allegations of Unauthorized Records Destruction

Thanks Jill,

i have a few questions.... see below

Sent from my iPhone

David M Morens

OD, NIAID, NIH

On Jul 20, 2023, at 11:45, Harper, Jill (NIH/NIAID) [E] <[REDACTED]@niaid.nih.gov > wrote:

David,

For the memorandum, you should be able to sign digitally with your PIV card using Adobe – I'm sure IT can assist with that.

OK, i will ask IT how to do that

You may come into the office to go through your files, but please notify me in advance of what days you plan to come in. I know you need to come in to deal with your computer – please let me know what day you plan to do this.

I had hoped to come in yesterday or today, but IT told me on both days that until further notice they cannot help me. And since my computer system in my office is apparently completely dead, I dont want to come in unless i can get something done

All of my hard copy files regarding all things covid are in my office in building 33. By chance, a month or so ago i spent a full day semi-organizing those and they are in maybe 5-6 3 inch binders plus maybe several up to 2 foot high stacks, only loosely organized. Most of those are either pdfs of published scientific papers or printouts from Greg's news feeds, but there could be a handful of emails too. So i should be able to go through all of that in 1/2 a day, and am very doubtful there is anything in there of importance

Electronic versions of files are preferred as much as possible. The memo requests that you forward emails from your gmail to your government email, so no need to print those. Likewise, electronic files that you have can be emailed to your government account. For files that only exist in paper version, the preference would be to scan those and email to your government email.

Jill, a couple of clarifications here. Do you mean that anything i find in my gmail i just forward to my email and then what? NIH sends it all, or goes over it, or I do?

To be on the safe side should i for example forward to my email everything referring to or from/to the authors of the documents noted, which would save time in having to read endless pages of stuff that probably isnt relevant, or look only for specific things requested. For example, there maybe emails on which i was copied along with an author on one of those documents, but i didn't do anything about it. In otherwords should i cast a very wide net?

By other electronic files do you mean things like pdfs or word docs?

Regarding things that only exist in paper versions i dont expect to find any or at least very few, but scanning those should be easy, and then email to my nih nih email, right?

TY, david

Jill

From: Morens, David (NIH/NIAID) [E] <[REDACTED]@niaid.nih.gov >
Sent: Wednesday, July 19, 2023 5:19 PM
To: Harper, Jill (NIH/NIAID) [E] <[REDACTED]@niaid.nih.gov >
Cc: Gibson, Anthony (NIH/OD) [E] <[REDACTED]@nih.gov >; Green, Christine (NIH/OD) [E] <[REDACTED]@nih.gov >
Subject: Re: Notification and Action: NARA Allegations of Unauthorized Records Destruction

Jill, i have received this memorandum but as i am at home without a printer, is there a workaround way to sign it?

With respect to the NARA requests, the only way to fully respond is to go through documents which are at work, which isn't possible if i cannot go in to work

As I have said, to the best of my knowledge, i have never in my 25 years

at nih generated or worked on a record that would go to NARA, so it would be helpful to get a better idea of what i should be looking for and how can i be sure that the documents i have are or are not nara documents

A couple years ago David Awwad told me that all of our emails whether in our computer files or deleted can be retrieved by IT so is this something they can do? I have no way of retrieving the estimated million or more emails i must have deleted over the years


I have many hardcopy files that i can check but it will take time

Regarding all the 10 listed papers I have no memory of any of them with the possible exception of one called "proximal origins". I got that paper off pub med last week but didn't recognize that i had ever seen it before. If i did, it will be in my hard copy files since i have not pitched any of them. david

Sent from my iPhone

David M Morens

OD, NIAID, NIH

On Jul 19, 2023, at 16:52, Harper, Jill (NIH/NIAID) [E] <@niaid.nih.gov> wrote:

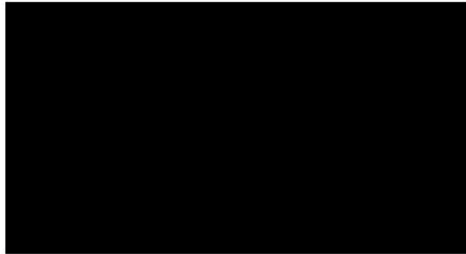
Dr. Morens,

Please find attached memorandum regarding NARA allegations of unauthorized records destruction. Please review, sign to acknowledge receipt, return the signed memo to me, and take appropriate actions.

Thanks,

Jill R. Harper, Ph.D.
Deputy Director for Science Management, and Executive Officer

NIAID/NIH/DHHS



Pronouns – she, her, hers (why?)

Congress of the United States

House of Representatives

SELECT SUBCOMMITTEE ON THE CORONAVIRUS PANDEMIC

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

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

STAFF MEMORANDUM

TO: Select Subcommittee on the Coronavirus Pandemic Republican Members

FROM: Select Subcommittee on the Coronavirus Pandemic Republican Staff

DATE: May 22, 2024

RE: Allegations of Wrongdoing and Illegal Activity by Dr. David Morens, Senior Advisor to National Institute of Allergy and Infectious Diseases former-Director, Dr. Anthony Fauci

Previous witness testimony and documents in the custody of the Select Subcommittee on the Coronavirus Pandemic (Select Subcommittee) raise serious questions regarding potential wrongdoing and illegal activity by Dr. David Morens, Senior Advisor to National Institute of Allergy and Infectious Diseases (NIAID) former-Director, Dr. Anthony Fauci.

I. Background

On June 29, 2023, the Select Subcommittee sent Dr. Morens a request for documents pertinent to its investigations from his personal e-mail accounts.¹ On November 20, 2023, in response to that letter, Dr. Morens produced approximately 2,000 pages of responsive documents to the Select Subcommittee. These documents mimicked what Dr. Morens produced to the National Institutes of Health (NIH) during its investigation into alleged wrongful disposition of federal records by Dr. Morens.

On December 22, 2023 and January 18, 2024, Dr. Morens testified at transcribed interviews before the Select Subcommittee.² At the interviews, Select Subcommittee counsel advised Dr. Morens that he was required pursuant to Title 18 Section 1001 of the United States Code to answer questions truthfully, including questions posed by Congressional staff in the interview, and that if he knowingly made false statements, he could be subject to criminal prosecution.³ Dr. Morens stated, on the record, that he understood the requirement and the

¹ Letter from Hon. Brad Wenstrup, D.P.M., Chairman, Select Subcomm. on the Coronavirus Pandemic, H. Comm. on Oversight & Accountability, to David Morens, M.D., Senior Advisor, Dir., Nat'l Inst. of Allergy & Infectious Diseases (June 29, 2023).

² Transcribed Interview of David Morens, M.D., Senior Advisor, Dir., Nat'l Inst. of Allergy & Infectious Diseases (Dec. 22, 2023); Transcribed Interview of David Morens, M.D., Senior Advisor, Dir., Nat'l Inst. of Allergy & Infectious Diseases (Jan. 18, 2024).

³ *Id.*

2024.05.22 SSCP Staff Memo.pdf

consequences of not complying with that requirement.⁴

On April 16, 2024, the Select Subcommittee announced a subpoena to compel Dr. Morens to produce the remaining responsive documents from his personal e-mail accounts.⁵ On April 30, 2024, in response to the subpoena, Dr. Morens produced approximately 30,000 more pages of responsive documents.

⁴ *Id.*

⁵ Letter from Hon. Brad Wenstrup, D.P.M., Chairman, Select Subcomm. on the Coronavirus Pandemic, H. Comm. on Oversight & Accountability, to David Morens, M.D., Senior Advisor, Dir., Nat'l Inst. of Allergy & Infectious Diseases (Apr. 16, 2024).

II. Dr. Fauci May Have Conducted Official Business Via Personal E-Mail.

Evidence in possession of the Select Subcommittee suggests that Dr. Morens knowingly transmitted official records to Dr. Fauci via his personal e-mail. If true, this raises serious questions of whether Dr. Fauci took part in a conspiracy amongst the highest levels of NIAID to hide official records regarding the origins of COVID-19.

Finding: Dr. Fauci may have conducted official business on his personal e-mail.

Dr. Morens stated that he had access to Dr. Fauci's personal e-mail and, in fact, would conduct official business via Dr. Fauci's personal e-mail.

Exhibit 1: April 21, 2021 e-mail from Dr. Morens⁶

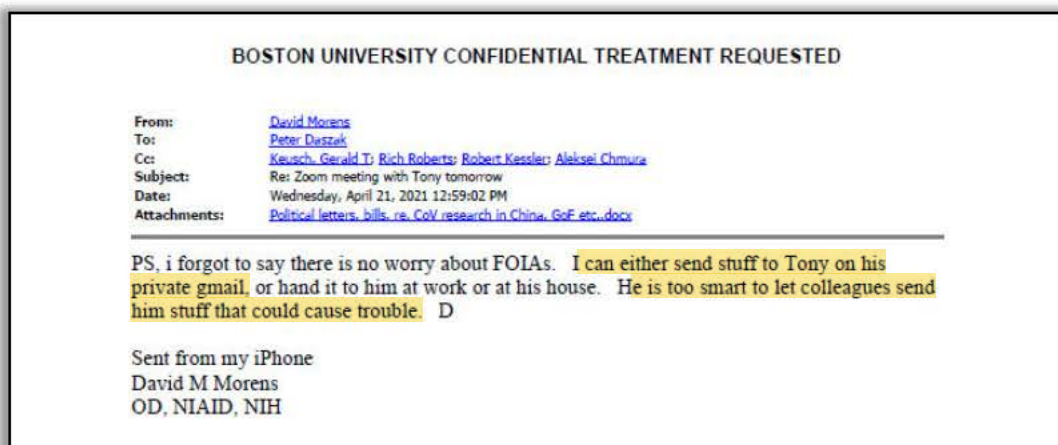
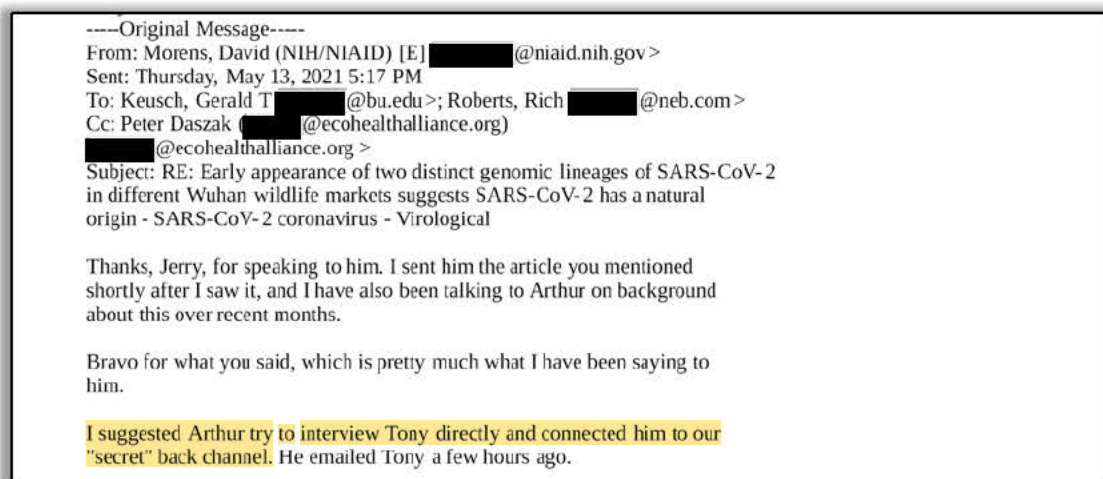


Exhibit 2: May 13, 2021 e-mail from Dr. Morens⁷



⁶ E-Mail from David Morens, M.D., Senior Advisor, Nat'l Inst. of Allergy & Infectious Diseases, Nat'l Insts. of Health, to Peter Daszak, Ph.D., et. al. (Apr. 21, 2021) (BU02535).

⁷ E-Mail from David Morens, M.D., Senior Advisor, Nat'l Inst. of Allergy & Infectious Diseases, Nat'l Insts. of Health, to Gerald Keusch, M.D., et. al. (May 13, 2021) (MORENS_SUBPOENA 014975).

Exhibit 3: April 22, 2021 e-mail from Dr. Morens⁸

If i had to bet, i would guess that beneath Tony's macho I-am-not-worried reaction he really is concerned. And whatever the case he should be very concerned about what happened to Peter, to our research portfolio in an extremely important area, and to scientific independence

He did not know about either the Miller Commission or the letter from Rep Rogers which **i emailed to him on gmail later**

I also commented that Lauer's letters to you Peter, and the Rogers letter to you, had alot of overlap and seemed to reflect input of at least one scientist, whether or not one of our grantees. In other words, i feel that regarding those letters someone or someones are working in cahoots with the politicians who wish to do harm to NIH. He didn't seem particularly troubled by that.

MORENS_SUBPOENA_019654

In the end he said thanks for filling me in and asked me to call him on his private cell phone (which is what i normally do anyway) if i hear anything that might be important

So, i am not sure where things stand. I absolutely DO feel that it would be a good thing if one of you luminaries were to approach him and try to make sure he understood what is going on out there, and perhaps discuss what the larger community of scientists can do to lock arms in unity and push back.

David

Sent from my iPhone
David M Morens
OD, NIAID, NIH

⁸ E-Mail from David Morens, M.D., Senior Advisor, Nat'l Inst. of Allergy & Infectious Diseases, Nat'l Insts. of Health, to Gerald Keusch, M.D., et. al. (Apr. 22, 2021) (MORENS_SUBPOENA 019654).

III. Dr. Morens Used Personal E-Mail Accounts To Avoid Accountability and Transparency.

Evidence in possession of the Select Subcommittee suggests that Dr. Morens displayed a systemic and troubling pattern of avoiding transparency by routinely directing others to communicate with him via a personal e-mail address to avoid the Freedom of Information Act (FOIA). Dr. Morens went so far as to explicitly instruct them to use his personal e-mail when “addressing the Daszak grant.”⁹ A grant awarded by NIAID and overseen by NIH.

Additionally, Dr. Morens apparently took steps, with the assistance of NIH FOIA officers, to shield his official e-mails from public transparency.

Further, Dr. Morens regularly forwarded internal NIH and NIAID communications from his NIH email address to his personal Gmail address. He passed along this information from his personal Gmail to other scientists, including Dr. Peter Daszak of EcoHealth Alliance, Inc. (EcoHealth). And Dr. Morens actively assisted Dr. Daszak in navigating and subverting the grant process to reinstate EcoHealth’s grant following its cancelation by Dr. Michael Lauer at NIH.

Finding: Dr. Morens instructed others to use his personal e-mail to avoid the Freedom of Information Act (FOIA).

Dr. Morens systemically instructed others that he communicated with, specifically surrounding NIH actions regarding EcoHealth or Dr. Daszak, to use his personal e-mail. Contrary to Dr. Morens’ previous testimony, this instruction was not to discuss “personal matters” with Dr. Daszak but was to avoid transparency to the American people.

Exhibit 1: November 19, 2021 e-mail from Dr. Morens¹⁰

From: David Morens [REDACTED]@gmail.com >
Sent: Friday, November 19, 2021 5:05 PM
To: Keusch, Gerald T [REDACTED]@bu.edu >
Subject: Re: Wpost: NIH director: 'Conspiracies are winning here'

Good news, keep it up.

I had a long off the record chat with PBS Newshours’s Nick Schifrin this morning. The craziness is receding at least a bit.

I forgot to clarify in my email yesterday that BOTH my gmail and phone calls are now safe. Text is NOT, as it can be FOIA’d, as can my govt email.

So you and Peter and others should be able to email me on gmail only, with the caveat that no other govt. employee is copied at a govt address, as all govt emails are potentially FOIA’able.

MORENS_SUBPOENA_023134

⁹ E-Mail from David Morens, M.D., Senior Advisor, Nat’l Inst. of Allergy & Infectious Diseases, Nat’l Insts. of Health, to Phillip Rosenthal, M.D., et. al. (July 5, 2020) (MORENS_SUBPOENA 007355).

¹⁰ E-Mail from David Morens, M.D., Senior Advisor, Nat’l Inst. of Allergy & Infectious Diseases, Nat’l Insts. of Health, to Gerald Keusch, M.D. (Nov. 19, 2021) (MORENS_SUBPOENA 023134).

Exhibit 2: April 26, 2020 e-mail from Dr. Morens¹¹

Date: Sun, 26 Apr 2020 11:46:46 AM -0400
Sent: Sun, 26 Apr 2020 11:46:45 AM -0400
Subject: Re: PLEASE READ -- Re: Please read and acknowledge receipt -- Actions needed regarding 2R01A110964-06
From: David Morens [REDACTED]@gmail.com >
To: Peter Daszak [REDACTED]@ecohealthalliance.org>; [REDACTED]@bu.edu;

Jerry and Peter,

This is sent from my gmail account. Please send all replies here To gmail

I have let Tony know but have not spoken to him directly. There are things I can't say except Tony is aware and I have learned that there are ongoing efforts within NIH to steer through this with minimal damage to you, Peter, and colleagues, and to nih and niaid. No guarantees, but let us hope. I imagine this will be handled at the level of Francis and Tony, within nih, and I don't expect to be in the loop.

I don't have any insight into what happened or how it happened, but the fact that your termination letter came from "Building 1", that is, the NIH directors office, and not from NIAID, is telling

Whatever is going on, I very much doubt that Tony or any of our niaid leadership would willfully throw you under the bus, or any grantee, for that matter. Indeed, I expect we would do everything possible to protect you. I have reason to believe that there are already efforts going on to protect you

Exhibit 3: May 12, 2020 e-mail from Dr. Morens¹²

Date: Tue, 12 May 2020 6:38:18 PM -0400
Sent: Tue, 12 May 2020 6:38:17 PM -0400
Subject: Fwd: NIH termination of research grant
From: David Morens [REDACTED]@gmail.com >
To: Gerald Keusch [REDACTED]@bu.edu>;

Jerry, my private gmail account is where i sent this from, after forwarding to myself from my nih account

Please try to send only to my gmail, as we were doing a couple weeks ago. But i messed up a few times and sent from my nih acct, because on my phone the two are merged, and then when you respond by hitting reply it goes to nih

After some recent issues, i am going to try to strictly use only my gmail in these discussions, that is, [REDACTED]@gmail.com

TY, david

Sent from my iPhone
David M Morens
OD, NIAID, NIH
Begin forwarded message:

¹¹ E-Mail from David Morens, M.D., Senior Advisor, Nat'l Inst. of Allergy & Infectious Diseases, Nat'l Insts. of Health, to Peter Daszak, Ph.D., et. al. (Apr. 26, 2020) (MORENS_SUBPOENA 011613).

¹² E-Mail from David Morens, M.D., Senior Advisor, Nat'l Inst. of Allergy & Infectious Diseases, Nat'l Insts. of Health, to Gerald Keusch, M.D., (May 12, 2020) (MORENS_SUBPOENA 008135).

Finding: Dr. Morens employed the NIH FOIA and Information Technology offices to assist him in shielding official records from public transparency.

In addition to using a personal e-mail to avoid FOIA, Dr. Morens also stated that the NIH FOIA office assisted in these attempts to shield official records from the American public.

Exhibit 1: February 24, 2021 e-mail from Dr. Morens¹³

On Feb 24, 2021, at 9:21 AM, David Morens <[REDACTED]@gmail.com> wrote:

You are right, i need to be more careful. However, as i mentioned once before, i learned from our foia lady here how to make emails disappear after i am foia'd but before the search starts, so i think we are all safe. Plus i deleted most of those earlier emails after sending them to gmail. D

Sent from my iPhone
David M Morens
OD, NIAID, NIH

Exhibit 2: November 18, 2021 e-mail from Dr. Morens¹⁴

Date: Thu, 18 Nov 2021 5:06:31 PM -0500
Subject: Re: Opinion for WaPo
From: David Morens [REDACTED]@gmail.com >
To: Keusch, Gerald T [REDACTED]@bu.edu >

Jerry,

I am updating you on my computer and gag order situation.

With the help of our IT folks, I went over the whole computer and phone situation. They loaded some ant-hacking software on my phone and discussed the situation with me.

Basically, my gmail is now safe from FOIA and hacking on all of my devices, including government computer and phone, and my private computer and iPad.

Thus it should be safe to communicate safely with you, Peter, and others, as long as we use my private gmail.

You may have noticed that I have intentionally forwarded you news clips I get daily, sent from my govt email, but that is ok as long as you don't reply to that email. I have done this because this should not show up in a FOIA, is innocuous as it's just forwarding a third party item already in the public domain, and because it saves me forwarding to my own gmail and then on to you.

Please pass this on to Peter and I ask you both that NOTHING gets sent to me except to my gmail, and make sure that what gets sent to my gmail doesn't have a cc to another government employee who could be FOIA'd.

¹³ E-Mail from David Morens, M.D., Senior Advisor, Nat'l Inst. of Allergy & Infectious Diseases, Nat'l Insts. of Health, to Gerald Keusch, M.D., et. al. (Feb. 24, 2021) (MORENS_SUBPOENA 012513).

¹⁴ E-Mail from David Morens, M.D., Senior Advisor, Nat'l Inst. of Allergy & Infectious Diseases, Nat'l Insts. of Health, to Gerald Keusch, M.D. (Nov. 18, 2021) (MORENS_SUBPOENA 000219).

Exhibit 3: November 11, 2021 e-mail from Dr. Morens¹⁵

>
 >> On Thu, Nov 11, 2021 at 3:21 PM David Morens [REDACTED]@gmail.com > wrote:
 >>
 >> Jerry, thanks, I will take a look now, and get back to you.
 >>
 >> On another subject I think I have the info and input from IT that I
 >> need to be able to communicate safely using ONLY gmail. More on that
 >> later. david David M. Morens, [REDACTED]
 >> [REDACTED]
 >> [REDACTED]
 >>
 >> [REDACTED]@gmail.com
 >> [REDACTED] (work)
 >> [REDACTED] (cell)

Exhibit 4: February 25, 2021 e-mail from Dr. Morens¹⁶

-----Original Message-----
 From: Morens, David (NIH/NIAID) [E] [REDACTED]@gmail.com >
 Sent: Thursday, February 25, 2021 12:06 PM
 To: Keusch, Gerald T [REDACTED]@bu.edu >
 Cc: Peter Daszak ([REDACTED]@ecohealthalliance.org)
 [REDACTED]@ecohealthalliance.org >
 Subject: Re: Briefing Tony

It's more in the line of govt secret, but too complicated to explain in an email. But I learned the tricks last year from an old friend, Marg Moore, who heads our FOIA office and also hates FOIAs.

MORENS_SUBPOENA_015237

Incidentally, Tony and I and a few other people here all got a huge FOIA yesterday seeking any and all documents, emails, etc., that mention the words "Wuhan Institute" or "WIV". It appears that this comes from folks tied to politics, who want specifically to know about anything NIH has had to do with WIV, or any scientists working with WIV. The original request was I think far broader, but we negotiated it down to just those two terms. You names will not show up in this FOIA, at least not from my info. d

--
 david..... PS, I will be on Public Health Service deployment from 10 December 2020 until 23 January 2021. During this time I will have limited access to email and phone contact. Ty, dmm

¹⁵ E-Mail from David Morens, M.D., Senior Advisor, Nat'l Inst. of Allergy & Infectious Diseases, Nat'l Insts. of Health, to Gerald Keusch, M.D., (Nov. 11, 2021) (MORENS_SUBPOENA 018901).

¹⁶ E-Mail from David Morens, M.D., Senior Advisor, Nat'l Inst. of Allergy & Infectious Diseases, Nat'l Insts. of Health, to Gerald Keusch, M.D., et. al. (Feb. 25, 2021) (MORENS_SUBPOENA 015237).

Finding: Dr. Morens provided Dr. Daszak, President of EcoHealth, with inside information regarding NIH operations.

Dr. Morens, by virtue of his position of public trust within the Office of the Director of NIAID, was privy to information that the general public was not. This included information regarding upcoming documents being released via FOIA, specifically surrounding the origins of COVID-19 and EcoHealth. Dr. Morens, to the benefit of Dr. Daszak, would forward information regarding internal NIAID FOIA processes—and the underlying documents themselves—to Dr. Daszak. This provided Dr. Daszak with inside information that he would otherwise not have access to.

Exhibit 1: *April 28, 2020 e-mail and attachment marked FOUO (For Official Use Only) from Dr. Morens¹⁷*

Date: Tue, 28 Apr 2020 6:37:58 AM -0400
Subject: Re: Politico story
From: David Morens [REDACTED]@gmail.com >
To: Keusch, Gerald T [REDACTED]@bu.edu >;
CC: Peter Daszak [REDACTED]@ecohealthalliance.org >; [REDACTED]@dgtwo.com; Aleksei Chmura [REDACTED]@ecohealthalliance.org >;
Attachments: NIAID COVID-19 Full Weekly Update 4.27.20.docx

this and prior email, [re new NIAID implementation plan](#), released last night d
 Let me know if you got these docs, am having trouble with home gmail david
 David M. Morens, MD
 Stonehall, No. 800
 8302 Woodmont Avenue
 Bethesda, Maryland 20814

[REDACTED]@gmail.com
 (work)
 (cell)

IMPORTANT: My gmail frequently sends incoming messages to Trash, which is apparently not correctable. If you don't hear from me in a reasonable time, please try again, call, or use my NIH email address

IMPORTANT: For US Government-related email, please also reply to my NIAID address

¹⁷ E-Mail from David Morens, M.D., Senior Advisor, Nat'l Inst. of Allergy & Infectious Diseases, Nat'l Insts. of Health, to Gerald Keusch, M.D., et. al. (Apr. 28, 2020) (MORENS_SUBPOENA 007254).



April 27, 2020

NIAID SARS-CoV-2 Research Updates

Contents

DIR Updates2

DMID/DAIT Updates18

DCR Updates68

VRC Updates71

FOUO

Page 1 of 74

MORENS SUBPOENA 007257

Exhibit 2: September 5, 2021 e-mail from Dr. Morens¹⁸

From: Morens, David (NIH/NIAID) [E] [redacted]@gmail.com >
Sent: Sunday, September 5, 2021 1:34 PM
To: Peter Daszak [redacted]@ecohealthalliance.org >; Robert Kessler [redacted]@ecohealthalliance.org >; Keusch, Jerry <[redacted]@bu.edu>
Subject: Re: FW: ASF -- foia

But I think that's the important thing: since there is nothing to find, there is little they can do with it. Maybe at some point these nutters will move on to another conspiracy.... d

On 9/5/2021 1:19 PM, Peter Daszak wrote:

Thanks for the heads-up. The 900 pages of grant material I think is the stuff we've been processing through with our lawyers. It includes the full proposal for our grant in China, reports etc. as well as our current U01. It's extremely upsetting that these will now be dragged through the mud, but the truth is, there's nothing unusual or embarrassing in there – everything is completely normal and above board, and both were highly scored by reviewers.

MORENS_SUBPOENA_022156

¹⁸ E-Mail from David Morens, M.D., Senior Advisor, Nat'l Inst. of Allergy & Infectious Diseases, Nat'l Insts. of Health, to Peter Daszak, Ph.D., et. al. (Sept. 5, 2021) (MORENS_SUBPOENA 022157).

In my view, this sort of stuff isn't going to get them the same level of interest that it did at the beginning of summer, so hopefully this will be another non-event, but let's see what drama they can dream up from it.

Cheers,

Peter

Peter Daszak
President

EcoHealth Alliance
520 Eighth Avenue, Suite 1200
New York, NY 10018-6507
USA

Tel. [REDACTED]
Website: www.ecohealthalliance.org
Twitter: [@PeterDaszak](https://twitter.com/PeterDaszak)

EcoHealth Alliance develops science-based solutions to prevent pandemics and promote conservation

From: Morens, David (NIH/NIAD) [E] [REDACTED]@gmail.com>
Sent: Sunday, September 5, 2021 1:07 PM
To: Peter Daszak [REDACTED]@ecohealthalliance.org>; Robert Kessler [REDACTED]@ecohealthalliance.org>; Keusch, Jerry [REDACTED]@bu.edu>
Subject: Fwd: FW: ASF --- foia

Peter, have a stiffdrink before you read. But do not worry, this is thd new normal and there will be no "there" there..... d

----- Forwarded Message -----

Subject: FW: ASF --- foia
Date: Sun, 5 Sep 2021 16:57:49 -0000
From: Morens, David (NIH/NIAD) [E] [REDACTED]@niaid.nih.gov>
To: David Morens [REDACTED]@gmail.com [REDACTED]@gmail.com >

David

David M. Morens, M.D.
CAPT, United States Public Health Service
Senior Advisor to the Director
Office of the Director
National Institute of Allergy and Infectious Diseases
National Institutes of Health
Building 31, Room 7A-03
31 Center Drive, MSC 2520
Bethesda, MD 20892-2520
[REDACTED] (assistant: Whitney Robinson)

MORENS_SUBPOENA_022157

● [REDACTED]

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From: Folkers, Greg (NIH/NIAID) [E] [REDACTED]@niaid.nih.gov>
Sent: Friday, September 3, 2021 9:29 AM
To: NIAID OD AM [REDACTED]@niaid.nih.gov>
Subject: RE: ASF -- foia

Further on FOIA

900 pages of EcoHealth Alliance grant materials are going out (with redactions) today under a lawsuit with First Look Institute (The Intercept). In OD.

ASF -- I do not think you need to look at this

Also, as folks may be aware, and apropos of my email late last night, Congress does not have to go through the FOIA. So the tranche from last night was not in the usual NIH FOIA channel.

From: Folkers, Greg (NIH/NIAID) [E]
Sent: Friday, September 3, 2021 12:09 AM
To: [REDACTED]@niaid.nih.gov; [REDACTED]@niaid.nih.gov>
Subject: ASF -- foia

We have closely monitored foia document releases with an eye toward items that are new/different/potentially problematic in terms of people using them to cause mischief. Nothing recently has fallen into those categories

NOW -- What is new and will be released soon, perhaps tomorrow

Unredacted emails requested by minority members of House Committee on Oversight and Reform

In OD, please see

HOCR minority requested emails

9/2/2021 9:03 PM

ASF I think it would be helpful for you to eyeball all the redacted emails now being released in un-redacted form. For instance, for this entry, look at: at the top one

- NIH 2157 - 2161
- NIH 2157 - 2161 redacted

We have gone through these, and the ones that might be worth a first look are:

MORENS_SUBPOENA_022158

- 2157-2161
- 2314-2324
- #14 and 15

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MORENS_SUBPOENA_022159

Exhibit 3: May 28, 2021 e-mail from Dr. Morens¹⁹

Date: Fri, 28 May 2021 6:37:33 PM -0400
Sent: Fri, 28 May 2021 6:33:51 PM -0400
Subject: RE: FW: OGC has placed a temporary hold on all releases having to do with EcoHealth Alliance/Wuhan Institute of Virology
From: Peter Daszak [REDACTED]@ecohealthalliance.org >
To: Morens, David (NIH/NIAID) [E] [REDACTED]@gmail.com>; keusch, Jerry [REDACTED]@bu.edu>; Roberts, Rich [REDACTED]@neb.com>;
Attachments: image001.gif; image002.jpg; image003.png

Sounds like good news to me. On a cynical note, I suspect HHS is doing this because they feel that Tony Fauci & Francis Collins are under pressure, and they don't want more mud to be slung around, even if it's mis-quoted, out-of-context garbage from our grants etc.

Frankly, I think it was prob a mistake to allow anything of EHAs to be FOIA'd in the first place, given that these conspiracy folks are just pulling things completely out of context and feeding them to people like Rand Paul and other nut-jobs. Again, it's a case of HHS, NIH not stepping up in anyway at all to defend an organization they fund that was already under attack thanks to their actions.

The US Right to Know chief was bragging on Twitter last week that they'd filed 70!! FOIA requests related to Wuhan, EcoHealth, NIH etc.

Cheers,

Peter

Peter Daszak
President

EcoHealth Alliance
 520 Eighth Avenue, Suite 1200
 New York, NY 10018-6507
 USA

Tel.: [REDACTED]
 Website: www.ecohealthalliance.org
 Twitter: @PeterDaszak

EcoHealth Alliance develops science-based solutions to prevent pandemics and promote conservation

From: Morens, David (NIH/NIAID) [E] [REDACTED]@gmail.com >
Sent: Friday, May 28, 2021 2:55 PM
To: Peter Daszak [REDACTED]@ecohealthalliance.org>; keusch, Jerry [REDACTED]@bu.edu>; Roberts, Rich [REDACTED]@neb.com>
Subject: Fwd: FW: OGC has placed a temporary hold on all releases having to do with EcoHealth Alliance/Wuhan Institute of Virology

From our FOIA office. Not clear what it means....d

MORENS_SUBPOENA_015820

¹⁹ E-Mail from David Morens, M.D., Senior Advisor, Nat'l Inst. of Allergy & Infectious Diseases, Nat'l Insts. of Health, to Peter Daszak, Ph.D., et. al. (May 28, 2021) (MORENS_SUBPOENA 015820).

----- Forwarded Message -----

Subject: FW: OGC has placed a temporary hold on all releases having to do with EcoHealth Alliance/Wuhan Institute of Virology

Date: Fri, 28 May 2021 18:52:24 +0000

From: Morens, David (NIH/NIAID) [E] [REDACTED]@niaid.nih.gov >

To: David Morens [REDACTED]@gmail.com [REDACTED]@gmail.com >

David

David M. Morens, M.D.
CAPT, United States Public Health Service
Senior Advisor to the Director
Office of the Director
National Institute of Allergy and Infectious Diseases
National Institutes of Health
Building 31, Room 7A-03
31 Center Drive, MSC 2520
Bethesda, MD 20892-2520

- [REDACTED] (assistants: Kimberly Barasch; Whitney Robinson)
- [REDACTED]
- [REDACTED]@nih.gov

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From: Folkers, Greg (NIH/NIAID) [E] [REDACTED]@niaid.nih.gov >

Sent: Friday, May 28, 2021 10:39 AM

To: NIAID OD AM [REDACTED]@niaid.nih.gov >

Subject: FW: OGC has placed a temporary hold on all releases having to do with EcoHealth Alliance/Wuhan Institute of Virology

Importance: High

MORENS_SUBPOENA_015821

From: Moore, Marg (NIH/NIAID) [E] [REDACTED]@niaid.nih.gov >
Sent: Friday, May 28, 2021 10:38 AM
To: NIAID COGCORE [REDACTED]@mail.nih.gov >
Subject: FW: OGC has placed a temporary hold on all releases having to do with EcoHealth Alliance/Wuhan Institute of Virology
Importance: High

FYI

From: Lampe, Karen (NIH/OD) [E] [REDACTED]@nih.gov >
Sent: Friday, May 28, 2021 10:33 AM
To: NIH FOIA [REDACTED]@od.nih.gov >; Manheim, Marianne (NIH/NHLBI) [E] [REDACTED]@nih.gov >; Schofield, Robin (NIH/NIAID) [E] [REDACTED]@nih.gov >; Moore, Marg (NIH/NIAID) [E] [REDACTED]@niaid.nih.gov >; Milliard, Suzanne (NIH/NCI) [E] [REDACTED]@mail.nih.gov >; Peterson, Trevor (NIH/NEI) [E] [REDACTED]@nih.gov >; Blansfield, Earl (NIH/NICHD) [E] [REDACTED]@nih.gov >; Webb, Ginger (NIH/NIDCD) [E] [REDACTED]@mail.nih.gov >; Stabile, Regina (NIH/NIEHS) [E] [REDACTED]@nih.gov >; Alberts, Lisa (NIH/NIMH) [E] [REDACTED]@mail.nih.gov >; Glasford-Clarke, Margaret (NIH/OD) [E] [REDACTED]@mail.nih.gov >; Woodson, Holly (NIH/OD/ORS) [E] [REDACTED]@nih.gov >; Thomas, Gina (NIH/OD) [E] [REDACTED]@od.nih.gov >
Cc: Garcia-Malene, Gorka (NIH/OD) [E] [REDACTED]@nih.gov >; Bartok, Lauren (NIH/NIAID) [E] [REDACTED]@nih.gov >; Yan, Hawyee (NIH/OD) [E] [REDACTED]@nih.gov >
Subject: OGC has placed a temporary hold on all releases having to do with EcoHealth Alliance/Wuhan Institute of Virology
Importance: High

Good morning all,

We have just received word from HHS Oversight via OGC that we should **not release anything having to do with EcoHealth Alliance/WIV**. We don't have any more information at the moment but hope to know more by Tuesday. Let me know if you have any questions.

Thanks,

Karen E. R. Lampe, Ph.D.
 Freedom of Information Office
 National Institutes of Health
 karen.lampe@nih.gov



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MORENS_SUBPOENA_015822

IV. Dr. Morens Potentially Intentionally Deleted Official Records.

Evidence in possession of the Select Subcommittee suggests that Dr. Morens, on numerous occasions, knowingly and willingly attempted to or actually deleted official records.

Finding: Dr. Morens stated, on numerous occasions, that he intentionally deleted official records.

Dr. Morens routinely expressed to others, especially Dr. Daszak, that he would delete any official records that may be sensitive—meaning harmful to Dr. Daszak. Further, Dr. Morens affirmatively stated that he did in fact delete records.

In addition to Dr. Fauci’s possible personal e-mail use discussed above, Dr. Morens also implies that Dr. Fauci also deleted official records. Again, if true, this raises serious questions of whether Dr. Fauci took part in a conspiracy amongst the highest levels of NIAID to destroy official records regarding the origins of COVID-19.

Exhibit 1: October 5, 2021 e-mail from Dr. Morens²⁰

From: David Morens [REDACTED]@gmail.com>
Sent: Tuesday, October 5, 2021 6:28 PM
To: Peter Daszak [REDACTED]@ecohealthalliance.org >
Subject: Re: Talking with Elizabeth Warren's staff

Peter, i just got news that a foia picked up an email i sent you saying that tony commented he was braindead, jokingly of course. However, Ron Johnson is all over it and now after me. Tony will be pissed, rightly so. I deleted that email but i now learn that every email i ever got/sent since 1998 is captured and will be turned over, whether or not i instantly deleted it.

Gmail, phone, text.... i need to scrupulously rely on those exclusively. d

Sent from my iPhone
 David MMorens
 OD, NIAID, NIH

Exhibit 2: June 16, 2020 e-mail from Dr. Morens²¹

Date: Tue, 16 Jun 2020 2:22:55 PM -0400
Sent: Tue, 16 Jun 2020 2:22:54 PM -0400
Subject: Re: Two reporters might contact you in the next couple of weeks.
From: "Morens, David (NIH/NIAID) [E]" [REDACTED]@gmail.com>
To: Peter Daszak [REDACTED]@ecohealthalliance.org >;
CC: Gerald Keusch [REDACTED]h@bu.edu>; Robert Kessler [REDACTED]@ecohealthalliance.org>; Aleksei Chmura [REDACTED]@ecohealthalliance.org>;

The FOIAs are dreadful and paranoia-inducing. In the old days we had to do them ourselves, by hand. I mean finding and printing out thousands of emails coming in and going out. Now they sometimes FOIA text messages too. Many FOIAs turn up thousands of pages of docs, and of course, most of meaningless. We are all smart enough to know to never have smoking guns, and if we did we wouldn't put them in emails and if we found them we'd delete them. In my 22 years at NIAID I have never seen a FOIA that turned up useful information d

²⁰ E-Mail from David Morens, M.D., Senior Advisor, Nat'l Inst. of Allergy & Infectious Diseases, Nat'l Insts. of Health, to Peter Daszak, Ph.D., Pres., EcoHealth Alliance, Inc. (Oct. 5, 2021) (MORENS_SUBPOENA 011538).

²¹ E-Mail from David Morens, M.D., Senior Advisor, Nat'l Inst. of Allergy & Infectious Diseases, Nat'l Insts. of Health, to Peter Daszak, Ph.D., et. al. (June 16, 2020) (MORENS_SUBPOENA 008588).

Exhibit 3: June 28, 2021 e-mail from Dr. Morens²²

On Jun 28, 2021, at 4:10 PM, Morens, David (NIH/NIAID) [E] [REDACTED]@gmail.com wrote:

Sorry! On 18 April 2020, Peter Daszak emailed me and Tony, congratulating Tony on standing up for science. That email somehow fell into the hands of the Congressman, probably via a FOIA of someone who didn't delete it, as I did (delete all of Peter's emails and others relating to origin) when the shit

BU04541

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started hitting the fan.

Anyway the Congressman got a copy of Peter D's email from someone at NIH, and he now wants to get any reply Tony and I or anyone else may have sent back to Peter. Mine was erased long ago (I verified that today) and I feel pretty sure Tony's was too. The best way to avoid FOIA hassles is to delete all emails when you learn a subject is getting sensitive... In any case, there is nothing here except opportunities to hassle, harrass, and huff and puff....

d

²² E-Mail from David Morens, M.D., Senior Advisor, Nat'l Inst. of Allergy & Infectious Diseases, Nat'l Insts. of Health, to Peter Hotez, M.D., et. al. (June 28, 2021) (BU04541).

V. Dr. Morens Undermined NIH Efforts to Oversee EcoHealth Alliance, Inc.

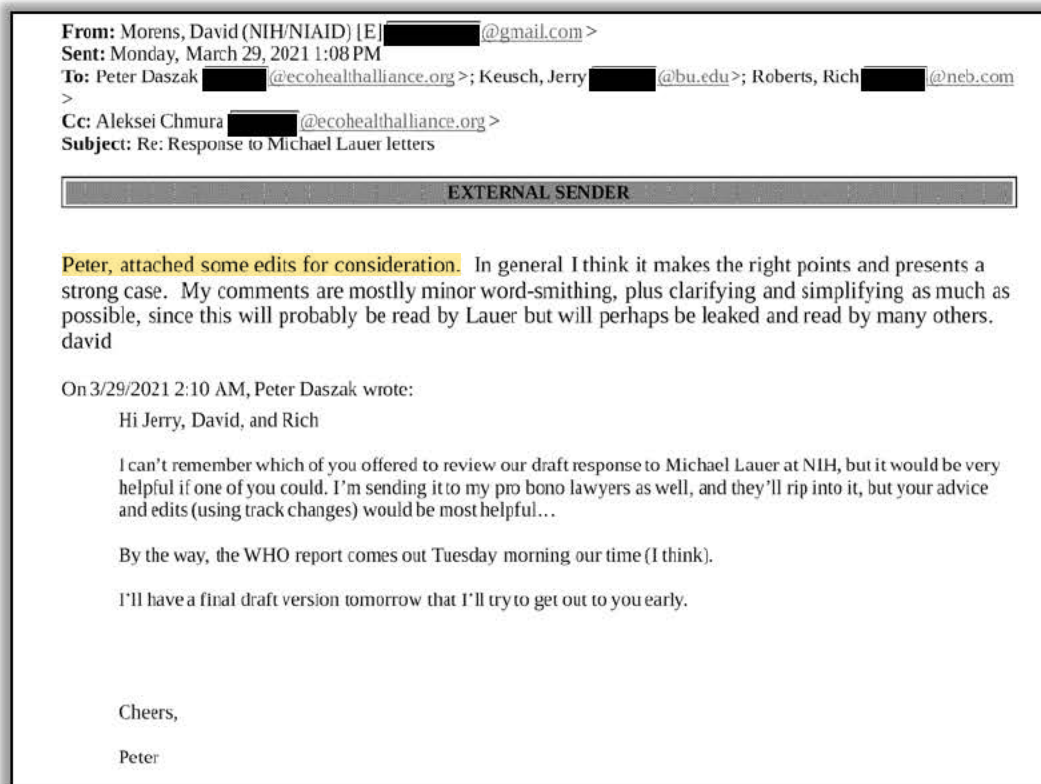
Evidence in possession of the Select Subcommittee suggests that Dr. Morens, while employed by NIAID and NIH acted as an agent on behalf of a federal grantee, EcoHealth. While acting as EcoHealth's agent, Dr. Morens routinely advocated for EcoHealth to receive federal funding, assisted EcoHealth in responding to NIH compliance investigations, and was in direct communication with EcoHealth's Board of Directors regarding the status of NIH funding.

Finding: Dr. Morens assisted EcoHealth and Dr. Daszak in responding to active and ongoing NIH compliance efforts.

Shortly after April 24, 2020, when NIH first terminated EcoHealth's grant, Dr. Morens began assisting Dr. Daszak in how to respond to NIH compliance efforts. Dr. Morens went so far as to edit both letters EcoHealth sent back to NIH and EcoHealth's press releases regarding the termination. Additionally, as a NIAID employee, Dr. Morens advocated directly to EcoHealth's Board of Directors to reassure them that EcoHealth would have its funding restored.

Finally, and concerningly, after EcoHealth was awarded a new grant in August of 2020, Dr. Morens emailed Dr. Daszak and asked for a kickback.

Exhibit 1: March 29, 2021 e-mail from Dr. Morens²³



²³ E-Mail from David Morens, M.D., Senior Advisor, Nat'l Inst. of Allergy & Infectious Diseases, Nat'l Insts. of Health, to Peter Daszak, Ph.D., et. al. (Mar. 29, 2021) (MORENS_SUBPOENA 013382).

Exhibit 2: October 25, 2021 e-mail from Dr. Morens²⁴

Date: Mon, 25 Oct 2021 6:37:15 AM -0400
Sent: Mon, 25 Oct 2021 6:36:35 AM -0400
Subject: RE: Short version of our response to NIH - bullets for sharing.
From: Peter Daszak [REDACTED]@ecohealthalliance.org >
To: David Morens [REDACTED]@gmail.com >;
CC: Keusch, Gerald T [REDACTED]@bu.edu>; Aleksei Chmura [REDACTED]@ecohealthalliance.org>;

Thanks for the comments David – I’ll incorporate them today.

Cheers,

Peter

Peter Daszak
President

EcoHealth Alliance
520 Eighth Avenue, Suite 1200
New York, NY 10018-6507
USA

Tel.: [REDACTED]
Website: www.ecohealthalliance.org
Twitter: @PeterDaszak

EcoHealth Alliance develops science-based solutions to prevent pandemics and promote conservation

From: David Morens [REDACTED]@gmail.com >
Sent: Monday, October 25, 2021 6:31 AM
To: Peter Daszak [REDACTED]@ecohealthalliance.org >
Cc: Keusch, Gerald T [REDACTED]@bu.edu>; Aleksei Chmura [REDACTED]@ecohealthalliance.org >
Subject: Re: Short version of our response to NIH - bullets for sharing.

Peter, this is an excellent draft. I will suggest some wordsmithing tweets later today. d

Sent from my iPhone
David M Morens
OD, NIAID, NIH

On Oct 25, 2021, at 00:22, Peter Daszak [REDACTED]@ecohealthalliance.org > wrote:

David,

Attached is a single sheet with bullets explaining why Dr. Tabak was wrong and hopefully convincing folks at NIH to stop criticizing EHA’s reporting compliance.

Please don’t share the full letter yet – we’ll edit that and get it to NIH by Tuesday hopefully.

I’m also worried that folks at NIH might use it to further twist the knife so they can avoid looking like they made a mistake

MORENS_SUBPOENA_014241

²⁴ E-Mail from David Morens, M.D., Senior Advisor, Nat’l Inst. of Allergy & Infectious Diseases, Nat’l Insts. of Health, to Peter Daszak, Ph.D., et. al. (Oct. 25, 2021) (MORENS_SUBPOENA 014241).

- which they did!

Cheers,

Peter

Peter Daszak
President

EcoHealth Alliance
520 Eighth Avenue, Suite 1200
New York, NY 10018-6507
USA

Tel.: [REDACTED]
Website: www.ecohealthalliance.org
Twitter: [@PeterDaszak](https://twitter.com/PeterDaszak)

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MORENS_SUBPOENA_014242

Cheers,

Peter

Peter Daszak

President

EcoHealth Alliance

460 West 34th Street

New York, NY 10001

USA

Tel.: [REDACTED]

Website: www.ecohealthalliance.org

Twitter: [@PeterDaszak](https://twitter.com/PeterDaszak)

EcoHealth Alliance develops science-based solutions to prevent pandemics and promote conservation

MORENS_SUBPOENA_007205

Exhibit 4: October 25, 2021 e-mail from Dr. Morens²⁶**BOSTON UNIVERSITY CONFIDENTIAL TREATMENT REQUESTED**

From: [Keusch, Gerald T](#)
To: [Peter Daszak](#)
Cc: [Aleksei Chmura](#)
Subject: RE: Draft response to Michael Lauer - please review
Date: Monday, October 25, 2021 4:25:00 PM

I just spent some time on the phone with David. He is concerned about the privacy of text and other messages from his cell phone to you and me because he has been using a government phone which permits personal conversations as well. So even things via gmail sent and received on his cell phone could be FOIA'able. This came from Tony in their conversation this morning.

David has multiple things going on this week, including medical appointments, closing on house, and the need to get himself a personal smart phone, and Tony has told him not to be in touch with you and EHA for the time being. He will stay connected to me and via me to you. He wanted to reiterate a couple of things. First, on the timeline to make it more specific with dates and details. Getting in touch with Stemmy is really important and being sure he is well informed, acknowledges the timeline and the communications you mention, and is on board because he will certainly be questioned. He also suggested that you discuss with him the need for NIH to check the records and to confirm when documents were filed and acknowledged. And that when you were aware that it was necessary to file the 5 year report the system shut you out and you presumed that was normal process as you were then into the new grant year 1.

Jerry

From: David Morens [REDACTED]@gmail.com>
Sent: Monday, October 25, 2021 9:36 AM
To: Peter Daszak [REDACTED]@ecohealthalliance.org>
Cc: Keusch, Gerald T [REDACTED]@bu.edu>; Aleksei Chmura [REDACTED]@ecohealthalliance.org>
Subject: Re: Draft response to Michael Lauer - please review

Peter, i will be meeting with Tony about this later on

Does Stemmy know about this new timeline and will he back you up, including the problem with being shut out of the electronic report system? d

Sent from my iPhone

BU10302

²⁶ E-Mail from David Morens, M.D., Senior Advisor, Nat'l Inst. of Allergy & Infectious Diseases, Nat'l Insts. of Health, to Peter Daszak, Ph.D., et. al. (Oct. 25, 2021) (BU10302).

BOSTON UNIVERSITY CONFIDENTIAL TREATMENT REQUESTED

David M Morens
OD, NIAID, NIH

On Oct 25, 2021, at 06:37, Peter Daszak [REDACTED]@ecohealthalliance.org> wrote:

Yes – I think you’re right. I’m trying to walk the line in this letter between clearly stating that EcoHealth didn’t breach reporting requirements, and not causing any damage to NIH, but I do have to respond if they’re going to be out there with comments to the press like Francis who is quoted in the Washington Post as saying there’ll be consequences for us for ‘messaging up’:

The grant to EcoHealth has been suspended, Collins said Thursday. “They messed up here. There’s going to be some consequences for EcoHealth,” he said. But he also said that, had the experimental result been reported earlier, “it would not have been a reason to sort of hit the panic button and say my god this is dangerous stuff.”

<https://www.washingtonpost.com/health/2021/10/21/nih-ecohealth-alliance-coronavirus/>

I get it that the consequences may not amount to much, but if the public is being told we did risky research and didn’t monitor it well, they’ll not support us if NIH cancels all our funding.

Please tell Francis, Tony, Dr. Tabak and all that my whole family is being affected when they read comments like this in the press. The toll is awful, and the language they are using is just not fair. We’re a [REDACTED] a year non-profit – they represent NIH.

Cheers,

Peter

Peter Daszak
President

EcoHealth Alliance
520 Eighth Avenue, Suite 1200

BU10303

BOSTON UNIVERSITY CONFIDENTIAL TREATMENT REQUESTED

New York, NY 10018-6507
USA

Tel.: [REDACTED]
Website: www.ecohealthalliance.org
Twitter: [@PeterDaszak](https://twitter.com/PeterDaszak)

EcoHealth Alliance develops science-based solutions to prevent pandemics and promote conservation

From: David Morens [REDACTED] <[\[REDACTED\]@gmail.com](mailto:[REDACTED]@gmail.com)>
Sent: Monday, October 25, 2021 6:27 AM
To: Peter Daszak [REDACTED] <[\[REDACTED\]@ecohealthalliance.org](mailto:[REDACTED]@ecohealthalliance.org)>
Cc: Keusch, Gerald T [REDACTED] <[\[REDACTED\]@bu.edu](mailto:[REDACTED]@bu.edu)>; Aleksei Chmura [REDACTED] <[\[REDACTED\]@ecohealthalliance.org](mailto:[REDACTED]@ecohealthalliance.org)>
Subject: Re: Draft response to Michael Lauer - please review

Guys, i will try to weigh in later today as i will be fully swamped until then

Peter, from Tony's numerous recent comments to me, and from what Francis has been vocal about over the past 5 days, they are trying to protect you, which also protects their own reputations

I hate to be too optimistic but maybe the tide is turning? d

Sent from my iPhone
David M Morens
OD, NIAID, NIH

On Oct 24, 2021, at 23:56, Peter Daszak [REDACTED] <[\[REDACTED\]@ecohealthalliance.org](mailto:[REDACTED]@ecohealthalliance.org)> wrote:

Hi Jerry and David,

I know it's expecting a lot, but I'm trying to rapidly respond to Michael Lauer's letter demanding IACUCs and all unpublished data, as well as to Tabak's public statement that EcoHealth failed to comply with reporting restrictions.

Please have a look through this letter, and use track changes or comment boxes to suggest where the language needs to be stronger or more wimpy. I'm trying to walk the line between clearly refuting the allegations, and not throwing NIAID program staff under the bus.

BU10304

BOSTON UNIVERSITY CONFIDENTIAL TREATMENT REQUESTED

I'm hoping to submit this either Monday evening or Tuesday, ahead of the deadline, so we can remove ourselves from the press attacks quickly, and tell people publicly that we complied with reporting requirements.

David – I'll send some bullets for you to pass on to Tony later on.

Cheers,

Peter

Peter Daszak

President

EcoHealth Alliance
520 Eighth Avenue, Suite 1200
New York, NY 10018-6507
USA

Tel.: [REDACTED]
Website: www.ecohealthalliance.org
Twitter: [@PeterDaszak](https://twitter.com/PeterDaszak)

EcoHealth Alliance develops science-based solutions to prevent pandemics and promote conservation

Disclaimer

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Exhibit 5: December 7, 2021 e-mail from Dr. Morens²⁷

Date: Tue, 7 Dec 2021 2:03:29 PM -0500
Sent: Tue, 7 Dec 2021 2:03:27 PM -0500
Subject: Re: Peter Daszak and the Salem Witch Trials
From: Nancye Green [REDACTED]@dgtwo.com>
To: David Morens [REDACTED]s@gmail.com>

David,

Yes! I do remember you. And I cannot thank you enough for this wonderful note. I am the EHA Board Chair, beginning this role about a year before the outbreak. Have been by Peter's side throughout, brainstorming first all of the accolades and then all of the crazies.

Our board has been incredibly supportive of Peter and I have not heard a word otherwise since the craziness began. We have worked to keep them as well informed as we can, but no one has wavered. In other words, we know that Peter is a great scientist, a deeply honest man, and always does what he believes is right. I work myself in biotech and know how unclear science is by its very nature - and how the picture can change with more evidence. We are living in a world of polarities and it doesn't suit the scientific process very well.

You are thoughtful and generous to have shared your valuable perspective. I appreciate it and, with your permission, would love to forward it to our board. If that doesn't work for you, no problem. You should know that we have no one FOIA-able on our board. We have made sure to only use personal addresses. And if you would like me to send your comments unattributed to you personally, that would work too. It never hurts to support Peter with so many untruths flying around.

I hope to meet you again in the coming months and thank you so much for your thoughtful words. It means a lot to all of us. We are very proud of EHA and the incredible work all of our scientists do around the world - often at great risk to themselves. They are committed to the work as are we!

All the best,
 Nancye

Nancye Green
 Donovan/Green

[REDACTED]
www.donovangreen.com <<http://www.donovangreen.com>>

EcoHealth Alliance Chair
www.ecohealthalliance.org <<http://www.ecohealthalliance.org>>

On 12/7/21, 1:43 PM, "David Morens" [REDACTED]@gmail.com > wrote:

Hi Nancye, you may not remember that we met a couple years ago, I can't exactly remember where, but I am writing you because I believe you are on the EcoHealth Board, and **want to put in a word for Peter and the EcoHealth team**, and all the great work they have been doing.

I am a scientist at NIH but because of death threats and general harassment of me and more particularly my boss, Tony Fauci, **we have to keep all communications like this on private email so that it can't be**

MORENS_SUBPOENA_019667

²⁷ E-Mail from David Morens, M.D., Senior Advisor, Nat'l Inst. of Allergy & Infectious Diseases, Nat'l Insts. of Health, to Nancye Green, Chairman, Board of Directors, EcoHealth Alliance, Inc. (Dec. 7, 2021) (MORENS_SUBPOENA 019667)

retrieved via a FOIA, as we have been FOIA's so many times we've all lost count, and we have had to set up a special FOIA team just over the issue of Peter and related matters.

I have known Peter for over 15 years, have published scientific papers with him, have published in the EcoHealth journal, and have even nominated him to the Cosmos Club.

Peter is an exceptional scientist, literally the world's top expert in coronavirus emergences, and a scrupulously honest man. It is horrifying and heart-breaking to see all this unfold.

What has been happening over the past year is pure evil politics: the charges against him and against EcoHealth are false. It is sad that many in the media have elevated political charges without merit into the realm of false equivalency (e.g., lab leaks and man-made Frankenstein viruses are given equal weight to the obvious natural origin of the SARS-CoV-2 virus), but this is the new world we live in. Guilty until proven innocent, even when the charges are false to the point of being crazy.

The vast majority of us in the science community know the truth but, sadly, most don't speak out for fear they will be attacked too. My boss Tony Fauci is covered by secret service 24-7, and when we go up onto the 7th floor of our building, all staff, people like me, are met with armed police. Friends of mine are lying low because of threats to them and their families, and so many have told me they'd love to defend Peter but they are afraid the wrath of the conspiracy crazies will turn to them. What Peter has been experiencing is terrible but no longer unique.

Which leads me to say: I hope the Board will support Peter through this. Remember that HE is the good guy in this story, and some day, when the history books are written about this, Peter and EcoHealth will be the heroes, not the villains. Even though it's not apparent, there is much love and goodwill out there in the scientific community for Peter and EcoHealth. Please stand up for what is good and right, and support Peter until this ends.

Thanks, david morens

David M. Morens, MD
Stonehall, No. 800

[Redacted]

[Redacted]@gmail.com
(work)
(cell)

IMPORTANT: My gmail frequently sends incoming messages to Trash, which

MORENS_SUBPOENA_019668

Exhibit 6: August 27, 2020 e-mail from Dr. Morens²⁸

Date: Thu, 27 Aug 2020 11:32:23 PM -0400
 Sent: Thu, 27 Aug 2020 11:32:20 PM -0400
 Subject: RE: STAT: NIH awards \$7.5 million grant to EcoHealth Alliance, months after uproar over political interference
 From: Peter Daszak [REDACTED]@ecohealthalliance.org >
 To: Morens, David (NIH/NIAID) [E] [REDACTED]@gmail.com >; Gerald Keusch [REDACTED]@bu.edu >;
 Attachments: image001.jpg

Very happy to see this announced today. Just hoping that the errant scheisters on One America News Network don't start banging the drum so loud that the Orange Blob decides to decapitate this one also....

Thanks for your kind words, and **of course there's a kick-back**. It starts with 5 more years of FoIA requests (Jean Patterson told me they received a nasty phone call over a month ago when it went up on NIHReporter.gov from the person who FoIA'd our R01). I just hope it doesn't culminate in 5 years in Federal jail, or even Chinese 're-education camp'....

Cheers,

Peter

Peter Daszak
President

EcoHealth Alliance
 520 Eighth Avenue, Suite 1200
 New York, NY 10018-6507
 USA

Tel.: [REDACTED]
 Website: www.ecohealthalliance.org
 Twitter: @PeterDaszak

EcoHealth Alliance develops science-based solutions to prevent pandemics and promote conservation

From: Morens, David (NIH/NIAID) [E] [REDACTED]@niaid.nih.gov >
Sent: Thursday, August 27, 2020 7:54 PM
To: Peter Daszak [REDACTED]@ecohealthalliance.org >; Gerald Keusch [REDACTED]@bu.edu >
Subject: Fwd: STAT: NIH awards \$7.5 million grant to EcoHealth Alliance, months after uproar over political interference

Ahem.... do i get a kickback???? Too much fooking money! DO you deserve it all? Let's discuss.... Seriously, this is great news. Well deserved... There is still justice in a Trump-infected universe.... d

Sent from my iPhone
 David M Morens
 OD, NIAID, NIH
 Begin forwarded message:

From: "Folkers, Greg (NIH/NIAID) [E]" [REDACTED]@niaid.nih.gov >
Date: August 27, 2020 at 18:04:15 EDT

MORENS_SUBPOENA_001152

²⁸ E-Mail from David Morens, M.D., Senior Advisor, Nat'l Inst. of Allergy & Infectious Diseases, Nat'l Insts. of Health, to Peter Daszak, Ph.D., et. al. (Aug. 27, 2020) (MORENS_SUBPOENA 001152).

To: NIAID COGCORE [REDACTED]@mail.nih.gov>, NIAID OCGR Leg [REDACTED]@mail.nih.gov>, NIAID OD AM [REDACTED]@niaid.nih.gov>

Subject: STAT: NIH awards \$7.5 million grant to EcoHealth Alliance, months after uproar over political interference

NIH awards \$7.5 million grant to EcoHealth Alliance, months after uproar over political interference

By HELEN BRANSWELL @HelenBranswell AUGUST 27, 2020

[Reprints](#)

-

MORENS_SUBPOENA_001153

VI. Dr. Morens Acted Unbecoming of a Federal Employee.

Evidence in the possession of the Select Subcommittee suggests that Dr. Morens acted unbecoming of a federal employee. Being employed by the U.S. government is a privilege not a right. Dr. Morens abused his position and made inappropriate and misogynistic statements, some on his official e-mail account. These statements represent a disdain for the American public, whom Dr. Morens purportedly serves, and establishes that he should not have a position of public trust.

Finding: Dr. Morens made inappropriate, disrespectful, and misogynistic statements that are unbecoming of a representative of the United States government.

Dr. Morens showed a concerning pattern of behavior that suggests he is not qualified to hold a position of public trust. Dr. Morens made numerous misogynistic and sexist comments that are inappropriate for any workplace. It raises serious questions regarding the integrity of Dr. Fauci's office and if Dr. Fauci knew his own Senior Advisor was making these comments.

Exhibit 1: November 18, 2021 e-mail from Dr. Morens²⁹

You may be amused at the following aside that was a big surprise to me. He was asking my opinion about what is wrong with CDC and in the process said, out of the blue, that it was HE who got Rochelle Wolensky her job as CDC director by lobbying for her to Ron Klain.
Well, she does wear a skirt... I poured a little cold water on her but he was undeterred in thinking she is the cat's pajamas...

His main interest at the moment is making "universal" coronavirus vaccines, the COVID-19 end game, and things related to COVID immunity.
He's asked me to co-write with him 2 or 3 papers on these subjects, this being in the context of giving him ideas to communicate in his weekly WH press conferences and meeting with Biden's higher ups on a regular basis, plus being on TV.

Please give my best wishes to you-know-who david David M. Morens, MD Stonehall [REDACTED]
[REDACTED]
[REDACTED]@gmail.com
(work)
(cell)

IMPORTANT: My gmail frequently sends incoming messages to Trash, which is apparently not correctable. If you don't hear from me in a reasonable time, please try again, call, or use my NIH email address

IMPORTANT: For US Government-related email, please also reply to my NIAID address

²⁹ E-Mail from David Morens, M.D., Senior Advisor, Nat'l Inst. of Allergy & Infectious Diseases, Nat'l Insts. of Health, to Gerald Keusch, M.D. (Nov. 18, 2021) (MORENS_SUBPOENA 014740).

Exhibit 2: December 11, 2020 e-mail from Dr. Morens³⁰

From: Morens, David (NIH/NIAID) [E] [REDACTED]s@gmail.com >
Sent: Friday, December 11, 2020 1:17 PM
To: Peter Daszak [REDACTED]@ecohealthalliance.org>; Keusch, Gerald T [REDACTED]@bu.edu>
Cc: Aleksei Chmura [REDACTED]@ecohealthalliance.org >
Subject: Re: An amusing article for your Friday read...

Great story, great snark (snark is good!). Beverage is always good, and best delivered by a blonde nymphomaniac, if you can manage that. Actually, at my age I'll take a brunette. Even a red head. Any hair at all.... d

Exhibit 3: July 22, 2020 e-mail from Dr. Morens³¹

From: David Morens [REDACTED]@gmail.com >
Sent: Wednesday, July 22, 2020 5:59 PM
To: Keusch, Gerald T [REDACTED]@bu.edu>
Cc: [REDACTED]@cybersafe.net; Morens, David (NIH/NIAID) [E] [REDACTED]@niaid.nih.gov>; Taubenberger, Jeffery (NIH/NIAID) [E] [REDACTED]@niaid.nih.gov >; Breman, Joel (NIH/FIC) [V] [REDACTED]j@mail.nih.gov >; Tom Monath [REDACTED]@crozetbiopharma.com >; James Leduc [REDACTED]@utmb.edu>; Laura D Kramer [REDACTED]@health.ny.gov >; Peter Doherty [REDACTED]@unimelb.edu.au>; Hahn, Beatrice [REDACTED]@pennmedicine.upenn.edu >
Subject: Re: Thanks! and a couple requests.... FW: Manuscript submitted - AJTMH-20-0849

I am actually imbibing a double, or is it a triple???, martini at the moment. Not sure of the amount of EtOH because i just poured until my elbow got sore. But the olive at the bottom is hard to see. No hot tub in my condo. I tried to nNegotiate a jacuzzi but they balked, and i caved. In any case now that i am divorced what good is a hot tub or jacuzzi? If i am lucky enough to find a girlfriend i will spring for a jacuzzi, upgrade my wine cooler, get a mattress that will take more of a pounding, and stop working so hard. In the meantime, i will work at my job of trying to make the boss look good. D

MORENS_SUBPOENA_014495

Sent from my iPhone
 David M Morens
 OD, NIAID, NIH

³⁰ E-Mail from David Morens, M.D., Senior Advisor, Nat'l Inst. of Allergy & Infectious Diseases, Nat'l Insts. of Health, to Peter Daszak, Ph.D., et. al. (Dec. 11, 2021) (MORENS_SUBPOENA 005154).

³¹ E-Mail from David Morens, M.D., Senior Advisor, Nat'l Inst. of Allergy & Infectious Diseases, Nat'l Insts. of Health, to Gerald Keusch, Ph.D., et. al. (July 22, 2021) (MORENS_SUBPOENA 014495).

Exhibit 4: July 25, 2021 e-mail from Dr. Morens³²

From: Morens, David (NIH/NIAID) [E] [REDACTED]@gmail.com >
Sent: Sunday, July 25, 2021 3:10 PM
To: Peter Daszak [REDACTED]@ecohealthalliance.org >; Keusch, Gerald T [REDACTED]@bu.edu >; Roberts, Rich [REDACTED]@neb.com >; Hotez, Peter Jay [REDACTED]@bcm.edu >
Cc: Robert Kessler [REDACTED]@ecohealthalliance.org >
Subject: Re: explicit language warning!

He probably doesn't know how to F*%\$ himself, as he clearly failed anatomy. And all the other med school subjects. d

On 7/25/2021 3:20 PM, Peter Daszak wrote:

Here's a story, not for the faint-hearted.

It's a question for Senator (Dr.) Rand Paul, from a member of the public who called into one of his public Q&A sessions.

Obviously, one doesn't condone this base level of

MORENS_SUBPOENA_021282

public discourse, but I found myself curiously buoyed by it after his months of continued attacks...

Here's a story:

<https://goodwordnews.com/senator-rand-paul-said-to-get-fucked-at-virtual-town-hall/>

Here's the video on Twitter:

https://twitter.com/phil_lewis_/status/1418676246003818496?s=10

Cheers,

Peter

³² E-Mail from David Morens, M.D., Senior Advisor, Nat'l Inst. of Allergy & Infectious Diseases, Nat'l Insts. of Health, to Peter Daszak, Ph.D., et. al. (July 25, 2021) (MORENS_SUBPOENA 021282).

VII. Dr. Morens Likely Provided False Testimony To The Select Subcommittee.

On December 22, 2023 and January 18, 2024, Dr. Morens testified at transcribed interviews before the Select Subcommittee.³³ At the interviews, Select Subcommittee counsel advised Dr. Morens that he was required pursuant to Title 18 Section 1001 of the United States Code to answer questions truthfully, including questions posed by Congressional staff in the interview, and that if he knowingly made false statements, he could be subject to criminal prosecution.³⁴ Dr. Morens stated, on the record, that he understood the requirement and the consequences of not complying with that requirement.³⁵

The evidence presented throughout this memorandum establishes that Dr. Morens likely provided false testimony to the Select Subcommittee.

³³ Transcribed Interview of David Morens, M.D., Senior Advisor, Dir., Nat'l Inst. of Allergy & Infectious Diseases (Dec. 22, 2023); Transcribed Interview of David Morens, M.D., Senior Advisor, Dir., Nat'l Inst. of Allergy & Infectious Diseases (Jan. 18, 2024).

³⁴ *Id.*

³⁵ *Id.*

From: Gibson, Anthony (NIH/OD) [E] <(b) (6)>
Sent time: 05/28/2024 01:17:12 PM
To: Laurence Brewer <laurence.brewer@nara.gov>
Cc: (b) (6) <(b) (6)@nara.gov>; Little, Susan (OS/OCIO/OCDO) <(b) (6)>; (b) (6) <(b) (6)@nara.gov>
Subject: RE: [EXTERNAL] NIH Unauthorized Case

Good afternoon, Laurence,

Yes, I am available for a discussion.

Best regards,
Anthony

From: Laurence Brewer <laurence.brewer@nara.gov>
Sent: Tuesday, May 28, 2024 1:06 PM
To: Gibson, Anthony (NIH/OD) [E] <(b) (6)>
Cc: (b) (6) <(b) (6)@nara.gov>; Little, Susan (OS/OCIO/OCDO) <(b) (6)>; (b) (6) <(b) (6)@nara.gov>
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Good afternoon Anthony,

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The Archivist has asked me to reach out to see if NIH can confirm whether all emails that Dr. Morens created or received in these non-government accounts were returned or captured by NIH. I have explained to the Archivist that using a personal account does not violate the FRA provided such emails are returned (forwarded/copied) to the official account within 20 days.

Are you able to talk today, or perhaps send me an email with your understanding related to the attached letter?

Thanks,
Laurence

--

Laurence Brewer, CRM
Chief Records Officer for the U.S. Government
National Archives and Records Administration
Laurence.Brewer@nara.gov
Office: (301) 837-1539
Cell: (b) (6)
Blog: [Records Express](#)



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From: Laurence Brewer <laurence.brewer@nara.gov>
Sent time: 05/28/2024 01:28:00 PM
To: Gibson, Anthony (NIH/OD) [E] <(b) (6)>
Cc: (b) (6) <(b) (6)@nara.gov>; Little, Susan (OS/OCIO/OCDO) <(b) (6)>; (b) (6) <(b) (6)@nara.gov>
Subject: Re: [EXTERNAL] NIH Unauthorized Case

2:00 work?

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From: Gibson, Anthony (NIH/OD) [E] <(b) (6)>

Sent time: 05/28/2024 01:30:12 PM

To: Laurence Brewer <laurence.brewer@nara.gov>

Cc: (b) (6) <(b) (6)@nara.gov>; Little, Susan (OS/OCIO/OCDO) <(b) (6)>; (b) (6) <(b) (6)>

Subject: RE: [EXTERNAL] NIH Unauthorized Case

Yes

From: Laurence Brewer <laurence.brewer@nara.gov>

Sent: Tuesday, May 28, 2024 1:28 PM

To: Gibson, Anthony (NIH/OD) [E] <(b) (6)>

Cc: (b) (6) <(b) (6)@nara.gov>; Little, Susan (OS/OCIO/OCDO) <(b) (6)>; (b) (6) <(b) (6)@nara.gov>

Subject: Re: [EXTERNAL] NIH Unauthorized Case

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From: Laurence Brewer <laurence.brewer@nara.gov>
Sent time: 05/28/2024 01:31:02 PM
To: Gibson, Anthony (NIH/OD) [E] <(b) (6)>
Cc: (b) (6) <(b) (6)@nara.gov>; Little, Susan (OS/OCIO/OCDO) <(b) (6)>; (b) (6) <(b) (6)>
Subject: Re: [EXTERNAL] NIH Unauthorized Case

Great, would you send a Teams invite?

On Tue, May 28, 2024 at 1:30 PM Gibson, Anthony (NIH/OD) [E] <(b) (6)> wrote:

Yes

From: Laurence Brewer <laurence.brewer@nara.gov>
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--

Laurence Brewer, CRM
Chief Records Officer for the U.S. Government
National Archives and Records Administration
Laurence.Brewer@nara.gov
Office: (301) 837-1539
Cell: (b) (6)
Blog: [Records Express](#)



From: Gibson, Anthony (NIH/OD) [E] <(b) (6)>
Sent time: 05/28/2024 01:32:39 PM
To: Laurence Brewer <laurence.brewer@nara.gov>
Subject: RE: [EXTERNAL] NIH Unauthorized Case

Sure, should I include everyone the CC line as well

From: Laurence Brewer <laurence.brewer@nara.gov>

Sent: Tuesday, May 28, 2024 1:31 PM

To: Gibson, Anthony (NIH/OD) [E] <(b) (6)>

Cc: (b) (6) <(b) (6)@nara.gov>; Little, Susan (OS/OCIO/OCDO) <(b) (6)> (b) (6) <(b) (6)@nara.gov>

Subject: Re: [EXTERNAL] NIH Unauthorized Case

Great, would you send a Teams invite?

On Tue, May 28, 2024 at 1:30 PM Gibson, Anthony (NIH/OD) [E] <(b) (6)> wrote:

Yes

From: Laurence Brewer <laurence.brewer@nara.gov>

Sent: Tuesday, May 28, 2024 1:28 PM

To: Gibson, Anthony (NIH/OD) [E] <(b) (6)>

Cc: (b) (6) <(b) (6)@nara.gov>; Little, Susan (OS/OCIO/OCDO) <(b) (6)> (b) (6) <(b) (6)@nara.gov>

Subject: Re: [EXTERNAL] NIH Unauthorized Case

2:00 work?

On Tue, May 28, 2024 at 1:17 PM Gibson, Anthony (NIH/OD) [E] <(b) (6)> wrote:

Good afternoon, Laurence,

Yes, I am available for a discussion.

Best regards,
Anthony

From: Laurence Brewer <laurence.brewer@nara.gov>

Sent: Tuesday, May 28, 2024 1:06 PM

To: Gibson, Anthony (NIH/OD) [E] <(b) (6)>

Cc: (b) (6) <(b) (6)@nara.gov>; Little, Susan (OS/OCIO/OCDO) <(b) (6)> (b) (6) <(b) (6)@nara.gov>

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From: Laurence Brewer <laurence.brewer@nara.gov>
Sent time: 05/28/2024 01:45:07 PM
To: Gibson, Anthony (NIH/OD) [E] <(b) (6)>
Subject: Re: [EXTERNAL] NIH Unauthorized Case

Yes, please do.

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From: Laurence Brewer <laurence.brewer@nara.gov>
Sent time: 05/28/2024 01:46:48 PM
To: Gibson, Anthony (NIH/OD) [E] <(b) (6)>
Subject: Re: [EXTERNAL] NIH Unauthorized Case

Anthony, please use this email address, too. Thanks!

On Tue, May 28, 2024 at 1:45 PM Laurence Brewer <laurence.brewer@nara.gov> wrote:
Yes, please do.

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From: 'Campbell, Cheryl (OS/ASA)' via ExecSec <ExecSec@nara.gov>
Sent time: 06/10/2024 05:27:57 PM
To: William.bosanko@nara.gov
Cc: Execsec@nara.gov; Little, Susan (OS/OCIO/OCDO) <(b) (6)>; Gibson, Anthony (NIH/OD) [E] <(b) (6)>
BCc: (b) (6)@nara.gov
Subject: HHS Federal Records Act Compliance Response
Attachments: HHS Federal Records Act Compliance Response.pdf

Good evening, Mr. Bosanko,

Please see the attached letter in response to your inquiries dated May 14, 2024, and June 4, 2024, regarding the Department of Health and Human Services' compliance with the Federal Records Act and allegations of the unauthorized disposition of agency records by National Institutes of Health employee, Dr. David Morens.

Thank you,

Cheryl R. Campbell
Assistant Secretary for Administration



June 10, 2024

Mr. William J. Bosanko
Deputy Archivist of the United States
National Archives and Records Administration (NARA)
700 Pennsylvania Avenue, N.W.
Washington, DC 20408

Dear Mr. Bosanko:

This letter is in response to your inquiries dated May 14, 2024, and June 4, 2024, regarding the Department of Health and Human Services' (HHS or Department) compliance with the Federal Records Act (FRA) and allegations of the unauthorized disposition of agency records by National Institutes of Health (NIH) employee, Dr. David Morens. HHS is also in receipt of Ms. Colleen Shogan's inquiry dated June 5, 2024.

On September 29, 2023, NIH provided a response to NARA confirming that the following corrective actions were taken to address the allegations of unauthorized disposition of records:

- Provided HHS and NIH agency-specific records management training to Dr. Morens to ensure awareness and compliance of his records management responsibilities.
- Conducted an interview between the National Institute of Allergy and Infectious Diseases (NIAID) Executive Officer and Dr. Morens at which time he was formally made aware of the allegation as cited in the House of Representatives Select Subcommittee on the Coronavirus Pandemic (the subcommittee) letter (addressed to both Dr. Morens and the NIAID Office of the Director).
- Provided a Knowledge of Agreement (dated July 19, 2023) to Dr. Morens, in which Dr. Morens certified that he understood his obligation to comply with the FRA and agreed to immediately transfer all communications related to his NIH work or sent with an NIH signature block from his personal email accounts to his official NIH account.

It has since come to our attention through an email from NARA on May 28, 2024, and a subsequent meeting, that in addition to his personal Gmail account, Dr. Morens used an encrypted Proton Mail account. On June 4, 2024, NIH instructed Dr. Morens to locate, mark for litigation hold, and provide to NIH a copy of all records, documents, data, and information created and/or received using his official NIH email, his personal Gmail, and any other associated accounts by June 18, 2024. Once any emails concerning NIH's mission are forwarded from Dr. Morens's personal accounts to Dr. Morens's NIH account, the NIH Records Officer will provide second response describing any additional findings to NARA and HHS.

HHS remains fully committed to records management compliance and takes seriously the Department's responsibility to preserve all official records in accordance with applicable statutory and regulatory requirements. To ensure all employees and contractors are educated and compliant with records management regulations and procedures, HHS has taken the following steps:

- Updated the Department's records management policy on February 1, 2024.
- Reissued a records retention policy for all HHS Capstone Officials on May 23, 2024.
- Provided mandatory new employee and annual records management training to all HHS employees, contractors, interns, and fellows.
- Provided executive records management briefings for incoming and departing Senior Officials, Political Appointees, and staff with records management responsibilities within 60 days of arrival or departure.

Furthermore, HHS will launch the Annual HHS Records Management Training to all HHS employees, contractors, interns, and fellows no later than September 4, 2024. In the interim, HHS will issue a department-wide Records Management Training refresher to all employees. Additionally, any departing Political Appointees and Senior Officials will receive executive records management briefings upon departure through the Presidential Transition Team.

Records management training and executive briefings include:

- Protection of federal records against loss, unauthorized destruction or alteration, and illegal removal from HHS;
- Appropriate identification and capturing of records from email, social media, or electronic messaging accounts, hard drives, and shared network drives; and
- Procedures to ensure all documents in an employee's custody that are responsive to a litigation hold are preserved prior to the employee's departure.

HHS respectfully confirms compliance with the FRA and remains fully committed to effective governance and the continued preservation of all federal records.

Should you have any additional questions while we work on your request, please contact the HHS Departmental Records Officer, Susan Little, at (b) (6) and/or the NIH Records Officer, Anthony Gibson, at (b) (6)

Sincerely,

Cheryl R. Campbell
Assistant Secretary for Administration
Senior Agency Official for Records Management

From: Gibson, Anthony (NIH/OD) [E] <(b) (6)>
Sent time: 06/11/2024 08:44:24 AM
To: Laurence Brewer <laurence.brewer@nara.gov>
Cc: Little, Susan (OS/OCIO/OCDO) <(b) (6)>; <(b) (6)>; <(b) (6)> nara.gov>
Subject: Request Status - HHS Investigation Regarding Misuse of Agency Records)
NIH Records Officer Response Follow-up Assistant Secretary Campbell NARA Deputy Archivist Bosanko 06062024sf.pdf Dr. David
Attachments: Morens Records Management Information Security Awareness Training _ Annual Refresher Training Transcripts _ Certificates of
Completion.pdf Federal Records Act Compliance.pdf NIH Records Officer Notification Follow Up NIAID NARA Allegations of
Unauthorized Records Destruction 20240604 Proton.pdf

Good morning, Laurence,

For your situational awareness, please see the attached and below for NIH's response to the Deputy Archivist's Inquiry (04 June 2024) to ASA Campbell. The agency's formal response has been submitted to the NIH's Office of the Executive Secretariat for processing.

The focus of this response is to address Deputy Archivist's concerns.

ISSUE:

The National Institutes of Health acknowledges receipt of the National Archives and Records Administration's (NARA) Letter dated June 04, 2024, from William J. Bosanko, Deputy Archivist of the United States.

In accordance with The Federal Records Act (44 U.S.C. 31) and corresponding Code of Federal Regulations (CFRs), NARA requested the HHS/NIH respond to allegations of non-compliance (Records Management Training) as indicated in recent Congressional testimony (Dr. David Morens) dated 22 May 2024 and as outlined in a letter dated 04 June 2024 from William J. Bosanko, Deputy Archivist of the United States, addressed to Cheryl Campbell, Deputy Secretary, Assistant Secretary for Administration, U.S. Department of Health and Human Services (HHS), referencing the following:

1. The additional information provided in the context of Congressional testimony has raised significant concerns about compliance with the Federal Records Act and related regulations by the National Institutes of Health and the U.S. Department of Health and Human Services (HHS).
2. It is a requirement that all HHS employees and contractors with email accounts (or IT network resource access) complete records management training within 60 days of employment and that they must complete annual refresher training.
3. HHS is also required to provide targeted records management training to political appointees, senior agency officials, and senior executives upon their arrival and departure and within three to six months of a presidential administration change.
4. I request that you provide the National Archives and Records Administration with a plan of corrective action to address any shortcomings in your records management training program.
5. I also request that you provide refresher training to all HHS employees, contractors, or others who create, receive, access, or use Federal records on behalf of HHS within the next 90 days, with a particular focus on managing both permanent and temporary email records and the use of personal email accounts.

SCOPE: The Presidential and Federal Records Act Amendments of 2014 modernized records management and clarified the definition of a record. General training requirements are outlined in related regulations, i.e., the 36 CFR 1220.34 and the National Archives and Records Administration (NARA), Bulletin 2017-01, which requires Federal agencies to provide annual training to all agency personnel regarding their records management responsibilities.

To meet this mandatory training requirement, all NIH personnel (employees, contractor personnel, grant recipients, detailees, interns, and other non-government persons) supporting an NIH Institute, Center, or Office (ICO) who capture data on behalf of the agency, must complete **Information Security and Information Management training prior to network access** as well as an annual refresher course while in service. Successful completion is required in order to access NIH electronic resources. Furthermore, the agency has included in its response a training transcript to confirm Dr. Morens has completed this requirement each year for which we legally bound to have records, 2019-2023 (2024 has not yet been completed as mandatory refresher training is in process). In addition to mandatory onboarding and annual refresher training, NIH Records Management offers 17 additional training to all employees, contractors, members of the Public Health Service, special volunteers and/or temporary employees.

Each NIH ICO Records Management Official, in coordination with the Agency's Records Officer, annually informs NIH personnel of their records management responsibilities in law, regulation, and policy, and provides training specific to the practices and policies of the organization. Training requirements are achieved by utilizing online modules, in person and virtual instruction, in addition to ICO specific trainings.

To ensure the continued preservation of all federal records, the agency will issue to all staff an annual notice regarding Records Retention Requirements. The notice will address:

- Rules of Behavior for General Users,
- 44 U.S.C. 2911-Disclosure Requirements for Official Business Conducted Using Non-Official Electronic Messaging Accounts,

and

- NIH Policy for utilizing and preserving records created and/or received using electronic forms of communication i.e., Email, Texting, and/or Instant Chat messaging.

Attachment 1: PDF – NIH’s Records Officer’s Response

Attachment 2: PDF – Dr. Morens’ Training Record

Attachment 3: PDF – Archivist of the United States Letter to Secretary Becerra (05 June 2024) and Deputy Archivist Bosanko’s Letter to ASA Campbell (14 May & 04 June 2024)

Background: NIH Unauthorized Case UD-2023-0075 (Morens) 28 May 2024

The Archivist of the United States received the attached letter from Chairman Wenstrup concerning Dr. Morens' email that his committee received after issuing a subpoena. The emails were from Gmail and Proton accounts.

NARA has asked NIH to confirm whether all emails that Dr. Morens created or received in his non-government accounts were returned or captured by NIH.

To their point the SSCP has identified via subpoena an undisclosed email account (Proton, email).

The NIH cannot confirm, all emails created and/or received by Dr. Morens utilizing his non-government accounts were returned and/or captured by NIH.

The NIH has expanded its original search criteria for responsive documents to include Dr. Morens’ Proton and any other non-government / personal accounts. (S: 18 June 2024)

Attachment: 1 PDF NIH Records Officer Follow-up NIAID NARA Allegations of Unauthorized Records Destruction 20240604

Respectfully,

Anthony D. Crawley Gibson
NIH Records Officer
Chief, Information Management Branch
National Institutes of Health
Office of Management Assessment
Division of Compliance Management
6705 Rockledge Dr (MSC7901)
Suite 601 (H)
Bethesda, MD 20892

(b) (6)

From: [Gibson, Anthony \(NIH/OD\) \[E\]](#)
To: [Gibson, Anthony \(NIH/OD\) \[E\]](#)
Subject: Request for documentation pertaining to Information Security Awareness Training / Annual Refresher Training Transcripts / Certificates of Completion
Date: Thursday, June 6, 2024 9:40:47 AM

Hi Anthony,

I can confirm that Dr. David Morens has completed the initial New Hire training (see below):

INFORMATION SECURITY FOR NEW HIRES

CLOSE COURSE INFORMATION

	Module	Date Completed	Last Visited
	1 - NIH Information Security Program	08/31/2004	
	2 - Sensitive Information	08/31/2004	
	3 - Local and Remote Access	06/29/2005	
	4 - Internet Safety	06/29/2005	
	5 - Situational Awareness	06/29/2005	
	6 - Rules of Behavior and Agreements	08/31/2004	
	7 - Insider Threats	08/31/2004	
	8 - Emergency Preparedness	07/11/2019	08/04/2023

Information Management for New Hires

CLOSE COURSE INFORMATION

	Module	Date Completed	Last Visited
	Privacy Awareness	7/30/2008	7/30/2008
	Records Management	8/28/2017	8/28/2017

And regarding the annual refresher trainings, he has completed this each year for which we have records from 2019-2023 (2024 has not yet been completed). And note that for 2019-2021 the record shows that the Insider Threats module has not been completed but this module did not yet exist by that name until 2022, so the training has been fulfilled.

2023 Refresher record for

CLOSE COURSE INFORMATION

	Module	Date Completed	Last Visited
	1 - Information Security	8/4/2023	8/4/2023
	2 - Insider Threats	8/4/2023	8/4/2023
	3 - Privacy Awareness	8/4/2023	8/4/2023
	4 - Records Management	8/4/2023	8/4/2023
	5 - Emergency Preparedness	8/4/2023	8/4/2023

2022 Refresher record for

2022 Refresher record for

2022 Refresher record for			
	Module	Date Completed	Last Visited
	1 - Information Security	7/28/2022	7/28/2022
	2 - Insider Threats	7/3/2019	7/3/2019
	3 - Privacy Awareness	7/28/2022	7/28/2022
	4 - Records Management	7/28/2022	7/28/2022
	5 - Emergency Preparedness	7/28/2022	7/28/2022

2021 Refresher record for**2021 Refresher record for**

2021 Refresher record for			
	Module	Date Completed	Last Visited
	1 - Information Security	8/12/2021	8/12/2021
	2 - Insider Threats		
	3 - Privacy Awareness	8/12/2021	8/12/2021
	4 - Records Management	8/12/2021	8/12/2021
	5 - Emergency Preparedness	8/12/2021	8/12/2021

2020 Refresher record for**2020 Refresher record for**

2020 Refresher record for			
	Module	Date Completed	Last Visited
	1 - Information Security	7/2/2020	7/2/2020
	2 - Insider Threats		
	3 - Privacy Awareness	7/2/2020	7/2/2020
	4 - Records Management	7/2/2020	7/2/2020
	5 - Emergency Preparedness	7/2/2020	7/2/2020

2019 Refresher record for**2019 Refresher record for**

2019 Refresher record for			
	Module	Date Completed	Last Visited
	1 - Information Security	7/3/2019	7/3/2019
	2 - Insider Threats		
	3 - Privacy Awareness	7/3/2019	7/3/2019
	4 - Records Management	7/3/2019	7/3/2019
	5 - Emergency Preparedness	7/3/2019	7/3/2019

Please just let us know if we can provide any further information you may need.

Best,

Jonathan Milstein, M.Ed., CISSP, PMP, OD/OCIO/ISAO/GRC
 NIH Information Security Program
 Office of the Chief Information Officer (OCIO)
 National Institutes of Health, HHS

6555 Rock Spring, Drive, Bethesda, MD 20817

Email: (b) (6)



Archivist of the
United States

June 5, 2024

The Honorable Xavier Becerra
Secretary of the Department of Health and Human Services
Hubert H. Humphrey Building
200 Independence Avenue, SW, Room 120F
Washington, DC 20201

Dear Secretary Becerra,

As I am sure you are aware, serious concerns have been raised about compliance with the Federal Records Act (FRA) and related regulations by the National Institutes of Health (NIH) and the Department of Health and Human Services (HHS), in relation to allegations of unauthorized disposition of agency records by Dr. David Morens.

We were informed in September 2023 that HHS is conducting an administrative review of this issue. However, no further information has been forthcoming to the National Archives. Recent Congressional testimony by Dr. Morens and public disclosure of his email correspondence have deepened my concern on this matter. Dr. Morens' testimony and actions show, at best, a gross lack of understanding of the requirements of the FRA and Freedom of Information Act. They also raise potentially significant questions about the broader records management and training practices in place at NIH and HHS.

As I'm sure you agree, records management is not a minor administrative matter. The FRA ensures that government agencies create, maintain, and preserve records that document their activities and decisions. This is essential for ensuring transparency, accountability, and the rule of law. Under 44 U.S.C. Chapter 33 of the FRA, as the head of a Federal agency, you are legally responsible for ensuring against the unlawful or accidental removal, alteration, or destruction of records. You are also required to implement policies and procedures that will protect agency records, and ensure that all employees and contractors are properly trained about the law and agency processes.

I have enclosed two letters sent by Deputy Archivist William J. Bosanko to Cheryl Campbell, HHS Assistant Secretary for Administration, on this matter for your attention. I hope you will ensure a full and timely response to the concerns raised. If any misconduct is identified, I expect it will be immediately referred to the appropriate authorities.

Sincerely,

COLLEEN J. SHOGAN
Archivist of the United States

CC: Cheryl Campbell, Assistant Secretary for Administration, HHS
Susan Little, HHS Department Records Officer
Anthony Gibson, NIH Agency Records Officer



Deputy
Archivist of the
United States

May 14, 2024

Cheryl Campbell
Assistant Secretary for Administration
Department of Health and Human Services
200 Independence Ave., SW, Hubert Humphrey Bldg. Suite 309-F
Washington, DC 20201

Dear Assistant Secretary Campbell,

I am writing to request a status update and interim report on the ongoing Health and Human Services' (HHS) investigation regarding the allegations of unauthorized disposition of agency records by Dr. David Morens in his alleged use of personal email in apparent efforts to evade the requirements of the Freedom of Information Act, and by implication, the Federal Records Act. While we have received the Department's report of September 29, 2023, we were advised that the Department is continuing to investigate this case, and as a result, we have taken no action to close this matter as you have requested. Since it has now been over seven months since we received an update on this matter, we request an immediate status report on your investigation with a specific timeframe for when this matter will be resolved.

We are concerned by the length of time it has taken to investigate this matter and urge you to bring this matter to a swift conclusion. If you have any questions or wish to discuss further, please contact Laurence Brewer, Chief Records Officer, at Laurence.Brewer@nara.gov or by phone at (301) 837-1539. You may also reach me at william.bosanko@nara.gov or [REDACTED]

Sincerely,

**WILLIAM
BOSANKO**

Digitally signed by WILLIAM
BOSANKO
Date: 2024.05.14 13:05:02 -04'00'

WILLIAM J. BOSANKO
Deputy Archivist of the United States

cc: Susan Little, HHS Department Records Officer
Anthony Gibson, NIH Agency Records Officer



Deputy
Archivist of the
United States

June 4, 2024

Cheryl Campbell
Assistant Secretary for Administration
Department of Health and Human Services
200 Independence Ave., SW, Hubert Humphrey Bldg. Suite 309-F
Washington, DC 20201

Dear Assistant Secretary Campbell,

This letter is a follow-up to the letter I sent you dated May 14, 2024. The lack of a response and additional information provided in the context of Congressional testimony have raised significant concerns about compliance with the Federal Records Act and related regulations by the National Institutes of Health and the Department of Health and Human Services (HHS).

It is a requirement that all HHS employees and contractors with email accounts (or IT network resource access) complete records management training within 60 days of employment and that they must complete annual refresher training. HHS is also required to provide targeted records management training to political appointees, senior agency officials, and senior executives upon their arrival and departure and within three to six months of a presidential administration change.

In addition to responding to my letter of May 14, 2024, I request that you provide the National Archives and Records Administration with a plan of corrective action to address any shortcomings in your records management training program. I also request that you provide refresher training to all HHS employees, contractors, or others who create, receive, access, or use Federal records on behalf of HHS within the next 90 days, with a particular focus on managing both permanent and temporary email records and the use of personal email accounts.

If you have any questions or wish to discuss further, please contact Laurence Brewer, Chief Records Officer, at laurence.brewer@nara.gov or by phone at (301) 837-1539. You may also reach me at william.bosanko@nara.gov or (b) (6)

Sincerely,

WILLIAM BOSANKO
Digitally signed by WILLIAM
BOSANKO
Date: 2024.06.04 16:17:58 -04'00'

WILLIAM J. BOSANKO
Deputy Archivist of the United States

cc: Susan Little, HHS Department Records Officer
Anthony Gibson, NIH Agency Records Officer



**PRIVILEGED & CONFIDENTIAL
MEMORANDUM**

DATE: 06/11/2024

TO: William J. Bosanko, Deputy Archivist of the United States
National Archives and Records Administration (NARA)

CC: Cheryl Campbell, Deputy Secretary, Assistant Secretary for Administration,
Senior Agency Official for Records Management
U.S. Department of Health and Human Services (HHS)

Alfred C. Johnson Ph.D., Senior Official Records Management (SAORM),
Deputy Director for Management (DDM), Office of Management (OM),
Office of the Director (OD) National Institutes of Health (NIH)

Laurence Brewer, Chief Records Officer for the U.S. Government
National Archives and Records Administration (NARA)

Susan Little, Department Records Officer
U.S. Department of Health and Human Services (HHS)

(b) (6) **(b) (6)**
Records Management Oversight and Reporting Division
National Archives and Records Administration (NARA)

FROM: Anthony D. Crawley Gibson, NIH Records Officer
Chief, Information Management Branch, Division of Compliance Management,
Office of Management Assessment (OMA) Office of Management (OM)
Office of the Director (OD) National Institutes of Health (NIH)
U.S. Department of Health and Human Services (HHS)
anthony.gibson@nih.gov 301-402-8425

SUBJECT: **TIME SENSITIVE** - National Archives and Records Administration (NARA) request
for a response dated June 04, 2024, to follow-up letter dated May 14, 2024
Subject Federal Records Act and Related Regulations Compliance Concerns

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Division of Compliance Management (DCM) Office of Management Assessment (OMA) Office of Management (OM)
Office of the Director (OD) National Institutes of Health (NIH)
U.S. Department of Health and Human Services (HHS)

DELIVERABLE:

No later than June 11, 2024, the NIH Records Officer will submit as requested, information regarding NIH’s compliance with the Federal Records Act and related regulations; specifically Records Management Training; including a description of the actions taken and trainings completed by Dr. David Morens, as mentioned in Congressional testimony to: Laurence Brewer, Chief Records Officer for the U.S. Government, Deputy Archivist of the United States (via email) with a copy to U.S. Health and Human Services (HHS) Senior Agency Official for Records Management (SAORM), NIH Senior Agency Official for Records Management (SAORM) and Departmental Records Officer (DRO).

RESPONSE (CERTIFICATION):

The Federal Records Act (FRA) requires that government agencies create, maintain, and preserve records that document their activities and decisions, which is essential for ensuring transparency, accountability, and the rule of law. The NIH works diligently to provide safeguards against the unlawful or accidental removal, alteration, or destruction of records; furthermore, if a potential loss is identified the agency works hard with NARA to mitigate future risk. All Agency/Institute mandatory trainings are provided in accordance with the Federal Records Act and corresponding Code of Federal Regulations requirements as stipulated. Above these requirements, optional additional trainings have been developed by NIH and are available to all NIH staff to further mitigate potential risk.

ISSUE:

Mr. Anthony D. Crawley Gibson, Agency Records Officer, National Institutes of Health, acknowledges receipt of the National Archives and Records Administration’s (NARA) Letter dated June 04, 2024, from William J. Bosanko, Deputy Archivist of the United States.

In accordance with The Federal Records Act (44 U.S.C. 31) and corresponding Code of Federal Regulations (CFRs), NARA requested the NIH respond to allegations of non-compliance (Records Management Training) as indicated in recent Congressional testimony (Dr. David Morens) dated 22 May 2024 and as outlined in a letter dated 04 June 2024 from William J. Bosanko, Deputy Archivist of the United States, addressed to Cheryl Campbell, Deputy Secretary, Assistant Secretary for Administration, U.S. Department of Health and Human Services (HHS), referencing the following:

1. The additional information provided in the context of Congressional testimony has raised significant concerns about compliance with the Federal Records Act and related regulations by the National Institutes of Health and the U.S. Department of Health and Human Services (HHS).
2. It is a requirement that all HHS employees and contractors with email accounts (or IT network resource access) complete records management training within 60 days of employment and that they must complete annual refresher training.
3. HHS is also required to provide targeted records management training to political appointees, senior agency officials, and senior executives upon their arrival and departure and within three to six months of a presidential administration change.

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 U.S. Department of Health and Human Services (HHS)

4. I request that you provide the National Archives and Records Administration with a plan of corrective action to address any shortcomings in your records management training program.
5. I also request that you provide refresher training to all HHS employees, contractors, or others who create, receive, access, or use Federal records on behalf of HHS within the next 90 days, with a particular focus on managing both permanent and temporary email records and the use of personal email accounts.

SCOPE: The Presidential and Federal Records Act Amendments of 2014 modernized records management and clarified the definition of a record as, *“All recorded information, regardless of form or characteristics, made or received by a Federal Agency under Federal law or in connection with the transaction of public business.”* In addition to the general training requirements outlined in 36 CFR 1220.34, the National Archives and Records Administration (NARA), Bulletin 2017-01, specifically requires Federal agencies to provide annual training to all agency personnel regarding their records management responsibilities.

To meet this mandatory training requirement, all NIH personnel (employees, contractor personnel, grant recipients, detailees, interns, and other non-government persons) supporting an NIH Institute, Center, or Office (ICO) who capture data on behalf of the agency, must complete **Information Security and Information Management training prior to network access** as well as an annual refresher course while in service. Successful completion is required in order to access NIH electronic resources.

The NIH mandatory training course covers five subject areas:

- Information Security
- Counterintelligence
- Privacy Awareness
- Records Management
- Emergency Preparedness

Following is a listing of NIH Records Management training completed by Dr. David Morens;

- A. Dr. David Morens (see attachment A, for training transcript)
 - Initial New Hire training
 - 1 - NIH Information Security Program (08/31/2004)
 - 2 - Sensitive Information (08/31/2004)
 - 3 - Local and Remote Access (06/29/2005)
 - 4 - Internet Safety (06/29/2005)
 - 5 - Situational Awareness (06/29/2005)
 - 6 - Rules of Behavior and Agreements (08/31/2004)
 - 7 - Insider Threats (08/31/2004)
 - 8 - Emergency Preparedness (07/11/2019 / 08/04/2023)
 - Information Management for New Hires
 - Privacy Awareness (7/30/2008)

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 U.S. Department of Health and Human Services (HHS)

- Records Management (8/28/2017)
- Dr. Morens has completed this requirement each year for which we have records from 2019-2023 (2024 has not yet been completed as mandatory refresher training is in process). Please note for 2019-2021 the record shows that the Insider Threats module has not been completed but this module did not yet exist by that name until 2022, so the training has been fulfilled.
- Refresher Record (8/4/2023)
 - 1 - Information Security
 - 2 - Insider Threats
 - 3 - Privacy Awareness
 - 4 - Records Management
 - 5 - Emergency Preparedness
- Refresher Record (7/8/2022)
 - 1 - Information Security
 - 2 - Insider Threats
 - 3 - Privacy Awareness
 - 4 - Records Management
 - 5 - Emergency Preparedness
- Refresher Record (8/12/2021)
 - 1 - Information Security
 - 2 - Insider Threats
 - 3 - Privacy Awareness
 - 4 - Records Management
 - 5 - Emergency Preparedness
- Refresher Record (7/20/2020)
 - 1 - Information Security
 - 2 - Insider Threats
 - 3 - Privacy Awareness
 - 4 - Records Management
 - 5 - Emergency Preparedness
- Refresher Record (7/3/2019)
 - 1 - Information Security
 - 2 - Insider Threats
 - 3 - Privacy Awareness
 - 4 - Records Management
 - 5 - Emergency Preparedness

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B. In addition to mandatory onboarding and annual refresher training, NIH Records Management offers additional training to all employees, contractors, members of the Public Health Service, special volunteers and/or temporary employees, as follows:

- 1. NIH Records Management Managing NIH Email: Guidance for Capstone Officials**
 This course is designed to help individuals know their roles and responsibilities for carrying out and supporting the management of email.
- 2. NIH Records Management Managing NIH Email: Guidance for Non-Capstone Officials**
 This course is designed to help individuals know their roles and responsibilities for carrying out and supporting the management of email.
- 3. NIH Records Management Essential Records Inventory (ERI)**
 This course is designed to help individuals identify and catalog all emergency operating, legal and financial rights records. Submit the certified Inventory to the NIH Records Officer and review records inventory to ensure records are maintained and updated.
- 4. NIH Records Management Transferring NIH Records to Federal Records Centers (FRC)**
 This course is designed to assist NIH personnel assigned within Institutes, Centers, and Offices with transferring NIH Records to a Federal Records Center (FRC).
- 5. HHS Records Management**
 This course is designed to help HHS personnel (to include all Operating Divisions) know their basic responsibilities for managing federal records, including the laws, policies, and procedures that govern them. Individuals will learn how to determine if the information they work with is considered a federal record, how to manage federal records, and what resources they can consult to get more information about records management.
- 6. Record Retention**
 This course is designed to help individuals use the NIH's records retention policies to identify which records must be retained, the different formats in which records may be stored, and common techniques for record disposal.
- 7. Global Record Retention**
 This course is designed to help individuals identify and manage records properly, so they are able to access information when it is needed, keep potentially sensitive information secure, and comply with laws surrounding the handling and storage of data.
- 8. NIH Records Management Notice of Eligibility for Disposal**
 This course is designed to help individuals (primarily NIH Records Liaisons (RL)) understand the automated process of their NARA issued quarterly disposal memos.
- 9. NIH Records Management Fundamentals**
 This course is designed to help individuals know their basic responsibilities for managing federal records, including the laws, policies, and procedures that govern them. Individuals will learn how to determine if the information they work with is considered a federal record, how to manage federal records, and what resources they can consult to get more information about records management.
- 10. HHS Records Management Training for Departing Employees**

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This course provides all government employees and contractors with information regarding their responsibilities for managing federal records when changing positions, departing, or transferring within the Department.

11. Records Custodian Training

This course is designed to help individuals know their basic roles and responsibilities for carrying out and supporting localized records management functions as a records custodian. Individuals will learn how to determine if the information worked with is considered a federal record, how to manage federal records and what resources they can consult to receive more information about records management.

12. Message Records Management

This course investigates the technologies and tools for Message Records Management.

13. NIH Records Management RSS Records Custodian Training

This course is designed to help personnel; primarily Records Liaisons (RLs); navigate the NIH Records Schedule System (RSS), search for, and find records Schedules, create, and manage file plans and if applicable, assign user roles and responsibilities to record custodians.

14. COMPLIANCE SHORT: Records Management

This course discusses following the NIH's Record Retention Policies which support the organization's internal documentation and accounting systems and addresses compliance requirements in state and federal law.

15. COMPLIANCE SHORT: Records Management 2

This course discusses the two-fold purpose of a records retention policy as well as types of documents that are typically covered.

16. Freedom of Information Act (FOIA)

This course provides an overview of the FOIA and how to meet obligations for processing FOIA requests, while also encouraging employees to become familiar with the particular guidelines and resources held by the agency's FOIA Office.

17. HHS Controlled Unclassified Information (CUI) Overview Training

This course provides an overview of the Unclassified Information (CUI) program.

- C. Each NIH ICO Records Management Official, in coordination with the Agency's Records Officer, annually informs NIH personnel of their records management responsibilities in law, regulation, and policy, and provides training specific to the practices and policies of the organization.
- D. Training requirements are achieved by utilizing online modules, in person and virtual instruction, in addition to ICO specific trainings.
- E. To ensure the continued preservation of all federal records, the agency will issue to all staff an annual notice regarding Records Retention Requirements. The notice will address:
 - Rules of Behavior for General Users,
 - 44 U.S.C. 2911-Disclosure Requirements for Official Business Conducted Using Non-Official Electronic Messaging Accounts, and

- NIH Policy for utilizing and preserving records created and/or received using electronic forms of communication i.e., Email, Texting, and/or Instant Chat messaging.

In closing, the NIH appreciates the opportunity to address your concerns and respectfully requests that NARA close this matter. The NIH, an Operating Division of HHS, remains fully committed to effective governance and the continued preservation of all federal records.

As the NIH Agency Records Officer, Anthony D. Crawley Gibson is the Point of Contact for this coordinated response, as submitted: anthony.gibson@nih.gov or 301-402-8425.

Respectfully,

Anthony D. Crawley Gibson
 Records Officer, NIH

REFERENCE:

The National Archives and Records Administration (NARA) was recently made aware of allegations of unauthorized disposition of National Institute of Health (NIH) records, as outlined in a Letter from Hon. Brad Wenstrup, Chairman, Select Subcommittee on the Coronavirus Pandemic, House Committee on Oversight & Accountability, addressed to David Morens, M.D., Senior Scientific Advisor (June 29, 2023), referencing the following:

1. E-Mail from David Morens, M.D., Senior Scientific Advisor, NIAID, to Peter Daszak, Ph.D., et. al., President, EcoHealth Alliance, Inc. (Sept. 9, 2021) stating: *“As you know, I try to always communicate on gmail because my NIH email is FOIA’d constantly. . . . Stuff sent to my gmail gets to my phone, but not my NIH computer. . . . Don’t worry, just send to any of my addresses, and I will delete anything I don’t want to see in the New York Times.”*
2. Documents related to the origins of COVID-19 and specified documents and information from any personal e-mail accounts and any personal cell phones.

Privacy Act Notification for NIH Staff Only

Collection of this information is authorized under 5 CFR 930.301. The primary use of the HHS ID number you provide to enter the training system is to allow the tracking system to record trainings (and associated agreements) you take to be eligible to receive and maintain an Active Directory (network) account, and/or be granted other authorized access such as privileged and remote access. If you do not provide your HHS ID number, NIH will not have the supporting training documentation to authorize your access to the NIH network. Privacy Act System of Records Notices that cover this information collection include OPM/GOVT-1; General Personnel Records (<https://dpcl.d.defense.gov/Privacy/SORNsIndex/DOD-wide-SORN-Article-View/Article/570733/opmgovt-1/>), and #09-25-0108 Personnel: Guest Researchers, Special Volunteers, and Scientists Emeriti (<https://www.federalregister.gov/documents/2002/09/26/02-23965/privacy-act-of-1974-annual-publication-of-systems-of-records#h-328>). To view annual course offerings without authentication please use the [public portal](#). Courses on the public portal do not count towards a user’s annual training requirements.

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 U.S. Department of Health and Human Services (HHS)


NIH National Institutes of Health
2024 INFORMATION SECURITY AND MANAGEMENT REFRESHER

Information Security | Insider Threats | Privacy Awareness | Records Management | Emergency Preparedness | Rules of Behavior | Print Certificate | Resources | Audio | CC | Closed Caption | Exit Course

19 of 33

Email Records

- Only create electronic Federal records using your NIH email or other NIH-approved application
- Only create, send or receive email records using your NIH email account
- Do not use your personal email account to conduct NIH business
- Access the NIH network and Office 365 Webmail using [two-factor authentication \(2FA\)](#)
- Encrypt all electronic sensitive data at rest and in transit, whether in the body of the message or in an attachment



Upon hire, all NIH Staff receive an active directory account and NIH email account managed through an electronic email system

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Office of the Director (OD) National Institutes of Health (NIH)
U.S. Department of Health and Human Services (HHS)



**PRIVILEGED & CONFIDENTIAL
MEMORANDUM**

DATE: 04 June 2024

TO: David Morens, Ph.D., Senior Scientific Advisor, National Institute of Allergy and Infectious Diseases (NIAID), National Institutes of Health (NIH)

CC: Anthony D. Crawley Gibson, NIH Records Officer
Chief, Information Management Branch (IMB), Division of Compliance Management (DCM), Office of Management Assessment (OMA), Office of Management (OM), Office of the Director (OD), NIH, U.S. Department of Health and Human Services (HHS)

FROM: Jill R. Harper, Ph.D. Deputy Director for Science Management, NIAID, NIH

SUBJECT: **TIME SENSITIVE – MANDATORY ACTIONS REQUIRED BY YOU NO LATER THAN MONDAY, 06/18/24, 5:00 PM, Eastern Standard Time**

In accordance with [36 CFR 1230.16\(b\)](#), the National Archives and Records Administration (NARA) is requesting in an open letter a response to *allegations of unauthorized disposition of NIH records* to assist in its investigation of any potential violations of federal record keeping laws, regulations, or policies.

Dr. Morens:

On April 16, 2024, the Select Subcommittee on the Coronavirus Pandemic, House Committee on Oversight and Accountability, announced a subpoena for records in your personal custody and control that are pertinent to their investigation. Upon examining the received documents, the Select Subcommittee discovered that in addition to your personal Gmail account, there is evidence of your use of Proton Mail (an e-mail service that uses end-to-end encryption).

As the NIH/NIAID was uninformed of this and any other potential accounts, this memorandum requires your immediate action and full compliance.

By 5:00 PM, Eastern Standard Time, June 18, 2024, I request that you review all unidentified accounts for relevant documents/data/records and take action, as follows:

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1. **Locate, mark for litigation hold, and provide a copy to me** of all records, documents, data, and information; to include working drafts and peer reviewed correspondence, emails, texts, or instant messages (“communications”) created and/or received by NIAID personnel at NIH email addresses/devices using:

- dmorens@niaid.nih.gov,
- (b) (6) gmail.com, or
- any other associated accounts, i.e., Proton email, social media and/or mobile devices government sponsored or personal.

As with our initial request, this is to include:

- a. All correspondence in which some variation of your NIH Signature Block and/or Job Title appears and/or is included.
 - i. **David M. Morens, M.D.,**
CAPT, United States Public Health Service (ret.)
Senior Advisor to the Director, Office of the Director
National Institutes of Allergy and Infectious Diseases
National Institutes of Health
 - ii. **David M Morens**
OD, NIAID, NIH
- b. All documents and Communications regarding the drafting, publication, or critical reception of the following publications:
 - i. The Correspondence in The Lancet titled, “*Statement in support of the scientists, public health professionals, and medical professionals of China combatting COVID-19.*”
 - ii. The Correspondence in Nature Medicine titled, “*The proximal origin of SARS-CoV-2.*”
 - iii. The Letter in Science titled, “*Investigate the origins of COVID-19.*”
 - iv. The Review in Cell Press titled, “*The origins of SARS-CoV-2: A critical review.*”
 - v. The Publication in Science titled, “*The Hunan Seafood Wholesale Market in Wuhan was the early epicenter of the COVID-19 pandemic.*”
 - vi. The Publication in Science titled, “*The molecular epidemiology of multiple zoonotic origins of SARS-CoV-2.*”
 - vii. The Publication in The Lancet titled, “*The Lancet Commission on lessons for the future from the COVID-19 pandemic.*”
 - viii. The Perspective in The Proceedings of the National Academy of Sciences titled, “*Pandemic origins and a One Health approach to preparedness and prevention: Solutions based on SARS-CoV-2 and other RNA viruses.*”
 - ix. The Report in Zenodo titled, “*Genetic evidence of susceptible wildlife in SARS-CoV-2 positive samples at the Huanan Wholesale Seafood Market, Wuhan: Analysis and interpretation of data released by the Chinese Center for Disease Control.*”

- x. The Pre-Print Publication in Nature titled, *“Surveillance of SARS-CoV-2 in the environment and animal samples of the Huanan Seafood Market.”*

- c. **3. All documents and communications, including text messages, regarding the Wuhan Institute of Virology, EcoHealth Alliance, Inc., or the origins of COVID-19 between November 1, 2019, and present between yourself and the following individuals or regarding or referencing the following individuals:**
 - a. Anthony Fauci
 - b. Francis Collins
 - c. Lawrence Tabak
 - d. Hugh Auchincloss
 - e. Cliff Lane
 - f. David Morens
 - g. Ping Chen
 - h. Ian Watson
 - i. Andrew Pope
 - j. Victor Dzau
 - k. Robert Redfield
 - l. Michael Lauer
 - m. David Christian Hassell
 - n. Jeremy Farrar
 - o. Robert Garry
 - p. Michael Farzan
 - q. Edward Holmes
 - r. W. Ian Lipkin
 - s. Andrew Rambaut
 - t. Peter Daszak
 - u. Aleksei Chmura
 - v. Kevin Olival
 - w. Christian Drosten
 - x. Ron Fouchier
 - y. Marion Koopmans
 - z. Michael Worobey
 - aa. Jonathan Pekar
 - bb. Florence Debarre
 - cc. Angela Rasmussen
 - dd. Ralph Baric
 - ee. James LeDuc
 - ff. Shi Zhengli
 - gg. Ben Hu

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Division of Compliance Management, Office of Management Assessment (OMA), Office of Management (OM),
Office of the Director (OD), National Institutes of Health (NIH),
U.S. Department of Health and Human Services (HHS)

- hh. Yu Ping
- ii. Yan Zhu
- jj. Zhou Yusen
- kk. Peter Hotez
- ll. Richard Ebright
- mm. Y. Alina Chan
- nn. Jesse Bloom
- oo. David Relman

2. Provide a detailed list to me of any communications that were deleted, using Microsoft Excel.

Please ensure your deletion report contains a complete description of the records involved, including columns for volume and dates of the records, and if applicable, any salvage, recovery, or restoration efforts used for the premature destruction and/or deletion of government owned materials.

3. Acknowledge the following, with your signature:

- a. You understand that it is stipulated in the *NIH IT General Rules of Behavior* that employees must:
 - Use only Government Issued Federal Equipment (GFE) to perform official duties or to connect to NIH IT resources (excluding NIH public websites and other public use systems).
 - Take all necessary precautions to protect NIH information and IT resources, including but not limited to hardware, software, sensitive information, federal records [media neutral], and other NIH information from unauthorized access, use, modification, destruction, theft, disclosure, loss, damage, or abuse, and in accordance with NIH information handling policies.
 - Not use personal email and storage/service accounts to conduct NIH business.
 - Never use personal devices to conduct NIH business or store/transmit NIH data without official approval. Using personal phones to take phone calls or attend remote meetings is permitted.
 - Only disseminate authorized NIH information related to official job and duties at NIH to internal and external sources. Note: While teleworking, managers/coworkers use Skype, Microsoft Teams, and ZoomGov to communicate essential NIH business. Other messaging services such as WhatsApp and WeChat are not currently approved.
- b. You understand that Federal employees must not remove Federal records from Government custody without proper authorization (under 36 CFR 1222.24):
 - Unauthorized Records Destruction: means disposal of an unscheduled or permanent record; disposal prior to the end of the NARA-approved retention period of a temporary record (other than court-ordered disposal under § 1226.14(d) of this

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 Division of Compliance Management, Office of Management Assessment (OMA), Office of Management (OM),
 Office of the Director (OD), National Institutes of Health (NIH),
 U.S. Department of Health and Human Services (HHS)

subchapter); and disposal of a record subject to a FOIA request, litigation hold, or any other hold requirement to retain the records.

- The NIH Institute, Center, or Office (ICO) must report promptly any unlawful or accidental removal, defacing, alteration, or destruction of records in their custody to the NIH Records Officer (citation: Title 36 / Chapter XII / Subchapter B / Part 1230).
- It is prohibited for NIH employees to use personal email accounts to conduct official agency business. In the event of an emergency situation, when Federal accounts are not accessible or when an employee is initially contacted through a personal account, **all agency personnel must ensure that all Federal records sent or received on personal email systems are captured and managed in accordance with agency recordkeeping practices and procedures in order to ensure compliance with other statutes and obligations, such as Litigation Hold, Freedom of Information Act (FOIA) and discovery.**
- The Federal Records Act (44 U.S.C. 2911 as amended by Pub. L. 113-187):
Electronic messages created or received in a personal account under the conduct of official NIH business must be forwarded to an official electronic messaging account within 20 days of receipt and/or creation.

4. **Agree to immediately transfer all communications related to your NIH work or sent with a NIH signature block from your personal email accounts to your official NIH account. **This action is to be completed no later than 5:00 PM EST, Monday, June 18, 2024.****

I, David Morens, acknowledge and agree to fully comply with all stipulated actions, as required by NIAID/NIH/HHS:

Digital Signature:

Title:

Date:

From: Gibson, Anthony (NIH/OD) [E] <(b) (6)>
Sent time: 06/11/2024 08:58:32 AM
To: Lisa.Haralampus@nara.gov
Subject: Request Status - HHS Investigation Regarding Misuse of Agency Records)
NIH Records Officer Response Follow-up Assistant Secretary Campbell NARA Deputy Archivist Bosanko 06062024sf.pdf Dr. David
Attachments: Morens Records Management Information Security Awareness Training _ Annual Refresher Training Transcripts _ Certificates of
Completion.pdf Federal Records Act Compliance.pdf NIH Records Officer Notification Follow Up NIAID NARA Allegations of
Unauthorized Records Destruction 20240604 Proton.pdf

Good morning, Lisa,

I hope this email finds you well. Forwarding in Laurence's absence.

Best regards,

Anthony D. Crawley Gibson
NIH Records Officer
Chief, Information Management Branch
National Institutes of Health
Office of Management Assessment
Division of Compliance Management
6705 Rockledge Dr (MSC7901)
Suite 601 (H)
Bethesda, MD 20892

From: Gibson, Anthony (NIH/OD) [E]
Sent: Tuesday, June 11, 2024 8:44 AM
To: Laurence Brewer <laurence.brewer@nara.gov>
Cc: Little, Susan (OS/OCIO/OCDO) <(b) (6)> <(b) (6)> <(b) (6)> nara.gov>
Subject: Request Status - HHS Investigation Regarding Misuse of Agency Records)
Importance: High

Good morning, Laurence,

For your situational awareness, please see the attached and below for NIH's response to the Deputy Archivist's Inquiry (04 June 2024) to ASA Campbell. The agency's formal response has been submitted to the NIH's Office of the Executive Secretariat for processing.

The focus of this response is to address Deputy Archivist's concerns.

ISSUE:

The National Institutes of Health acknowledges receipt of the National Archives and Records Administration's (NARA) Letter dated June 04, 2024, from William J. Bosanko, Deputy Archivist of the United States.

In accordance with The Federal Records Act (44 U.S.C. 31) and corresponding Code of Federal Regulations (CFRs), NARA requested the HHS/NIH respond to allegations of non-compliance (Records Management Training) as indicated in recent Congressional testimony (Dr. David Morens) dated 22 May 2024 and as outlined in a letter dated 04 June 2024 from William J. Bosanko, Deputy Archivist of the United States, addressed to Cheryl Campbell, Deputy Secretary, Assistant Secretary for Administration, U.S. Department of Health and Human Services (HHS), referencing the following:

1. The additional information provided in the context of Congressional testimony has raised significant concerns about compliance with the Federal Records Act and related regulations by the National Institutes of Health and the U.S. Department of Health and Human Services (HHS).
2. It is a requirement that all HHS employees and contractors with email accounts (or IT network resource access) complete records management training within 60 days of employment and that they must complete annual refresher training.
3. HHS is also required to provide targeted records management training to political appointees, senior agency officials, and senior executives upon their arrival and departure and within three to six months of a presidential administration change.
4. I request that you provide the National Archives and Records Administration with a plan of corrective action to address any shortcomings in your records management training program.
5. I also request that you provide refresher training to all HHS employees, contractors, or others who create, receive, access, or use Federal records on behalf of HHS within the next 90 days, with a particular focus on managing both permanent and temporary email records and the use of personal email accounts.

SCOPE: The Presidential and Federal Records Act Amendments of 2014 modernized records management and clarified the definition of a record. General training requirements are outlined in related regulations, i.e., the 36 CFR 1220.34 and the

National Archives and Records Administration (NARA), Bulletin 2017-01, which requires Federal agencies to provide annual training to all agency personnel regarding their records management responsibilities.

To meet this mandatory training requirement, all NIH personnel (employees, contractor personnel, grant recipients, detailees, interns, and other non-government persons) supporting an NIH Institute, Center, or Office (ICO) who capture data on behalf of the agency, must complete **Information Security and Information Management training prior to network access** as well as an annual refresher course while in service. Successful completion is required in order to access NIH electronic resources. Furthermore, the agency has included in its response a training transcript to confirm Dr. Morens has completed this requirement each year for which we legally bound to have records, 2019-2023 (2024 has not yet been completed as mandatory refresher training is in process). In addition to mandatory onboarding and annual refresher training, NIH Records Management offers 17 additional training to all employees, contractors, members of the Public Health Service, special volunteers and/or temporary employees.

Each NIH ICO Records Management Official, in coordination with the Agency's Records Officer, annually informs NIH personnel of their records management responsibilities in law, regulation, and policy, and provides training specific to the practices and policies of the organization. Training requirements are achieved by utilizing online modules, in person and virtual instruction, in addition to ICO specific trainings.

To ensure the continued preservation of all federal records, the agency will issue to all staff an annual notice regarding Records Retention Requirements. The notice will address:

- Rules of Behavior for General Users,
- 44 U.S.C. 2911-Disclosure Requirements for Official Business Conducted Using Non-Official Electronic Messaging Accounts, and
- NIH Policy for utilizing and preserving records created and/or received using electronic forms of communication i.e., Email, Texting, and/or Instant Chat messaging.

Attachment 1: PDF – NIH's Records Officer's Response

Attachment 2: PDF – Dr. Morens' Training Record

Attachment 3: PDF – Archivist of the United States Letter to Secretary Becerra (05 June 2024) and Deputy Archivist Bosanko's Letter to ASA Campbell (14 May & 04 June 2024)

Background: NIH Unauthorized Case UD-2023-0075 (Morens) 28 May 2024

The Archivist of the United States received the attached letter from Chairman Wenstrup concerning Dr. Morens' email that his committee received after issuing a subpoena. The emails were from Gmail and Proton accounts.

NARA has asked NIH to confirm whether all emails that Dr. Morens created or received in his non-government accounts were returned or captured by NIH.

To their point the SSCP has identified via subpoena an undisclosed email account (Proton, email).

The NIH cannot confirm, all emails created and/or received by Dr. Morens utilizing his non-government accounts were returned and/or captured by NIH.

The NIH has expanded its original search criteria for responsive documents to include Dr. Morens' Proton and any other non-government / personal accounts. (S: 18 June 2024)

Attachment: 1 PDF NIH Records Officer Follow-up NIAID NARA Allegations of Unauthorized Records Destruction 20240604

Respectfully,

Anthony D. Crawley Gibson
NIH Records Officer
Chief, Information Management Branch
National Institutes of Health
Office of Management Assessment
Division of Compliance Management
6705 Rockledge Dr (MSC7901)
Suite 601 (H)
Bethesda, MD 20892
301-402-8425

From: [Gibson, Anthony \(NIH/OD\) \[E\]](#)
To: [Gibson, Anthony \(NIH/OD\) \[E\]](#)
Subject: Request for documentation pertaining to Information Security Awareness Training / Annual Refresher Training Transcripts / Certificates of Completion
Date: Thursday, June 6, 2024 9:40:47 AM

Hi Anthony,

I can confirm that Dr. David Morens has completed the initial New Hire training (see below):

INFORMATION SECURITY FOR NEW HIRES

CLOSE COURSE INFORMATION

	Module	Date Completed	Last Visited
	1 - NIH Information Security Program	08/31/2004	
	2 - Sensitive Information	08/31/2004	
	3 - Local and Remote Access	06/29/2005	
	4 - Internet Safety	06/29/2005	
	5 - Situational Awareness	06/29/2005	
	6 - Rules of Behavior and Agreements	08/31/2004	
	7 - Insider Threats	08/31/2004	
	8 - Emergency Preparedness	07/11/2019	08/04/2023

Information Management for New Hires

CLOSE COURSE INFORMATION

	Module	Date Completed	Last Visited
	Privacy Awareness	7/30/2008	7/30/2008
	Records Management	8/28/2017	8/28/2017

And regarding the annual refresher trainings, he has completed this each year for which we have records from 2019-2023 (2024 has not yet been completed). And note that for 2019-2021 the record shows that the Insider Threats module has not been completed but this module did not yet exist by that name until 2022, so the training has been fulfilled.

2023 Refresher record for

CLOSE COURSE INFORMATION

	Module	Date Completed	Last Visited
	1 - Information Security	8/4/2023	8/4/2023
	2 - Insider Threats	8/4/2023	8/4/2023
	3 - Privacy Awareness	8/4/2023	8/4/2023
	4 - Records Management	8/4/2023	8/4/2023
	5 - Emergency Preparedness	8/4/2023	8/4/2023

2022 Refresher record for

☐ CLOSE COURSE INFORMATION

	Module	Date Completed	Last Visited
	1 - Information Security	7/28/2022	7/28/2022
	2 - Insider Threats	7/3/2019	7/3/2019
	3 - Privacy Awareness	7/28/2022	7/28/2022
	4 - Records Management	7/28/2022	7/28/2022
	5 - Emergency Preparedness	7/28/2022	7/28/2022

2021 Refresher record for**☐ CLOSE COURSE INFORMATION**

	Module	Date Completed	Last Visited
	1 - Information Security	8/12/2021	8/12/2021
	2 - Insider Threats		
	3 - Privacy Awareness	8/12/2021	8/12/2021
	4 - Records Management	8/12/2021	8/12/2021
	5 - Emergency Preparedness	8/12/2021	8/12/2021

2020 Refresher record for**☐ CLOSE COURSE INFORMATION**

	Module	Date Completed	Last Visited
	1 - Information Security	7/2/2020	7/2/2020
	2 - Insider Threats		
	3 - Privacy Awareness	7/2/2020	7/2/2020
	4 - Records Management	7/2/2020	7/2/2020
	5 - Emergency Preparedness	7/2/2020	7/2/2020

2019 Refresher record for**☐ CLOSE COURSE INFORMATION**

	Module	Date Completed	Last Visited
	1 - Information Security	7/3/2019	7/3/2019
	2 - Insider Threats		
	3 - Privacy Awareness	7/3/2019	7/3/2019
	4 - Records Management	7/3/2019	7/3/2019
	5 - Emergency Preparedness	7/3/2019	7/3/2019

Please just let us know if we can provide any further information you may need.

Best,

Jonathan Milstein, M.Ed., CISSP, PMP, OD/OCIO/ISAO/GRC
 NIH Information Security Program
 Office of the Chief Information Officer (OCIO)
 National Institutes of Health, HHS

6555 Rock Spring, Drive, Bethesda, MD 20817

Email: (b) (6)



**PRIVILEGED & CONFIDENTIAL
MEMORANDUM**

DATE: 06/11/2024

TO: William J. Bosanko, Deputy Archivist of the United States
National Archives and Records Administration (NARA)

CC: Cheryl Campbell, Deputy Secretary, Assistant Secretary for Administration,
Senior Agency Official for Records Management
U.S. Department of Health and Human Services (HHS)

Alfred C. Johnson Ph.D., Senior Official Records Management (SAORM),
Deputy Director for Management (DDM), Office of Management (OM),
Office of the Director (OD) National Institutes of Health (NIH)

Laurence Brewer, Chief Records Officer for the U.S. Government
National Archives and Records Administration (NARA)

Susan Little, Department Records Officer
U.S. Department of Health and Human Services (HHS)

(b) (6) (b) (6)
Records Management Oversight and Reporting Division
National Archives and Records Administration (NARA)

FROM: Anthony D. Crawley Gibson, NIH Records Officer
Chief, Information Management Branch, Division of Compliance Management,
Office of Management Assessment (OMA) Office of Management (OM)
Office of the Director (OD) National Institutes of Health (NIH)
U.S. Department of Health and Human Services (HHS)
anthony.gibson@nih.gov 301-402-8425

SUBJECT: **TIME SENSITIVE** - National Archives and Records Administration (NARA) request
for a response dated June 04, 2024, to follow-up letter dated May 14, 2024
Subject Federal Records Act and Related Regulations Compliance Concerns

Privileged & Confidential Version: 11 June 24 NIH Records Officer, Chief, Information Management Branch (IMB)
Division of Compliance Management (DCM) Office of Management Assessment (OMA) Office of Management (OM)
Office of the Director (OD) National Institutes of Health (NIH)
U.S. Department of Health and Human Services (HHS)

NIH Records Officer Response Follow-up Assistant Secretary Campbell NARA Deputy Archivist Bosanko 06062024sf.pdf

DELIVERABLE:

No later than June 11, 2024, the NIH Records Officer will submit as requested, information regarding NIH’s compliance with the Federal Records Act and related regulations; specifically Records Management Training; including a description of the actions taken and trainings completed by Dr. David Morens, as mentioned in Congressional testimony to: Laurence Brewer, Chief Records Officer for the U.S. Government, Deputy Archivist of the United States (via email) with a copy to U.S. Health and Human Services (HHS) Senior Agency Official for Records Management (SAORM), NIH Senior Agency Official for Records Management (SAORM) and Departmental Records Officer (DRO).

RESPONSE (CERTIFICATION):

The Federal Records Act (FRA) requires that government agencies create, maintain, and preserve records that document their activities and decisions, which is essential for ensuring transparency, accountability, and the rule of law. The NIH works diligently to provide safeguards against the unlawful or accidental removal, alteration, or destruction of records; furthermore, if a potential loss is identified the agency works hard with NARA to mitigate future risk. All Agency/Institute mandatory trainings are provided in accordance with the Federal Records Act and corresponding Code of Federal Regulations requirements as stipulated. Above these requirements, optional additional trainings have been developed by NIH and are available to all NIH staff to further mitigate potential risk.

ISSUE:

Mr. Anthony D. Crawley Gibson, Agency Records Officer, National Institutes of Health, acknowledges receipt of the National Archives and Records Administration’s (NARA) Letter dated June 04, 2024, from William J. Bosanko, Deputy Archivist of the United States.

In accordance with The Federal Records Act (44 U.S.C. 31) and corresponding Code of Federal Regulations (CFRs), NARA requested the NIH respond to allegations of non-compliance (Records Management Training) as indicated in recent Congressional testimony (Dr. David Morens) dated 22 May 2024 and as outlined in a letter dated 04 June 2024 from William J. Bosanko, Deputy Archivist of the United States, addressed to Cheryl Campbell, Deputy Secretary, Assistant Secretary for Administration, U.S. Department of Health and Human Services (HHS), referencing the following:

1. The additional information provided in the context of Congressional testimony has raised significant concerns about compliance with the Federal Records Act and related regulations by the National Institutes of Health and the U.S. Department of Health and Human Services (HHS).
2. It is a requirement that all HHS employees and contractors with email accounts (or IT network resource access) complete records management training within 60 days of employment and that they must complete annual refresher training.
3. HHS is also required to provide targeted records management training to political appointees, senior agency officials, and senior executives upon their arrival and departure and within three to six months of a presidential administration change.

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 Division of Compliance Management (DCM) Office of Management Assessment (OMA) Office of Management (OM)
 Office of the Director (OD) National Institutes of Health (NIH)
 U.S. Department of Health and Human Services (HHS)

4. I request that you provide the National Archives and Records Administration with a plan of corrective action to address any shortcomings in your records management training program.
5. I also request that you provide refresher training to all HHS employees, contractors, or others who create, receive, access, or use Federal records on behalf of HHS within the next 90 days, with a particular focus on managing both permanent and temporary email records and the use of personal email accounts.

SCOPE: The Presidential and Federal Records Act Amendments of 2014 modernized records management and clarified the definition of a record as, “*All recorded information, regardless of form or characteristics, made or received by a Federal Agency under Federal law or in connection with the transaction of public business.*” In addition to the general training requirements outlined in 36 CFR 1220.34, the National Archives and Records Administration (NARA), Bulletin 2017-01, specifically requires Federal agencies to provide annual training to all agency personnel regarding their records management responsibilities.

To meet this mandatory training requirement, all NIH personnel (employees, contractor personnel, grant recipients, detailees, interns, and other non-government persons) supporting an NIH Institute, Center, or Office (ICO) who capture data on behalf of the agency, must complete **Information Security and Information Management training prior to network access** as well as an annual refresher course while in service. Successful completion is required in order to access NIH electronic resources.

The NIH mandatory training course covers five subject areas:

- Information Security
- Counterintelligence
- Privacy Awareness
- Records Management
- Emergency Preparedness

Following is a listing of NIH Records Management training completed by Dr. David Morens;

- A. Dr. David Morens (see attachment A, for training transcript)
 - Initial New Hire training
 - 1 - NIH Information Security Program (08/31/2004)
 - 2 - Sensitive Information (08/31/2004)
 - 3 - Local and Remote Access (06/29/2005)
 - 4 - Internet Safety (06/29/2005)
 - 5 - Situational Awareness (06/29/2005)
 - 6 - Rules of Behavior and Agreements (08/31/2004)
 - 7 - Insider Threats (08/31/2004)
 - 8 - Emergency Preparedness (07/11/2019 / 08/04/2023)
 - Information Management for New Hires
 - Privacy Awareness (7/30/2008)

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 U.S. Department of Health and Human Services (HHS)

- Records Management (8/28/2017)
- Dr. Morens has completed this requirement each year for which we have records from 2019-2023 (2024 has not yet been completed as mandatory refresher training is in process). Please note for 2019-2021 the record shows that the Insider Threats module has not been completed but this module did not yet exist by that name until 2022, so the training has been fulfilled.
- Refresher Record (8/4/2023)
 - 1 - Information Security
 - 2 - Insider Threats
 - 3 - Privacy Awareness
 - 4 - Records Management
 - 5 - Emergency Preparedness
- Refresher Record (7/8/2022)
 - 1 - Information Security
 - 2 - Insider Threats
 - 3 - Privacy Awareness
 - 4 - Records Management
 - 5 - Emergency Preparedness
- Refresher Record (8/12/2021)
 - 1 - Information Security
 - 2 - Insider Threats
 - 3 - Privacy Awareness
 - 4 - Records Management
 - 5 - Emergency Preparedness
- Refresher Record (7/20/2020)
 - 1 - Information Security
 - 2 - Insider Threats
 - 3 - Privacy Awareness
 - 4 - Records Management
 - 5 - Emergency Preparedness
- Refresher Record (7/3/2019)
 - 1 - Information Security
 - 2 - Insider Threats
 - 3 - Privacy Awareness
 - 4 - Records Management
 - 5 - Emergency Preparedness

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 U.S. Department of Health and Human Services (HHS)

B. In addition to mandatory onboarding and annual refresher training, NIH Records Management offers additional training to all employees, contractors, members of the Public Health Service, special volunteers and/or temporary employees, as follows:

1. NIH Records Management Managing NIH Email: Guidance for Capstone Officials

This course is designed to help individuals know their roles and responsibilities for carrying out and supporting the management of email.

2. NIH Records Management Managing NIH Email: Guidance for Non-Capstone Officials

This course is designed to help individuals know their roles and responsibilities for carrying out and supporting the management of email.

3. NIH Records Management Essential Records Inventory (ERI)

This course is designed to help individuals identify and catalog all emergency operating, legal and financial rights records. Submit the certified Inventory to the NIH Records Officer and review records inventory to ensure records are maintained and updated.

4. NIH Records Management Transferring NIH Records to Federal Records Centers (FRC)

This course is designed to assist NIH personnel assigned within Institutes, Centers, and Offices with transferring NIH Records to a Federal Records Center (FRC).

5. HHS Records Management

This course is designed to help HHS personnel (to include all Operating Divisions) know their basic responsibilities for managing federal records, including the laws, policies, and procedures that govern them. Individuals will learn how to determine if the information they work with is considered a federal record, how to manage federal records, and what resources they can consult to get more information about records management.

6. Record Retention

This course is designed to help individuals use the NIH's records retention policies to identify which records must be retained, the different formats in which records may be stored, and common techniques for record disposal.

7. Global Record Retention

This course is designed to help individuals identify and manage records properly, so they are able to access information when it is needed, keep potentially sensitive information secure, and comply with laws surrounding the handling and storage of data.

8. NIH Records Management Notice of Eligibility for Disposal

This course is designed to help individuals (primarily NIH Records Liaisons (RL)) understand the automated process of their NARA issued quarterly disposal memos.

9. NIH Records Management Fundamentals

This course is designed to help individuals know their basic responsibilities for managing federal records, including the laws, policies, and procedures that govern them. Individuals will learn how to determine if the information they work with is considered a federal record, how to manage federal records, and what resources they can consult to get more information about records management.

10. HHS Records Management Training for Departing Employees

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 U.S. Department of Health and Human Services (HHS)

This course provides all government employees and contractors with information regarding their responsibilities for managing federal records when changing positions, departing, or transferring within the Department.

11. Records Custodian Training

This course is designed to help individuals know their basic roles and responsibilities for carrying out and supporting localized records management functions as a records custodian. Individuals will learn how to determine if the information worked with is considered a federal record, how to manage federal records and what resources they can consult to receive more information about records management.

12. Message Records Management

This course investigates the technologies and tools for Message Records Management.

13. NIH Records Management RSS Records Custodian Training

This course is designed to help personnel; primarily Records Liaisons (RLs); navigate the NIH Records Schedule System (RSS), search for, and find records Schedules, create, and manage file plans and if applicable, assign user roles and responsibilities to record custodians.

14. COMPLIANCE SHORT: Records Management

This course discusses following the NIH's Record Retention Policies which support the organization's internal documentation and accounting systems and addresses compliance requirements in state and federal law.

15. COMPLIANCE SHORT: Records Management 2

This course discusses the two-fold purpose of a records retention policy as well as types of documents that are typically covered.

16. Freedom of Information Act (FOIA)

This course provides an overview of the FOIA and how to meet obligations for processing FOIA requests, while also encouraging employees to become familiar with the particular guidelines and resources held by the agency's FOIA Office.

17. HHS Controlled Unclassified Information (CUI) Overview Training

This course provides an overview of the Unclassified Information (CUI) program.

- C. Each NIH ICO Records Management Official, in coordination with the Agency's Records Officer, annually informs NIH personnel of their records management responsibilities in law, regulation, and policy, and provides training specific to the practices and policies of the organization.
- D. Training requirements are achieved by utilizing online modules, in person and virtual instruction, in addition to ICO specific trainings.
- E. To ensure the continued preservation of all federal records, the agency will issue to all staff an annual notice regarding Records Retention Requirements. The notice will address:
 - Rules of Behavior for General Users,
 - 44 U.S.C. 2911-Disclosure Requirements for Official Business Conducted Using Non-Official Electronic Messaging Accounts, and

- NIH Policy for utilizing and preserving records created and/or received using electronic forms of communication i.e., Email, Texting, and/or Instant Chat messaging.

In closing, the NIH appreciates the opportunity to address your concerns and respectfully requests that NARA close this matter. The NIH, an Operating Division of HHS, remains fully committed to effective governance and the continued preservation of all federal records.

As the NIH Agency Records Officer, Anthony D. Crawley Gibson is the Point of Contact for this coordinated response, as submitted: anthony.gibson@nih.gov or 301-402-8425.

Respectfully,

Anthony D. Crawley Gibson
 Records Officer, NIH

REFERENCE:

The National Archives and Records Administration (NARA) was recently made aware of allegations of unauthorized disposition of National Institute of Health (NIH) records, as outlined in a Letter from Hon. Brad Wenstrup, Chairman, Select Subcommittee on the Coronavirus Pandemic, House Committee on Oversight & Accountability, addressed to David Morens, M.D., Senior Scientific Advisor (June 29, 2023), referencing the following:

1. E-Mail from David Morens, M.D., Senior Scientific Advisor, NIAID, to Peter Daszak, Ph.D., et. al., President, EcoHealth Alliance, Inc. (Sept. 9, 2021) stating: *“As you know, I try to always communicate on gmail because my NIH email is FOIA’d constantly. . . . Stuff sent to my gmail gets to my phone, but not my NIH computer. . . . Don’t worry, just send to any of my addresses, and I will delete anything I don’t want to see in the New York Times.”*
2. Documents related to the origins of COVID-19 and specified documents and information from any personal e-mail accounts and any personal cell phones.

Privacy Act Notification for NIH Staff Only

Collection of this information is authorized under 5 CFR 930.301. The primary use of the HHS ID number you provide to enter the training system is to allow the tracking system to record trainings (and associated agreements) you take to be eligible to receive and maintain an Active Directory (network) account, and/or be granted other authorized access such as privileged and remote access. If you do not provide your HHS ID number, NIH will not have the supporting training documentation to authorize your access to the NIH network. Privacy Act System of Records Notices that cover this information collection include OPM/GOVT-1; General Personnel Records (<https://dpcl.d.defense.gov/Privacy/SORNsIndex/DOD-wide-SORN-Article-View/Article/570733/opmgovt-1/>), and #09-25-0108 Personnel: Guest Researchers, Special Volunteers, and Scientists Emeriti (<https://www.federalregister.gov/documents/2002/09/26/02-23965/privacy-act-of-1974-annual-publication-of-systems-of-records#h-328>). To view annual course offerings without authentication please use the [public portal](#). Courses on the public portal do not count towards a user’s annual training requirements.

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 U.S. Department of Health and Human Services (HHS)

NIH National Institutes of Health
2024 INFORMATION SECURITY AND MANAGEMENT REFRESHER

Information Security | Insider Threats | Privacy Awareness | Records Management | Emergency Preparedness | Rules of Behavior | Print Certificate | Resources | Audio | CC | Closed Caption | Exit Course

19 of 33

Email Records

- Only create electronic Federal records using your NIH email or other NIH-approved application
- Only create, send or receive email records using your NIH email account
- Do not use your personal email account to conduct NIH business
- Access the NIH network and Office 365 Webmail using [two-factor authentication \(2FA\)](#)
- Encrypt all electronic sensitive data at rest and in transit, whether in the body of the message or in an attachment



Upon hire, all NIH Staff receive an active directory account and NIH email account managed through an electronic email system

Privileged & Confidential Version: 11 June 24 NIH Records Officer, Chief, Information Management Branch (IMB)
Division of Compliance Management (DCM) Office of Management Assessment (OMA) Office of Management (OM)
Office of the Director (OD) National Institutes of Health (NIH)
U.S. Department of Health and Human Services (HHS)



Archivist of the
United States

June 5, 2024

The Honorable Xavier Becerra
Secretary of the Department of Health and Human Services
Hubert H. Humphrey Building
200 Independence Avenue, SW, Room 120F
Washington, DC 20201

Dear Secretary Becerra,

As I am sure you are aware, serious concerns have been raised about compliance with the Federal Records Act (FRA) and related regulations by the National Institutes of Health (NIH) and the Department of Health and Human Services (HHS), in relation to allegations of unauthorized disposition of agency records by Dr. David Morens.

We were informed in September 2023 that HHS is conducting an administrative review of this issue. However, no further information has been forthcoming to the National Archives. Recent Congressional testimony by Dr. Morens and public disclosure of his email correspondence have deepened my concern on this matter. Dr. Morens' testimony and actions show, at best, a gross lack of understanding of the requirements of the FRA and Freedom of Information Act. They also raise potentially significant questions about the broader records management and training practices in place at NIH and HHS.

As I'm sure you agree, records management is not a minor administrative matter. The FRA ensures that government agencies create, maintain, and preserve records that document their activities and decisions. This is essential for ensuring transparency, accountability, and the rule of law. Under 44 U.S.C. Chapter 33 of the FRA, as the head of a Federal agency, you are legally responsible for ensuring against the unlawful or accidental removal, alteration, or destruction of records. You are also required to implement policies and procedures that will protect agency records, and ensure that all employees and contractors are properly trained about the law and agency processes.

I have enclosed two letters sent by Deputy Archivist William J. Bosanko to Cheryl Campbell, HHS Assistant Secretary for Administration, on this matter for your attention. I hope you will ensure a full and timely response to the concerns raised. If any misconduct is identified, I expect it will be immediately referred to the appropriate authorities.

Sincerely,

COLLEEN J. SHOGAN
Archivist of the United States

CC: Cheryl Campbell, Assistant Secretary for Administration, HHS
Susan Little, HHS Department Records Officer
Anthony Gibson, NIH Agency Records Officer



Deputy
Archivist of the
United States

May 14, 2024

Cheryl Campbell
Assistant Secretary for Administration
Department of Health and Human Services
200 Independence Ave., SW, Hubert Humphrey Bldg. Suite 309-F
Washington, DC 20201

Dear Assistant Secretary Campbell,

I am writing to request a status update and interim report on the ongoing Health and Human Services' (HHS) investigation regarding the allegations of unauthorized disposition of agency records by Dr. David Morens in his alleged use of personal email in apparent efforts to evade the requirements of the Freedom of Information Act, and by implication, the Federal Records Act. While we have received the Department's report of September 29, 2023, we were advised that the Department is continuing to investigate this case, and as a result, we have taken no action to close this matter as you have requested. Since it has now been over seven months since we received an update on this matter, we request an immediate status report on your investigation with a specific timeframe for when this matter will be resolved.

We are concerned by the length of time it has taken to investigate this matter and urge you to bring this matter to a swift conclusion. If you have any questions or wish to discuss further, please contact Laurence Brewer, Chief Records Officer, at Laurence.Brewer@nara.gov or by phone at (301) 837-1539. You may also reach me at william.bosanko@nara.gov or (b) (6)
(b) (6)

Sincerely,

**WILLIAM
BOSANKO**

Digitally signed by WILLIAM
BOSANKO
Date: 2024.05.14 13:05:02 -04'00'

WILLIAM J. BOSANKO
Deputy Archivist of the United States

cc: Susan Little, HHS Department Records Officer
Anthony Gibson, NIH Agency Records Officer



Deputy
Archivist of the
United States

June 4, 2024

Cheryl Campbell
Assistant Secretary for Administration
Department of Health and Human Services
200 Independence Ave., SW, Hubert Humphrey Bldg. Suite 309-F
Washington, DC 20201

Dear Assistant Secretary Campbell,

This letter is a follow-up to the letter I sent you dated May 14, 2024. The lack of a response and additional information provided in the context of Congressional testimony have raised significant concerns about compliance with the Federal Records Act and related regulations by the National Institutes of Health and the Department of Health and Human Services (HHS).

It is a requirement that all HHS employees and contractors with email accounts (or IT network resource access) complete records management training within 60 days of employment and that they must complete annual refresher training. HHS is also required to provide targeted records management training to political appointees, senior agency officials, and senior executives upon their arrival and departure and within three to six months of a presidential administration change.

In addition to responding to my letter of May 14, 2024, I request that you provide the National Archives and Records Administration with a plan of corrective action to address any shortcomings in your records management training program. I also request that you provide refresher training to all HHS employees, contractors, or others who create, receive, access, or use Federal records on behalf of HHS within the next 90 days, with a particular focus on managing both permanent and temporary email records and the use of personal email accounts.

If you have any questions or wish to discuss further, please contact Laurence Brewer, Chief Records Officer, at laurence.brewer@nara.gov or by phone at (301) 837-1539. You may also reach me at william.bosanko@nara.gov or (b) (6)

Sincerely,

WILLIAM BOSANKO
Digitally signed by WILLIAM
BOSANKO
Date: 2024.06.04 16:17:58 -04'00'

WILLIAM J. BOSANKO
Deputy Archivist of the United States

cc: Susan Little, HHS Department Records Officer
Anthony Gibson, NIH Agency Records Officer



**PRIVILEGED & CONFIDENTIAL
MEMORANDUM**

DATE: 04 June 2024

TO: David Morens, Ph.D., Senior Scientific Advisor, National Institute of Allergy and Infectious Diseases (NIAID), National Institutes of Health (NIH)

CC: Anthony D. Crawley Gibson, NIH Records Officer
Chief, Information Management Branch (IMB), Division of Compliance Management (DCM), Office of Management Assessment (OMA),
Office of Management (OM), Office of the Director (OD), NIH, U.S. Department of Health and Human Services (HHS)

FROM: Jill R. Harper, Ph.D. Deputy Director for Science Management, NIAID, NIH

SUBJECT: **TIME SENSITIVE – MANDATORY ACTIONS REQUIRED BY YOU NO LATER THAN MONDAY, 06/18/24, 5:00 PM, Eastern Standard Time**

In accordance with [36 CFR 1230.16\(b\)](#), the National Archives and Records Administration (NARA) is requesting in an open letter a response to *allegations of unauthorized disposition of NIH records* to assist in its investigation of any potential violations of federal record keeping laws, regulations, or policies.

Dr. Morens:

On April 16, 2024, the Select Subcommittee on the Coronavirus Pandemic, House Committee on Oversight and Accountability, announced a subpoena for records in your personal custody and control that are pertinent to their investigation. Upon examining the received documents, the Select Subcommittee discovered that in addition to your personal Gmail account, there is evidence of your use of Proton Mail (an e-mail service that uses end-to-end encryption).

As the NIH/NIAID was uninformed of this and any other potential accounts, this memorandum requires your immediate action and full compliance.

By 5:00 PM, Eastern Standard Time, June 18, 2024, I request that you review all unidentified accounts for relevant documents/data/records and take action, as follows:

Privileged & Confidential Version 04 June 2024 NIH Records Officer, Chief, Information Management Branch,
Division of Compliance Management, Office of Management Assessment (OMA), Office of Management (OM),
Office of the Director (OD), National Institutes of Health (NIH),
U.S. Department of Health and Human Services (HHS)

1. **Locate, mark for litigation hold, and provide a copy to me** of all records, documents, data, and information; to include working drafts and peer reviewed correspondence, emails, texts, or instant messages (“communications”) created and/or received by NIAID personnel at NIH email addresses/devices using:

- dmorens@niaid.nih.gov,
- (b) (6) gmail.com, or
- any other associated accounts, i.e., Proton email, social media and/or mobile devices government sponsored or personal.

As with our initial request, this is to include:

- a. All correspondence in which some variation of your NIH Signature Block and/or Job Title appears and/or is included.
 - i. **David M. Morens, M.D.,**
CAPT, United States Public Health Service (ret.)
Senior Advisor to the Director, Office of the Director
National Institutes of Allergy and Infectious Diseases
National Institutes of Health
 - ii. **David M Morens**
OD, NIAID, NIH
- b. All documents and Communications regarding the drafting, publication, or critical reception of the following publications:
 - i. The Correspondence in The Lancet titled, “*Statement in support of the scientists, public health professionals, and medical professionals of China combatting COVID-19.*”
 - ii. The Correspondence in Nature Medicine titled, “*The proximal origin of SARS-CoV-2.*”
 - iii. The Letter in Science titled, “*Investigate the origins of COVID-19.*”
 - iv. The Review in Cell Press titled, “*The origins of SARS-CoV-2: A critical review.*”
 - v. The Publication in Science titled, “*The Hunan Seafood Wholesale Market in Wuhan was the early epicenter of the COVID-19 pandemic.*”
 - vi. The Publication in Science titled, “*The molecular epidemiology of multiple zoonotic origins of SARS-CoV-2.*”
 - vii. The Publication in The Lancet titled, “*The Lancet Commission on lessons for the future from the COVID-19 pandemic.*”
 - viii. The Perspective in The Proceedings of the National Academy of Sciences titled, “*Pandemic origins and a One Health approach to preparedness and prevention: Solutions based on SARS-CoV-2 and other RNA viruses.*”
 - ix. The Report in Zenodo titled, “*Genetic evidence of susceptible wildlife in SARS-CoV-2 positive samples at the Huanan Wholesale Seafood Market, Wuhan: Analysis and interpretation of data released by the Chinese Center for Disease Control.*”

- x. The Pre-Print Publication in Nature titled, *“Surveillance of SARS-CoV-2 in the environment and animal samples of the Huanan Seafood Market.”*

- c. **3. All documents and communications, including text messages, regarding the Wuhan Institute of Virology, EcoHealth Alliance, Inc., or the origins of COVID-19 between November 1, 2019, and present between yourself and the following individuals or regarding or referencing the following individuals:**
 - a. Anthony Fauci
 - b. Francis Collins
 - c. Lawrence Tabak
 - d. Hugh Auchincloss
 - e. Cliff Lane
 - f. David Morens
 - g. Ping Chen
 - h. Ian Watson
 - i. Andrew Pope
 - j. Victor Dzau
 - k. Robert Redfield
 - l. Michael Lauer
 - m. David Christian Hassell
 - n. Jeremy Farrar
 - o. Robert Garry
 - p. Michael Farzan
 - q. Edward Holmes
 - r. W. Ian Lipkin
 - s. Andrew Rambaut
 - t. Peter Daszak
 - u. Aleksei Chmura
 - v. Kevin Olival
 - w. Christian Drosten
 - x. Ron Fouchier
 - y. Marion Koopmans
 - z. Michael Worobey
 - aa. Jonathan Pekar
 - bb. Florence Debarre
 - cc. Angela Rasmussen
 - dd. Ralph Baric
 - ee. James LeDuc
 - ff. Shi Zhengli
 - gg. Ben Hu

Privileged & Confidential Version 04 June 2024 NIH Records Officer, Chief, Information Management Branch,
Division of Compliance Management, Office of Management Assessment (OMA), Office of Management (OM),
Office of the Director (OD), National Institutes of Health (NIH),
U.S. Department of Health and Human Services (HHS)

- hh. Yu Ping
- ii. Yan Zhu
- jj. Zhou Yusen
- kk. Peter Hotez
- ll. Richard Ebright
- mm. Y. Alina Chan
- nn. Jesse Bloom
- oo. David Relman

2. Provide a detailed list to me of any communications that were deleted, using Microsoft Excel.

Please ensure your deletion report contains a complete description of the records involved, including columns for volume and dates of the records, and if applicable, any salvage, recovery, or restoration efforts used for the premature destruction and/or deletion of government owned materials.

3. Acknowledge the following, with your signature:

- a. You understand that it is stipulated in the *NIH IT General Rules of Behavior* that employees must:
 - Use only Government Issued Federal Equipment (GFE) to perform official duties or to connect to NIH IT resources (excluding NIH public websites and other public use systems).
 - Take all necessary precautions to protect NIH information and IT resources, including but not limited to hardware, software, sensitive information, federal records [media neutral], and other NIH information from unauthorized access, use, modification, destruction, theft, disclosure, loss, damage, or abuse, and in accordance with NIH information handling policies.
 - Not use personal email and storage/service accounts to conduct NIH business.
 - Never use personal devices to conduct NIH business or store/transmit NIH data without official approval. Using personal phones to take phone calls or attend remote meetings is permitted.
 - Only disseminate authorized NIH information related to official job and duties at NIH to internal and external sources. Note: While teleworking, managers/coworkers use Skype, Microsoft Teams, and ZoomGov to communicate essential NIH business. Other messaging services such as WhatsApp and WeChat are not currently approved.
- b. You understand that Federal employees must not remove Federal records from Government custody without proper authorization (under 36 CFR 1222.24):
 - Unauthorized Records Destruction: means disposal of an unscheduled or permanent record; disposal prior to the end of the NARA-approved retention period of a temporary record (other than court-ordered disposal under § 1226.14(d) of this

Privileged & Confidential Version 04 June 2024 NIH Records Officer, Chief, Information Management Branch,
 Division of Compliance Management, Office of Management Assessment (OMA), Office of Management (OM),
 Office of the Director (OD), National Institutes of Health (NIH),
 U.S. Department of Health and Human Services (HHS)

subchapter); and disposal of a record subject to a FOIA request, litigation hold, or any other hold requirement to retain the records.

- The NIH Institute, Center, or Office (ICO) must report promptly any unlawful or accidental removal, defacing, alteration, or destruction of records in their custody to the NIH Records Officer (citation: Title 36 / Chapter XII / Subchapter B / Part 1230).
- It is prohibited for NIH employees to use personal email accounts to conduct official agency business. In the event of an emergency situation, when Federal accounts are not accessible or when an employee is initially contacted through a personal account, **all agency personnel must ensure that all Federal records sent or received on personal email systems are captured and managed in accordance with agency recordkeeping practices and procedures in order to ensure compliance with other statutes and obligations, such as Litigation Hold, Freedom of Information Act (FOIA) and discovery.**
- The Federal Records Act (44 U.S.C. 2911 as amended by Pub. L. 113-187):
Electronic messages created or received in a personal account under the conduct of official NIH business must be forwarded to an official electronic messaging account within 20 days of receipt and/or creation.

4. **Agree to immediately transfer all communications related to your NIH work or sent with a NIH signature block from your personal email accounts to your official NIH account. **This action is to be completed no later than 5:00 PM EST, Monday, June 18, 2024.****

I, David Morens, acknowledge and agree to fully comply with all stipulated actions, as required by NIAID/NIH/HHS:

Digital Signature:

Title:

Date:

From: Lisa Haralampus <lisa.haralampus@nara.gov>
Sent time: 06/11/2024 09:04:24 AM
To: Gibson, Anthony (NIH/OD) [E] <(b) (6)>
Subject: Re: Request Status - HHS Investigation Regarding Misuse of Agency Records)

Hi Anthony,

Thank you for this response. I'll forward to the appropriate officials in NARA.

- Lisa

On Tue, Jun 11, 2024 at 9:00 AM Gibson, Anthony (NIH/OD) [E] <(b) (6)> wrote:

Good morning, Lisa,

I hope this email finds you well. Forwarding in Laurence's absence.

Best regards,

Anthony D. Crawley Gibson

NIH Records Officer
Chief, Information Management Branch

National Institutes of Health

Office of Management Assessment

Division of Compliance Management

6705 Rockledge Dr (MSC7901)

Suite 601 (H)

Bethesda, MD 20892

From: Gibson, Anthony (NIH/OD) [E]
Sent: Tuesday, June 11, 2024 8:44 AM
To: Laurence Brewer <laurence.brewer@nara.gov>
Cc: Little, Susan (OS/OCIO/OCDO) <(b) (6)>; (b) (6) <(b) (6)> <(b) (6)> <nara.gov>
Subject: Request Status - HHS Investigation Regarding Misuse of Agency Records)
Importance: High

Good morning, Laurence,

For your situational awareness, please see the attached and below for NIH's response to the Deputy Archivist's Inquiry (04 June 2024) to ASA Campbell. The agency's formal response has been submitted to the NIH's Office of the Executive Secretariat for processing.

The focus of this response is to address Deputy Archivist's concerns.

ISSUE:

The National Institutes of Health acknowledges receipt of the National Archives and Records Administration's (NARA) Letter dated June 04, 2024, from William J. Bosanko, Deputy Archivist of the United States.

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1. The additional information provided in the context of Congressional testimony has raised significant concerns about compliance with the Federal Records Act and related regulations by the National Institutes of Health and the U.S. Department of Health and Human Services (HHS).
2. It is a requirement that all HHS employees and contractors with email accounts (or IT network resource access) complete records management training within 60 days of employment and that they must complete annual refresher training.
3. HHS is also required to provide targeted records management training to political appointees, senior agency officials, and senior executives upon their arrival and departure and within three to six months of a presidential administration change.
4. I request that you provide the National Archives and Records Administration with a plan of corrective action to address any shortcomings in your records management training program.
5. I also request that you provide refresher training to all HHS employees, contractors, or others who create, receive, access, or use Federal records on behalf of HHS within the next 90 days, with a particular focus on managing both permanent and temporary email records and the use of

personal email accounts.

SCOPE: The Presidential and Federal Records Act Amendments of 2014 modernized records management and clarified the definition of a record. General training requirements are outlined in related regulations, i.e., the 36 CFR 1220.34 and the National Archives and Records Administration (NARA), Bulletin 2017-01, which requires Federal agencies to provide annual training to all agency personnel regarding their records management responsibilities.

To meet this mandatory training requirement, all NIH personnel (employees, contractor personnel, grant recipients, detailees, interns, and other non-government persons) supporting an NIH Institute, Center, or Office (ICO) who capture data on behalf of the agency, must complete **Information Security and Information Management training prior to network access** as well as an annual refresher course while in service. Successful completion is required in order to access NIH electronic resources. Furthermore, the agency has included in its response a training transcript to confirm Dr. Morens has completed this requirement each year for which we legally bound to have records, 2019-2023 (2024 has not yet been completed as mandatory refresher training is in process). In addition to mandatory onboarding and annual refresher training, NIH Records Management offers 17 additional training to all employees, contractors, members of the Public Health Service, special volunteers and/or temporary employees.

Each NIH ICO Records Management Official, in coordination with the Agency's Records Officer, annually informs NIH personnel of their records management responsibilities in law, regulation, and policy, and provides training specific to the practices and policies of the organization. Training requirements are achieved by utilizing online modules, in person and virtual instruction, in addition to ICO specific trainings.

To ensure the continued preservation of all federal records, the agency will issue to all staff an annual notice regarding Records Retention Requirements. The notice will address:

- Rules of Behavior for General Users,

- 44 U.S.C. 2911-Disclosure Requirements for Official Business Conducted Using Non-Official Electronic Messaging Accounts, and
- NIH Policy for utilizing and preserving records created and/or received using electronic forms of communication i.e., Email, Texting, and/or Instant Chat messaging.

Attachment 1: PDF – NIH’s Records Officer’s Response

Attachment 2: PDF – Dr. Morens’ Training Record

Attachment 3: PDF – Archivist of the United States Letter to Secretary Becerra (05 June 2024) and Deputy Archivist Bosanko’s Letter to ASA Campbell (14 May & 04 June 2024)

Background: NIH Unauthorized Case UD-2023-0075 (Morens) 28 May 2024

The Archivist of the United States received the attached letter from Chairman Wenstrup concerning Dr. Morens' email that his committee received after issuing a subpoena. The emails were from Gmail and Proton accounts.

NARA has asked NIH to confirm whether all emails that Dr. Morens created or received in his non-government accounts were returned or captured by NIH.

To their point the SSCP has identified via subpoena an undisclosed email account (Proton, email).

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The NIH has expanded its original search criteria for responsive documents to include Dr. Morens’ Proton and any other non-government / personal accounts. (S: 18 June 2024)

Attachment: 1 PDF NIH Records Officer Follow-up NIAID NARA Allegations of Unauthorized Records Destruction 20240604

Respectfully,

Anthony D. Crawley Gibson

NIH Records Officer
Chief, Information Management Branch

National Institutes of Health

Office of Management Assessment

Division of Compliance Management

6705 Rockledge Dr (MSC7901)

Suite 601 (H)

Bethesda, MD 20892

(b) (6)

From: Gibson, Anthony (NIH/OD) [E] <(b) (6)>
Sent time: 06/11/2024 09:09:37 AM
To: Lisa Haralampus <lisa.haralampus@nara.gov>
Subject: RE: [EXTERNAL] Re: Request Status - HHS Investigation Regarding Misuse of Agency Records)

You're welcome and thank you.

- Anthony

From: Lisa Haralampus <lisa.haralampus@nara.gov>
Sent: Tuesday, June 11, 2024 9:04 AM
To: Gibson, Anthony (NIH/OD) [E] <(b) (6)>
Subject: [EXTERNAL] Re: Request Status - HHS Investigation Regarding Misuse of Agency Records)

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Chief, Information Management Branch
National Institutes of Health
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6705 Rockledge Dr (MSC7901)
Suite 601 (H)
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Anthony D. Crawley Gibson
NIH Records Officer
Chief, Information Management Branch
National Institutes of Health
Office of Management Assessment
Division of Compliance Management
6705 Rockledge Dr (MSC7901)
Suite 601 (H)
Bethesda, MD 20892
(b) (6)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and are confident the content is safe.

From: 'Gibson, Anthony (NIH/OD) [E]' via ExecSec <ExecSec@nara.gov>
Sent time: 06/11/2024 12:11:32 PM
To: (b) (6) nara.gov; NARA Executive Secretariat <ExecSec@nara.gov>
Cc: NIH Executive Secretariat <NIHExecSec@nih.gov>
BCc: groups.archive7@nara.gov
Subject: HHS Investigation Regarding Misuse of Agency Records)
NIH Records Officer Response Follow-up Assistant Secretary Campbell NARA Deputy Archivist Bosanko 06062024sf.pdf Dr. David
Attachments: Morens Records Management Information Security Awareness Training _ Annual Refresher Training Transcripts _ Certificates of
Completion.pdf Federal Records Act Compliance.pdf NIH Records Officer Notification Follow Up NIAID NARA Allegations of
Unauthorized Records Destruction 20240604 Proton.pdf

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personal email accounts.

SCOPE: The Presidential and Federal Records Act Amendments of 2014 modernized records management and clarified the definition of a record. General training requirements are outlined in related regulations, i.e., the 36 CFR 1220.34 and the National Archives and Records Administration (NARA), Bulletin 2017-01, which requires Federal agencies to provide annual training to all agency personnel regarding their records management responsibilities.

To meet this mandatory training requirement, all NIH personnel (employees, contractor personnel, grant recipients, detailees, interns, and other non-government persons) supporting an NIH Institute, Center, or Office (ICO) who capture data on behalf of the agency, must complete **Information Security and Information Management training prior to network access** as well as an annual refresher course while in service. Successful completion is required in order to access NIH electronic resources. Furthermore, the agency has included in its response a training transcript to confirm Dr. Morens has completed this requirement each year for which we legally bound to have records, 2019-2023 (2024 has not yet been completed as mandatory refresher training is in process). In addition to mandatory onboarding and annual refresher training, NIH Records Management offers 17 additional training to all employees, contractors, members of the Public Health Service, special volunteers and/or temporary employees.

Each NIH ICO Records Management Official, in coordination with the Agency's Records Officer, annually informs NIH personnel of their records management responsibilities in law, regulation, and policy, and provides training specific to the practices and policies of the organization. Training requirements are achieved by utilizing online modules, in person and virtual instruction, in addition to ICO specific trainings.

To ensure the continued preservation of all federal records, the agency will issue to all staff an annual notice regarding Records Retention Requirements. The notice will address:

- Rules of Behavior for General Users,
- 44 U.S.C. 2911-Disclosure Requirements for Official Business Conducted Using Non-Official Electronic Messaging Accounts, and

- NIH Policy for utilizing and preserving records created and/or received using electronic forms of communication i.e., Email, Texting, and/or Instant Chat messaging.

Attachment 1: PDF – NIH’s Records Officer’s Response

Attachment 2: PDF – Dr. Morens’ Training Record

Attachment 3: PDF – Archivist of the United States Letter to Secretary Becerra (05 June 2024) and Deputy Archivist Bosanko’s Letter to ASA Campbell (14 May & 04 June 2024)

Background: NIH Unauthorized Case UD-2023-0075 (Morens) 28 May 2024

The Archivist of the United States received the attached letter from Chairman Wenstrup concerning Dr. Morens' email that his committee received after issuing a subpoena. The email was from Gmail and Proton accounts.

NARA has asked NIH to confirm whether all emails that Dr. Morens created or received in his non-government accounts were returned or captured by NIH.

To their point the SSCP has identified via subpoena an undisclosed email account (Proton, email).

The NIH cannot confirm, all emails created and/or received by Dr. Morens utilizing his non-government accounts were returned and/or captured by NIH.

The NIH has expanded its original search criteria for responsive documents to include Dr. Morens’ Proton and any other non-government / personal accounts.

Attachment: 1 PDF NIH Records Officer Follow-up NIAID NARA Allegations of Unauthorized Records Destruction 20240604

Respectfully,

Anthony D. Crawley Gibson
NIH Records Officer
Chief, Information Management Branch
National Institutes of Health
Office of Management Assessment
Division of Compliance Management
6705 Rockledge Dr (MSC7901)
Suite 601 (H)
Bethesda, MD 20892
301-402-8425

From: (b) (6) <(b) (6)@nara.gov>
Sent: Tuesday, June 4, 2024 6:34 PM
To: Brought, Nate (NIH/OD) [E] <(b) (6)>; NIH Executive Secretariat <NIHExecSec@nih.gov>
Subject: [EXTERNAL] Re: Request Status of Investigation

Hello,

Please forward the attached time-sensitive letter from Deputy Archivist, William Bosanko, to Mr. Anthony Gibson. This is Mr. Bosanko's 2nd and final letter regarding this important matter. Please confirm receipt of this email, thank you.

Best regards,

(b) (6)

Executive Secretariat
National Archives
C:(b) (6)

On Thu, May 23, 2024, 11:29 AM Executive Secretariat <execsec@nara.gov> wrote:

Good morning,

Our office wanted to confirm this letter sent on May 14th requesting status of investigation has been received by Anthony Gibson. If you could please provide confirmation that would be greatly appreciated. Thank you.



Archivist of the
United States

June 5, 2024

The Honorable Xavier Becerra
Secretary of the Department of Health and Human Services
Hubert H. Humphrey Building
200 Independence Avenue, SW, Room 120F
Washington, DC 20201

Dear Secretary Becerra,

As I am sure you are aware, serious concerns have been raised about compliance with the Federal Records Act (FRA) and related regulations by the National Institutes of Health (NIH) and the Department of Health and Human Services (HHS), in relation to allegations of unauthorized disposition of agency records by Dr. David Morens.

We were informed in September 2023 that HHS is conducting an administrative review of this issue. However, no further information has been forthcoming to the National Archives. Recent Congressional testimony by Dr. Morens and public disclosure of his email correspondence have deepened my concern on this matter. Dr. Morens' testimony and actions show, at best, a gross lack of understanding of the requirements of the FRA and Freedom of Information Act. They also raise potentially significant questions about the broader records management and training practices in place at NIH and HHS.

As I'm sure you agree, records management is not a minor administrative matter. The FRA ensures that government agencies create, maintain, and preserve records that document their activities and decisions. This is essential for ensuring transparency, accountability, and the rule of law. Under 44 U.S.C. Chapter 33 of the FRA, as the head of a Federal agency, you are legally responsible for ensuring against the unlawful or accidental removal, alteration, or destruction of records. You are also required to implement policies and procedures that will protect agency records, and ensure that all employees and contractors are properly trained about the law and agency processes.

I have enclosed two letters sent by Deputy Archivist William J. Bosanko to Cheryl Campbell, HHS Assistant Secretary for Administration, on this matter for your attention. I hope you will ensure a full and timely response to the concerns raised. If any misconduct is identified, I expect it will be immediately referred to the appropriate authorities.

Sincerely,

COLLEEN J. SHOGAN
Archivist of the United States

CC: Cheryl Campbell, Assistant Secretary for Administration, HHS
Susan Little, HHS Department Records Officer
Anthony Gibson, NIH Agency Records Officer



Deputy
Archivist of the
United States

May 14, 2024

Cheryl Campbell
Assistant Secretary for Administration
Department of Health and Human Services
200 Independence Ave., SW, Hubert Humphrey Bldg. Suite 309-F
Washington, DC 20201

Dear Assistant Secretary Campbell,

I am writing to request a status update and interim report on the ongoing Health and Human Services' (HHS) investigation regarding the allegations of unauthorized disposition of agency records by Dr. David Morens in his alleged use of personal email in apparent efforts to evade the requirements of the Freedom of Information Act, and by implication, the Federal Records Act. While we have received the Department's report of September 29, 2023, we were advised that the Department is continuing to investigate this case, and as a result, we have taken no action to close this matter as you have requested. Since it has now been over seven months since we received an update on this matter, we request an immediate status report on your investigation with a specific timeframe for when this matter will be resolved.

We are concerned by the length of time it has taken to investigate this matter and urge you to bring this matter to a swift conclusion. If you have any questions or wish to discuss further, please contact Laurence Brewer, Chief Records Officer, at Laurence.Brewer@nara.gov or by phone at (301) 837-1539. You may also reach me at william.bosanko@nara.gov or (b) (6)

(b) (6)

Sincerely,

**WILLIAM
BOSANKO**

Digitally signed by WILLIAM
BOSANKO
Date: 2024.05.14 13:05:02 -04'00'

WILLIAM J. BOSANKO
Deputy Archivist of the United States

cc: Susan Little, HHS Department Records Officer
Anthony Gibson, NIH Agency Records Officer



Deputy
Archivist of the
United States

June 4, 2024

Cheryl Campbell
Assistant Secretary for Administration
Department of Health and Human Services
200 Independence Ave., SW, Hubert Humphrey Bldg. Suite 309-F
Washington, DC 20201

Dear Assistant Secretary Campbell,

This letter is a follow-up to the letter I sent you dated May 14, 2024. The lack of a response and additional information provided in the context of Congressional testimony have raised significant concerns about compliance with the Federal Records Act and related regulations by the National Institutes of Health and the Department of Health and Human Services (HHS).

It is a requirement that all HHS employees and contractors with email accounts (or IT network resource access) complete records management training within 60 days of employment and that they must complete annual refresher training. HHS is also required to provide targeted records management training to political appointees, senior agency officials, and senior executives upon their arrival and departure and within three to six months of a presidential administration change.

In addition to responding to my letter of May 14, 2024, I request that you provide the National Archives and Records Administration with a plan of corrective action to address any shortcomings in your records management training program. I also request that you provide refresher training to all HHS employees, contractors, or others who create, receive, access, or use Federal records on behalf of HHS within the next 90 days, with a particular focus on managing both permanent and temporary email records and the use of personal email accounts.

If you have any questions or wish to discuss further, please contact Laurence Brewer, Chief Records Officer, at laurence.brewer@nara.gov or by phone at (301) 837-1539. You may also reach me at william.bosanko@nara.gov or (b) (6)

Sincerely,

WILLIAM BOSANKO
Digitally signed by WILLIAM
BOSANKO
Date: 2024.06.04 16:17:58 -04'00'

WILLIAM J. BOSANKO
Deputy Archivist of the United States

cc: Susan Little, HHS Department Records Officer
Anthony Gibson, NIH Agency Records Officer



**PRIVILEGED & CONFIDENTIAL
MEMORANDUM**

DATE: 04 June 2024

TO: David Morens, Ph.D., Senior Scientific Advisor, National Institute of Allergy and Infectious Diseases (NIAID), National Institutes of Health (NIH)

CC: Anthony D. Crawley Gibson, NIH Records Officer
Chief, Information Management Branch (IMB), Division of Compliance Management (DCM), Office of Management Assessment (OMA),
Office of Management (OM), Office of the Director (OD), NIH, U.S. Department of Health and Human Services (HHS)

FROM: Jill R. Harper, Ph.D. Deputy Director for Science Management, NIAID, NIH

SUBJECT: **TIME SENSITIVE – MANDATORY ACTIONS REQUIRED BY YOU NO LATER THAN MONDAY, 06/18/24, 5:00 PM, Eastern Standard Time**

In accordance with [36 CFR 1230.16\(b\)](#), the National Archives and Records Administration (NARA) is requesting in an open letter a response to *allegations of unauthorized disposition of NIH records* to assist in its investigation of any potential violations of federal record keeping laws, regulations, or policies.

Dr. Morens:

On April 16, 2024, the Select Subcommittee on the Coronavirus Pandemic, House Committee on Oversight and Accountability, announced a subpoena for records in your personal custody and control that are pertinent to their investigation. Upon examining the received documents, the Select Subcommittee discovered that in addition to your personal Gmail account, there is evidence of your use of Proton Mail (an e-mail service that uses end-to-end encryption).

As the NIH/NIAID was uninformed of this and any other potential accounts, this memorandum requires your immediate action and full compliance.

By 5:00 PM, Eastern Standard Time, June 18, 2024, I request that you review all unidentified accounts for relevant documents/data/records and take action, as follows:

Privileged & Confidential Version 04 June 2024 NIH Records Officer, Chief, Information Management Branch,
Division of Compliance Management, Office of Management Assessment (OMA), Office of Management (OM),
Office of the Director (OD), National Institutes of Health (NIH),
U.S. Department of Health and Human Services (HHS)

1. **Locate, mark for litigation hold, and provide a copy to me** of all records, documents, data, and information; to include working drafts and peer reviewed correspondence, emails, texts, or instant messages (“communications”) created and/or received by NIAID personnel at NIH email addresses/devices using:

- dmorens@niaid.nih.gov,
- **(b) (6)** gmail.com, or
- any other associated accounts, i.e., Proton email, social media and/or mobile devices government sponsored or personal.

As with our initial request, this is to include:

- a. All correspondence in which some variation of your NIH Signature Block and/or Job Title appears and/or is included.
 - i. **David M. Morens, M.D.,**
CAPT, United States Public Health Service (ret.)
Senior Advisor to the Director, Office of the Director
National Institutes of Allergy and Infectious Diseases
National Institutes of Health
 - ii. **David M Morens**
OD, NIAID, NIH
- b. All documents and Communications regarding the drafting, publication, or critical reception of the following publications:
 - i. The Correspondence in The Lancet titled, “*Statement in support of the scientists, public health professionals, and medical professionals of China combatting COVID-19.*”
 - ii. The Correspondence in Nature Medicine titled, “*The proximal origin of SARS-CoV-2.*”
 - iii. The Letter in Science titled, “*Investigate the origins of COVID-19.*”
 - iv. The Review in Cell Press titled, “*The origins of SARS-CoV-2: A critical review.*”
 - v. The Publication in Science titled, “*The Hunan Seafood Wholesale Market in Wuhan was the early epicenter of the COVID-19 pandemic.*”
 - vi. The Publication in Science titled, “*The molecular epidemiology of multiple zoonotic origins of SARS-CoV-2.*”
 - vii. The Publication in The Lancet titled, “*The Lancet Commission on lessons for the future from the COVID-19 pandemic.*”
 - viii. The Perspective in The Proceedings of the National Academy of Sciences titled, “*Pandemic origins and a One Health approach to preparedness and prevention: Solutions based on SARS-CoV-2 and other RNA viruses.*”
 - ix. The Report in Zenodo titled, “*Genetic evidence of susceptible wildlife in SARS-CoV-2 positive samples at the Huanan Wholesale Seafood Market, Wuhan: Analysis and interpretation of data released by the Chinese Center for Disease Control.*”

- x. The Pre-Print Publication in Nature titled, *“Surveillance of SARS-CoV-2 in the environment and animal samples of the Huanan Seafood Market.”*

- c. **3. All documents and communications, including text messages, regarding the Wuhan Institute of Virology, EcoHealth Alliance, Inc., or the origins of COVID-19 between November 1, 2019, and present between yourself and the following individuals or regarding or referencing the following individuals:**
 - a. Anthony Fauci
 - b. Francis Collins
 - c. Lawrence Tabak
 - d. Hugh Auchincloss
 - e. Cliff Lane
 - f. David Morens
 - g. Ping Chen
 - h. Ian Watson
 - i. Andrew Pope
 - j. Victor Dzau
 - k. Robert Redfield
 - l. Michael Lauer
 - m. David Christian Hassell
 - n. Jeremy Farrar
 - o. Robert Garry
 - p. Michael Farzan
 - q. Edward Holmes
 - r. W. Ian Lipkin
 - s. Andrew Rambaut
 - t. Peter Daszak
 - u. Aleksei Chmura
 - v. Kevin Olival
 - w. Christian Drosten
 - x. Ron Fouchier
 - y. Marion Koopmans
 - z. Michael Worobey
 - aa. Jonathan Pekar
 - bb. Florence Debarre
 - cc. Angela Rasmussen
 - dd. Ralph Baric
 - ee. James LeDuc
 - ff. Shi Zhengli
 - gg. Ben Hu

Privileged & Confidential Version 04 June 2024 NIH Records Officer, Chief, Information Management Branch,
Division of Compliance Management, Office of Management Assessment (OMA), Office of Management (OM),
Office of the Director (OD), National Institutes of Health (NIH),
U.S. Department of Health and Human Services (HHS)

- hh. Yu Ping
- ii. Yan Zhu
- jj. Zhou Yusen
- kk. Peter Hotez
- ll. Richard Ebright
- mm. Y. Alina Chan
- nn. Jesse Bloom
- oo. David Relman

2. Provide a detailed list to me of any communications that were deleted, using Microsoft Excel.

Please ensure your deletion report contains a complete description of the records involved, including columns for volume and dates of the records, and if applicable, any salvage, recovery, or restoration efforts used for the premature destruction and/or deletion of government owned materials.

3. Acknowledge the following, with your signature:

- a. You understand that it is stipulated in the *NIH IT General Rules of Behavior* that employees must:
 - Use only Government Issued Federal Equipment (GFE) to perform official duties or to connect to NIH IT resources (excluding NIH public websites and other public use systems).
 - Take all necessary precautions to protect NIH information and IT resources, including but not limited to hardware, software, sensitive information, federal records [media neutral], and other NIH information from unauthorized access, use, modification, destruction, theft, disclosure, loss, damage, or abuse, and in accordance with NIH information handling policies.
 - Not use personal email and storage/service accounts to conduct NIH business.
 - Never use personal devices to conduct NIH business or store/transmit NIH data without official approval. Using personal phones to take phone calls or attend remote meetings is permitted.
 - Only disseminate authorized NIH information related to official job and duties at NIH to internal and external sources. Note: While teleworking, managers/coworkers use Skype, Microsoft Teams, and ZoomGov to communicate essential NIH business. Other messaging services such as WhatsApp and WeChat are not currently approved.
- b. You understand that Federal employees must not remove Federal records from Government custody without proper authorization (under 36 CFR 1222.24):
 - Unauthorized Records Destruction: means disposal of an unscheduled or permanent record; disposal prior to the end of the NARA-approved retention period of a temporary record (other than court-ordered disposal under § 1226.14(d) of this

Privileged & Confidential Version 04 June 2024 NIH Records Officer, Chief, Information Management Branch,
 Division of Compliance Management, Office of Management Assessment (OMA), Office of Management (OM),
 Office of the Director (OD), National Institutes of Health (NIH),
 U.S. Department of Health and Human Services (HHS)

subchapter); and disposal of a record subject to a FOIA request, litigation hold, or any other hold requirement to retain the records.

- The NIH Institute, Center, or Office (ICO) must report promptly any unlawful or accidental removal, defacing, alteration, or destruction of records in their custody to the NIH Records Officer (citation: Title 36 / Chapter XII / Subchapter B / Part 1230).
- It is prohibited for NIH employees to use personal email accounts to conduct official agency business. In the event of an emergency situation, when Federal accounts are not accessible or when an employee is initially contacted through a personal account, **all agency personnel must ensure that all Federal records sent or received on personal email systems are captured and managed in accordance with agency recordkeeping practices and procedures in order to ensure compliance with other statutes and obligations, such as Litigation Hold, Freedom of Information Act (FOIA) and discovery.**
- The Federal Records Act (44 U.S.C. 2911 as amended by Pub. L. 113-187):
Electronic messages created or received in a personal account under the conduct of official NIH business must be forwarded to an official electronic messaging account within 20 days of receipt and/or creation.

4. **Agree to immediately transfer all communications related to your NIH work or sent with a NIH signature block from your personal email accounts to your official NIH account. **This action is to be completed no later than 5:00 PM EST, Monday, June 18, 2024.****

I, David Morens, acknowledge and agree to fully comply with all stipulated actions, as required by NIAID/NIH/HHS:

Digital Signature:

Title:

Date:

From: [Gibson, Anthony \(NIH/OD\) \[E\]](#)
To: [Gibson, Anthony \(NIH/OD\) \[E\]](#)
Subject: Request for documentation pertaining to Information Security Awareness Training / Annual Refresher Training Transcripts / Certificates of Completion
Date: Thursday, June 6, 2024 9:40:47 AM

Hi Anthony,

I can confirm that Dr. David Morens has completed the initial New Hire training (see below):

INFORMATION SECURITY FOR NEW HIRES

CLOSE COURSE INFORMATION

	Module	Date Completed	Last Visited
	1 - NIH Information Security Program	08/31/2004	
	2 - Sensitive Information	08/31/2004	
	3 - Local and Remote Access	06/29/2005	
	4 - Internet Safety	06/29/2005	
	5 - Situational Awareness	06/29/2005	
	6 - Rules of Behavior and Agreements	08/31/2004	
	7 - Insider Threats	08/31/2004	
	8 - Emergency Preparedness	07/11/2019	08/04/2023

Information Management for New Hires

CLOSE COURSE INFORMATION

	Module	Date Completed	Last Visited
	Privacy Awareness	7/30/2008	7/30/2008
	Records Management	8/28/2017	8/28/2017

And regarding the annual refresher trainings, he has completed this each year for which we have records from 2019-2023 (2024 has not yet been completed). And note that for 2019-2021 the record shows that the Insider Threats module has not been completed but this module did not yet exist by that name until 2022, so the training has been fulfilled.

2023 Refresher record for

CLOSE COURSE INFORMATION

	Module	Date Completed	Last Visited
	1 - Information Security	8/4/2023	8/4/2023
	2 - Insider Threats	8/4/2023	8/4/2023
	3 - Privacy Awareness	8/4/2023	8/4/2023
	4 - Records Management	8/4/2023	8/4/2023
	5 - Emergency Preparedness	8/4/2023	8/4/2023

2022 Refresher record for

☐ CLOSE COURSE INFORMATION

	Module	Date Completed	Last Visited
	1 - Information Security	7/28/2022	7/28/2022
	2 - Insider Threats	7/3/2019	7/3/2019
	3 - Privacy Awareness	7/28/2022	7/28/2022
	4 - Records Management	7/28/2022	7/28/2022
	5 - Emergency Preparedness	7/28/2022	7/28/2022

2021 Refresher record for**☐ CLOSE COURSE INFORMATION**

	Module	Date Completed	Last Visited
	1 - Information Security	8/12/2021	8/12/2021
	2 - Insider Threats		
	3 - Privacy Awareness	8/12/2021	8/12/2021
	4 - Records Management	8/12/2021	8/12/2021
	5 - Emergency Preparedness	8/12/2021	8/12/2021

2020 Refresher record for**☐ CLOSE COURSE INFORMATION**

	Module	Date Completed	Last Visited
	1 - Information Security	7/2/2020	7/2/2020
	2 - Insider Threats		
	3 - Privacy Awareness	7/2/2020	7/2/2020
	4 - Records Management	7/2/2020	7/2/2020
	5 - Emergency Preparedness	7/2/2020	7/2/2020

2019 Refresher record for**☐ CLOSE COURSE INFORMATION**

	Module	Date Completed	Last Visited
	1 - Information Security	7/3/2019	7/3/2019
	2 - Insider Threats		
	3 - Privacy Awareness	7/3/2019	7/3/2019
	4 - Records Management	7/3/2019	7/3/2019
	5 - Emergency Preparedness	7/3/2019	7/3/2019

Please just let us know if we can provide any further information you may need.

Best,

Jonathan Milstein, M.Ed., CISSP, PMP, OD/OCIO/ISAO/GRC
 NIH Information Security Program
 Office of the Chief Information Officer (OCIO)
 National Institutes of Health, HHS

6555 Rock Spring, Drive, Bethesda, MD 20817

Email: (b) (6)



**PRIVILEGED & CONFIDENTIAL
MEMORANDUM**

DATE: 06/11/2024

TO: William J. Bosanko, Deputy Archivist of the United States
National Archives and Records Administration (NARA)

CC: Cheryl Campbell, Deputy Secretary, Assistant Secretary for Administration,
Senior Agency Official for Records Management
U.S. Department of Health and Human Services (HHS)

Alfred C. Johnson Ph.D., Senior Official Records Management (SAORM),
Deputy Director for Management (DDM), Office of Management (OM),
Office of the Director (OD) National Institutes of Health (NIH)

Laurence Brewer, Chief Records Officer for the U.S. Government
National Archives and Records Administration (NARA)

Susan Little, Department Records Officer
U.S. Department of Health and Human Services (HHS)

(b) (6) **(b) (6)**
Records Management Oversight and Reporting Division
National Archives and Records Administration (NARA)

FROM: Anthony D. Crawley Gibson, NIH Records Officer
Chief, Information Management Branch, Division of Compliance Management,
Office of Management Assessment (OMA) Office of Management (OM)
Office of the Director (OD) National Institutes of Health (NIH)
U.S. Department of Health and Human Services (HHS)
anthony.gibson@nih.gov 301-402-8425

SUBJECT: **TIME SENSITIVE** - National Archives and Records Administration (NARA) request
for a response dated June 04, 2024, to follow-up letter dated May 14, 2024
Subject Federal Records Act and Related Regulations Compliance Concerns

Privileged & Confidential Version: 11 June 24 NIH Records Officer, Chief, Information Management Branch (IMB)
Division of Compliance Management (DCM) Office of Management Assessment (OMA) Office of Management (OM)
Office of the Director (OD) National Institutes of Health (NIH)
U.S. Department of Health and Human Services (HHS)

NIH Records Officer Response Follow-up Assistant Secretary Campbell NARA Deputy Archivist Bosanko 06062024sf.pdf

DELIVERABLE:

No later than June 11, 2024, the NIH Records Officer will submit as requested, information regarding NIH’s compliance with the Federal Records Act and related regulations; specifically Records Management Training; including a description of the actions taken and trainings completed by Dr. David Morens, as mentioned in Congressional testimony to: Laurence Brewer, Chief Records Officer for the U.S. Government, Deputy Archivist of the United States (via email) with a copy to U.S. Health and Human Services (HHS) Senior Agency Official for Records Management (SAORM), NIH Senior Agency Official for Records Management (SAORM) and Departmental Records Officer (DRO).

RESPONSE (CERTIFICATION):

The Federal Records Act (FRA) requires that government agencies create, maintain, and preserve records that document their activities and decisions, which is essential for ensuring transparency, accountability, and the rule of law. The NIH works diligently to provide safeguards against the unlawful or accidental removal, alteration, or destruction of records; furthermore, if a potential loss is identified the agency works hard with NARA to mitigate future risk. All Agency/Institute mandatory trainings are provided in accordance with the Federal Records Act and corresponding Code of Federal Regulations requirements as stipulated. Above these requirements, optional additional trainings have been developed by NIH and are available to all NIH staff to further mitigate potential risk.

ISSUE:

Mr. Anthony D. Crawley Gibson, Agency Records Officer, National Institutes of Health, acknowledges receipt of the National Archives and Records Administration’s (NARA) Letter dated June 04, 2024, from William J. Bosanko, Deputy Archivist of the United States.

In accordance with The Federal Records Act (44 U.S.C. 31) and corresponding Code of Federal Regulations (CFRs), NARA requested the NIH respond to allegations of non-compliance (Records Management Training) as indicated in recent Congressional testimony (Dr. David Morens) dated 22 May 2024 and as outlined in a letter dated 04 June 2024 from William J. Bosanko, Deputy Archivist of the United States, addressed to Cheryl Campbell, Deputy Secretary, Assistant Secretary for Administration, U.S. Department of Health and Human Services (HHS), referencing the following:

1. The additional information provided in the context of Congressional testimony has raised significant concerns about compliance with the Federal Records Act and related regulations by the National Institutes of Health and the U.S. Department of Health and Human Services (HHS).
2. It is a requirement that all HHS employees and contractors with email accounts (or IT network resource access) complete records management training within 60 days of employment and that they must complete annual refresher training.
3. HHS is also required to provide targeted records management training to political appointees, senior agency officials, and senior executives upon their arrival and departure and within three to six months of a presidential administration change.

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 Division of Compliance Management (DCM) Office of Management Assessment (OMA) Office of Management (OM)
 Office of the Director (OD) National Institutes of Health (NIH)
 U.S. Department of Health and Human Services (HHS)

4. I request that you provide the National Archives and Records Administration with a plan of corrective action to address any shortcomings in your records management training program.
5. I also request that you provide refresher training to all HHS employees, contractors, or others who create, receive, access, or use Federal records on behalf of HHS within the next 90 days, with a particular focus on managing both permanent and temporary email records and the use of personal email accounts.

SCOPE: The Presidential and Federal Records Act Amendments of 2014 modernized records management and clarified the definition of a record as, *“All recorded information, regardless of form or characteristics, made or received by a Federal Agency under Federal law or in connection with the transaction of public business.”* In addition to the general training requirements outlined in 36 CFR 1220.34, the National Archives and Records Administration (NARA), Bulletin 2017-01, specifically requires Federal agencies to provide annual training to all agency personnel regarding their records management responsibilities.

To meet this mandatory training requirement, all NIH personnel (employees, contractor personnel, grant recipients, detailees, interns, and other non-government persons) supporting an NIH Institute, Center, or Office (ICO) who capture data on behalf of the agency, must complete **Information Security and Information Management training prior to network access** as well as an annual refresher course while in service. Successful completion is required in order to access NIH electronic resources.

The NIH mandatory training course covers five subject areas:

- Information Security
- Counterintelligence
- Privacy Awareness
- Records Management
- Emergency Preparedness

Following is a listing of NIH Records Management training completed by Dr. David Morens;

- A. Dr. David Morens (see attachment A, for training transcript)
 - Initial New Hire training
 - 1 - NIH Information Security Program (08/31/2004)
 - 2 - Sensitive Information (08/31/2004)
 - 3 - Local and Remote Access (06/29/2005)
 - 4 - Internet Safety (06/29/2005)
 - 5 - Situational Awareness (06/29/2005)
 - 6 - Rules of Behavior and Agreements (08/31/2004)
 - 7 - Insider Threats (08/31/2004)
 - 8 - Emergency Preparedness (07/11/2019 / 08/04/2023)
 - Information Management for New Hires
 - Privacy Awareness (7/30/2008)

Privileged & Confidential Version: 11 June 24 NIH Records Officer, Chief, Information Management Branch (IMB)
 Division of Compliance Management (DCM) Office of Management Assessment (OMA) Office of Management (OM)
 Office of the Director (OD) National Institutes of Health (NIH)
 U.S. Department of Health and Human Services (HHS)

- Records Management (8/28/2017)
- Dr. Morens has completed this requirement each year for which we have records from 2019-2023 (2024 has not yet been completed as mandatory refresher training is in process). Please note for 2019-2021 the record shows that the Insider Threats module has not been completed but this module did not yet exist by that name until 2022, so the training has been fulfilled.
- Refresher Record (8/4/2023)
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B. In addition to mandatory onboarding and annual refresher training, NIH Records Management offers additional training to all employees, contractors, members of the Public Health Service, special volunteers and/or temporary employees, as follows:

1. NIH Records Management Managing NIH Email: Guidance for Capstone Officials

This course is designed to help individuals know their roles and responsibilities for carrying out and supporting the management of email.

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This course is designed to help individuals know their roles and responsibilities for carrying out and supporting the management of email.

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This course is designed to help individuals identify and catalog all emergency operating, legal and financial rights records. Submit the certified Inventory to the NIH Records Officer and review records inventory to ensure records are maintained and updated.

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This course is designed to assist NIH personnel assigned within Institutes, Centers, and Offices with transferring NIH Records to a Federal Records Center (FRC).

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This course is designed to help HHS personnel (to include all Operating Divisions) know their basic responsibilities for managing federal records, including the laws, policies, and procedures that govern them. Individuals will learn how to determine if the information they work with is considered a federal record, how to manage federal records, and what resources they can consult to get more information about records management.

6. Record Retention

This course is designed to help individuals use the NIH's records retention policies to identify which records must be retained, the different formats in which records may be stored, and common techniques for record disposal.

7. Global Record Retention

This course is designed to help individuals identify and manage records properly, so they are able to access information when it is needed, keep potentially sensitive information secure, and comply with laws surrounding the handling and storage of data.

8. NIH Records Management Notice of Eligibility for Disposal

This course is designed to help individuals (primarily NIH Records Liaisons (RL)) understand the automated process of their NARA issued quarterly disposal memos.

9. NIH Records Management Fundamentals

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10. HHS Records Management Training for Departing Employees

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This course provides all government employees and contractors with information regarding their responsibilities for managing federal records when changing positions, departing, or transferring within the Department.

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This course is designed to help individuals know their basic roles and responsibilities for carrying out and supporting localized records management functions as a records custodian. Individuals will learn how to determine if the information worked with is considered a federal record, how to manage federal records and what resources they can consult to receive more information about records management.

12. Message Records Management

This course investigates the technologies and tools for Message Records Management.

13. NIH Records Management RSS Records Custodian Training

This course is designed to help personnel; primarily Records Liaisons (RLs); navigate the NIH Records Schedule System (RSS), search for, and find records Schedules, create, and manage file plans and if applicable, assign user roles and responsibilities to record custodians.

14. COMPLIANCE SHORT: Records Management

This course discusses following the NIH's Record Retention Policies which support the organization's internal documentation and accounting systems and addresses compliance requirements in state and federal law.

15. COMPLIANCE SHORT: Records Management 2

This course discusses the two-fold purpose of a records retention policy as well as types of documents that are typically covered.

16. Freedom of Information Act (FOIA)

This course provides an overview of the FOIA and how to meet obligations for processing FOIA requests, while also encouraging employees to become familiar with the particular guidelines and resources held by the agency's FOIA Office.

17. HHS Controlled Unclassified Information (CUI) Overview Training

This course provides an overview of the Unclassified Information (CUI) program.

- C. Each NIH ICO Records Management Official, in coordination with the Agency's Records Officer, annually informs NIH personnel of their records management responsibilities in law, regulation, and policy, and provides training specific to the practices and policies of the organization.
- D. Training requirements are achieved by utilizing online modules, in person and virtual instruction, in addition to ICO specific trainings.
- E. To ensure the continued preservation of all federal records, the agency will issue to all staff an annual notice regarding Records Retention Requirements. The notice will address:
 - Rules of Behavior for General Users,
 - 44 U.S.C. 2911-Disclosure Requirements for Official Business Conducted Using Non-Official Electronic Messaging Accounts, and

- NIH Policy for utilizing and preserving records created and/or received using electronic forms of communication i.e., Email, Texting, and/or Instant Chat messaging.

In closing, the NIH appreciates the opportunity to address your concerns and respectfully requests that NARA close this matter. The NIH, an Operating Division of HHS, remains fully committed to effective governance and the continued preservation of all federal records.

As the NIH Agency Records Officer, Anthony D. Crawley Gibson is the Point of Contact for this coordinated response, as submitted: anthony.gibson@nih.gov or 301-402-8425.

Respectfully,

Anthony D. Crawley Gibson
 Records Officer, NIH

REFERENCE:

The National Archives and Records Administration (NARA) was recently made aware of allegations of unauthorized disposition of National Institute of Health (NIH) records, as outlined in a Letter from Hon. Brad Wenstrup, Chairman, Select Subcommittee on the Coronavirus Pandemic, House Committee on Oversight & Accountability, addressed to David Morens, M.D., Senior Scientific Advisor (June 29, 2023), referencing the following:

1. E-Mail from David Morens, M.D., Senior Scientific Advisor, NIAID, to Peter Daszak, Ph.D., et. al., President, EcoHealth Alliance, Inc. (Sept. 9, 2021) stating: *“As you know, I try to always communicate on gmail because my NIH email is FOIA’d constantly. . . . Stuff sent to my gmail gets to my phone, but not my NIH computer. . . . Don’t worry, just send to any of my addresses, and I will delete anything I don’t want to see in the New York Times.”*
2. Documents related to the origins of COVID-19 and specified documents and information from any personal e-mail accounts and any personal cell phones.

Privacy Act Notification for NIH Staff Only

Collection of this information is authorized under 5 CFR 930.301. The primary use of the HHS ID number you provide to enter the training system is to allow the tracking system to record trainings (and associated agreements) you take to be eligible to receive and maintain an Active Directory (network) account, and/or be granted other authorized access such as privileged and remote access. If you do not provide your HHS ID number, NIH will not have the supporting training documentation to authorize your access to the NIH network. Privacy Act System of Records Notices that cover this information collection include OPM/GOVT-1; General Personnel Records (<https://dpcl.d.defense.gov/Privacy/SORNsIndex/DOD-wide-SORN-Article-View/Article/570733/opmgovt-1/>), and #09-25-0108 Personnel: Guest Researchers, Special Volunteers, and Scientists Emeriti (<https://www.federalregister.gov/documents/2002/09/26/02-23965/privacy-act-of-1974-annual-publication-of-systems-of-records#h-328>). To view annual course offerings without authentication please use the [public portal](#). Courses on the public portal do not count towards a user’s annual training requirements.

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NIH National Institutes of Health
2024 INFORMATION SECURITY AND MANAGEMENT REFRESHER

Information Security | Insider Threats | Privacy Awareness | Records Management | Emergency Preparedness | Rules of Behavior | Print Certificate | Resources | Audio | CC | Closed Caption | Exit Course

19 of 33

Email Records

- Only create electronic Federal records using your NIH email or other NIH-approved application
- Only create, send or receive email records using your NIH email account
- Do not use your personal email account to conduct NIH business
- Access the NIH network and Office 365 Webmail using [two-factor authentication \(2FA\)](#)
- Encrypt all electronic sensitive data at rest and in transit, whether in the body of the message or in an attachment



Upon hire, all NIH Staff receive an active directory account and NIH email account managed through an electronic email system

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From: William Bosanko <william.bosanko@nara.gov>
Sent time: 06/11/2024 12:27:31 PM
To: Campbell, Cheryl (OS/ASA) <(b) (6)>
Cc: Little, Susan (OS/OCIO/OCDO) <(b) (6)>; Gibson, Anthony (NIH/OD) [E] <anthony.gibson@nih.gov>
Subject: Re: HHS Federal Records Act Compliance Response

Thank you. We will review and get back to you with any remaining questions.

Jay

On Mon, Jun 10, 2024, 5:28 PM Campbell, Cheryl (OS/ASA) <(b) (6)> wrote:

Good evening, Mr. Bosanko,

Please see the attached letter in response to your inquiries dated May 14, 2024, and June 4, 2024, regarding the Department of Health and Human Services' compliance with the Federal Records Act and allegations of the unauthorized disposition of agency records by National Institutes of Health employee, Dr. David Morens.

Thank you,

Cheryl R. Campbell

Assistant Secretary for Administration



**PRIVILEGED & CONFIDENTIAL
MEMORANDUM**

DATE: 12/05/2024

TO: William Fischer, Chief Records Officer for the United States Government (Acting)

CC: Cheryl Campbell, Deputy Secretary, Assistant Secretary for Administration,
Senior Agency Official for Records Management
U.S. Department of Health and Human Services (HHS)

Alfred C. Johnson Ph.D., Senior Official Records Management (SAORM),
Deputy Director for Management (DDM), Office of Management (OM),
Office of the Director (OD) National Institutes of Health (NIH)

Susan Little, Department Records Officer
U.S. Department of Health and Human Services (HHS)

(b) (6),
Records Management Oversight and Reporting Division
National Archives and Records Administration (NARA)

FROM: Anthony D. Crawley Gibson, NIH Records Officer
Chief, Information Management Branch, Division of Compliance Management,
Office of Management Assessment (OMA) Office of Management (OM)
Office of the Director (OD) National Institutes of Health (NIH)
U.S. Department of Health and Human Services (HHS)
anthony.gibson@nih.gov 301-402-8425

SUBJECT: **TIME SENSITIVE** – Investigatory Summation (UD-2023-0075), National Archives and
Records Administration (NARA) request for a response dated June 04, 2024, to follow-
up letter dated May 14, 2024
Subject *Federal Records Act and Related Regulations Compliance Concerns*

DELIVERABLE:

No later than December 31, 2024, the NIH Records Officer will submit as requested, information regarding NIH's compliance with the Federal Records Act and related regulations; specifically Records Management Training; including a description of the actions taken and trainings completed by Dr. David Morens, as mentioned in Congressional testimony to: Laurence Brewer, Chief Records Officer for the U.S. Government, Deputy Archivist of the United States (via email) with a copy to U.S. Health and Human Services (HHS) Senior Agency Official for Records Management (SAORM), NIH Senior Agency Official for Records Management (SAORM) and Departmental Records Officer (DRO).

RESPONSE (CERTIFICATION):

The Federal Records Act (FRA) requires that government agencies create, maintain, and preserve records that document their activities and decisions, which is essential for ensuring transparency, accountability, and the rule of law. The NIH works diligently to provide safeguards against the unlawful or accidental removal, alteration, or destruction of records; furthermore, if a potential loss is identified the agency works hard with NARA to mitigate future risk. All Agency/Institute mandatory trainings are provided in accordance with the Federal Records Act and corresponding Code of Federal Regulations requirements as stipulated. Above these requirements, optional additional trainings have been developed by NIH and are available to all NIH staff to further mitigate potential risk.

ISSUE:

Mr. Anthony D. Crawley Gibson, Agency Records Officer, National Institutes of Health, acknowledges receipt of the National Archives and Records Administration's (NARA) Letter dated June 04, 2024, from William J. Bosanko, Deputy Archivist of the United States.

In accordance with The Federal Records Act (44 U.S.C. 31) and corresponding Code of Federal Regulations (CFRs), NARA requested the NIH respond to allegations of non-compliance (Records Management Training) as indicated in recent Congressional testimony (Dr. David Morens) dated 22 May 2024 and as outlined in a letter dated 04 June 2024 from William J. Bosanko, Deputy Archivist of the United States, addressed to Cheryl Campbell, Deputy Secretary, Assistant Secretary for Administration, U.S. Department of Health and Human Services (HHS), referencing the following:

1. The additional information provided in the context of Congressional testimony has raised significant concerns about compliance with the Federal Records Act and related regulations by the National Institutes of Health and the U.S. Department of Health and Human Services (HHS).
2. It is a requirement that all HHS employees and contractors with email accounts (or IT network resource access) complete records management training within 60 days of employment and that they must complete annual refresher training.
3. HHS is also required to provide targeted records management training to political appointees, senior agency officials, and senior executives upon their arrival and departure and within three to six months of a presidential administration change.

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4. I request that you provide the National Archives and Records Administration with a plan of corrective action to address any shortcomings in your records management training program.
5. I also request that you provide refresher training to all HHS employees, contractors, or others who create, receive, access, or use Federal records on behalf of HHS within the next 90 days, with a particular focus on managing both permanent and temporary email records and the use of personal email accounts.

SCOPE: The Presidential and Federal Records Act Amendments of 2014 modernized records management and clarified the definition of a record as, “*All recorded information, regardless of form or characteristics, made or received by a Federal Agency under Federal law or in connection with the transaction of public business.*” In addition to the general training requirements outlined in 36 CFR 1220.34, the National Archives and Records Administration (NARA), Bulletin 2017-01, specifically requires Federal agencies to provide annual training to all agency personnel regarding their records management responsibilities.

To meet this mandatory training requirement, all NIH personnel (employees, contractor personnel, grant recipients, detailees, interns, and other non-government persons) supporting an NIH Institute, Center, or Office (ICO) who capture data on behalf of the agency, must complete **Information Security and Information Management training prior to network access** as well as an annual refresher course while in service. Successful completion is required in order to access NIH electronic resources.

The NIH mandatory training course covers five subject areas:

- Information Security
- Counterintelligence
- Privacy Awareness
- Records Management
- Emergency Preparedness

Following is a listing of NIH Records Management training completed by Dr. David Morens;

- A. Dr. David Morens (see attachment A, for training transcript)
 - Initial New Hire training
 - 1 - NIH Information Security Program (08/31/2004)
 - 2 - Sensitive Information (08/31/2004)
 - 3 - Local and Remote Access (06/29/2005)
 - 4 - Internet Safety (06/29/2005)
 - 5 - Situational Awareness (06/29/2005)
 - 6 - Rules of Behavior and Agreements (08/31/2004)
 - 7 - Insider Threats (08/31/2004)
 - 8 - Emergency Preparedness (07/11/2019 / 08/04/2023)
 - Information Management for New Hires
 - Privacy Awareness (7/30/2008)

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- Dr. Morens has completed this requirement each year for which we have records from 2019-2023 (2024 has not yet been completed as mandatory refresher training is in process). Please note for 2019-2021 the record shows that the Insider Threats module has not been completed but this module did not yet exist by that name until 2022, so the training has been fulfilled.
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B. In addition to mandatory onboarding and annual refresher training, NIH Records Management offers additional training to all employees, contractors, members of the Public Health Service, special volunteers and/or temporary employees, as follows:

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- D. Training requirements are achieved by utilizing online modules, in person and virtual instruction, in addition to ICO specific trainings.
- E. To ensure the continued preservation of all federal records, the agency will continue to issue to all staff an annual notice regarding Records Retention Requirements. The notice will address:
 - Rules of Behavior for General Users,
 - 44 U.S.C. 2911-Disclosure Requirements for Official Business Conducted Using Non-Official Electronic Messaging Accounts, and
 - NIH Policy for utilizing and preserving records created and/or received using electronic forms of communication i.e., Email, Texting, and/or Instant Chat messaging.

F. NIH has completed a follow-on investigation of allegations of unauthorized disposition and certifies findings that the National Institute of Allergy and Infectious Diseases (NIAID), National Institutes of Health (NIH), U.S. Department of Health and Human Services (HHS), has no evidence that any federal records within their custody have been prematurely destroyed; as related to Dr. David Morens' alleged use of personal email accounts to conduct NIH business; as outlined in a Letter received from Hon. Brad Wenstrup, Chairman, Select Subcommittee on the Coronavirus Pandemic, House Committee on Oversight & Accountability, addressed to David Morens, M.D., Senior Scientific Advisor (June 29, 2023).

The investigation of allegations of unauthorized disposition reveals that while operating within the Agency Records Officer's limited scope and authoritative powers there is no evidence to support premature destruction of government owned records / materials contained within the NIH's electronic eco-system. In this case, email communications to include attachments sent and/or received including items cc'd and/or bcc'd will be retained permanently as a Special Collection. Due to the limited powers of authority, the Investigator / Records Officer is restricted from assessing an individual's personal accounts, i.e., email, chat, mobile texting, social media, etc. The agency is solely reliant on an individual's compliance in identifying and forwarding the requested materials to their government issued accounts, as the agency does not have the authority to assess any of the aforesaid personal communication platforms.

During its investigation, the Subcommittee's investigative prowess and subpoena authorities revealed an undisclosed personal/private email account. Upon notification, the agency notified Dr. Morens via official correspondence (see attachment A) requesting he take immediate action and full compliance.

Dr. Morens:

On April 16, 2024, the Select Subcommittee on the Coronavirus Pandemic, House Committee on Oversight and Accountability, announced a subpoena for records in your personal custody and control that are pertinent to their investigation. Upon examining the received documents, the Select Subcommittee discovered that in addition to your personal Gmail account, there is evidence of your use of Proton Mail (an e-mail service that uses end-to-end encryption).

As the NIH/NIAID was uninformed of this and any other potential accounts, this memorandum requires your immediate action and full compliance.

By 5:00 PM, Eastern Standard Time, June 18, 2024, I request that you review all unidentified accounts for relevant documents/data/records and take action, as follows:

1. Locate, mark for litigation hold, and provide a copy to me of all records, documents, data, and information; to include working drafts and peer reviewed correspondence, emails, texts, or instant messages ("communications") created and/or received by NIAID personnel at NIH email addresses/devices using:

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Division of Compliance Management (DCM) Office of Management Assessment (OMA) Office of Management (OM)
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- dmorens@niaid.nih.gov,
- (b) (6), or
- any other associated accounts, i.e., Proton email, social media and/or mobile devices government sponsored or personal.

As with our initial request, this is to include:

All correspondence in which some variation of your NIH Signature Block and/or Job Title appears and/or is included.

- i. David M. Morens, M.D., CAPT., United States Public Health Service (ret.)
Senior Advisor to the Director, Office of the Director
National Institutes of Allergy and Infectious Diseases
National Institutes of Health***
- ii. David M Morens, OD, NIAID, NIH***

Acknowledge and agree to immediately transfer all communications related to your NIH work or sent with a NIH signature block from your personal email accounts to your official NIH account.

The NIH can confirm the receipt of 6.1 GB (55,599 pages) of email correspondence and 6,656 PDF Text message documents.

While the agency at this time cannot confirm the unauthorized destruction of Federal records utilizing Dr. Morens' personal accounts, we do however acknowledge the following are in violation of NIH IT General Rules of Behavior:

1. In the performance of official duties, use only Government Issued Federal Equipment (GFE) and/or connect to NIH IT resources.
2. Take all necessary precautions to protect NIH information and IT resources, including but not limited to federal records [media neutral], and other NIH information from unauthorized access, use, modification, destruction, theft, disclosure, loss, damage, or abuse, and in accordance with NIH information handling policies.
3. Not use personal email and storage/service accounts to conduct NIH business.
4. Never use personal devices to conduct NIH business or store/transmit NIH data without official approval. With exception, the use of personal phones to take phone calls or attend remote meetings is permitted.
5. Only disseminate authorized NIH information related to official job and duties at NIH to internal and external sources. (Note: While teleworking, managers/coworkers are encouraged to use authorized applications (Microsoft Teams, and ZoomGov) to communicate essential NIH business. Other messaging services such as WhatsApp and WeChat are not currently approved.)

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6. Unauthorized Removal of Federal Records: Federal employees must not remove Federal records from Government custody without proper authorization. Under 36 CFR 1222.24.
7. Failure to transfer within 20 business days to your official NIH account all communications related to NIH work or sent with a NIH signature block from personal email accounts.
8. Using an Official Title and/or Signature Block to conduct non-agency related business

G. Risk Mitigation

1. The NIH currently has a Records Management Disposition Review in place for analog records and is expanding it to cover electronic media. This process within the broader field of records management involves evaluating and determining what should be done with records when they are no longer needed for daily operations or regulatory purposes. The goal is to ensure that records are managed in compliance with legal, regulatory, and organizational requirements. Additionally, prior to destruction all records eligible for destruction are documented, verified and concurrence is required from both ICO Senior Leadership (Executive Officer EO or above) and the Agency's Records Officer. The process includes:

- a. Review of Retention Schedules,
- b. Legal and regulatory Considerations,
- c. Assessment of Active vs. Inactive Records,
- d. Secure Destruction of Records, and
- e. Documentation and Audit Trail.

2. To prevent the use of personal email accounts for official business, the NIH has taken a proactive approach by implementing clear policies, technological solutions, and employee training. The agency's strategies include:

- a. A comprehensive email usage policy that specifies the expectation of using NIH issued email accounts for official business; which explicitly states, personal email accounts (such as Gmail, Yahoo, etc.) should not be used for NIH-related communication unless in emergent situations where an individual is unable to access their official account. Messages are to be forwarded to the official account within 20 days from creation and/or receipt,
- b. Employee Training & Awareness,
- c. Email Encryption,
- d. Encouraging the use of Authorized Collaboration Tools,
- e. Mobile Device Management,
- f. Email Archiving and Auditing.

3. To further mitigate the risks of using personal email accounts for official business, the Records Management Program, in coordination with the NIH Center for Information Technology, will assess the following additional measures:

- a. Restricted Access, restrictions on accessing personal email accounts from NIH issued devices and within the agency's network,
- b. Email Monitoring: Set up monitoring systems to detect and flag messages sent from NIH devices using personal email accounts,
- c. Logging: Ensuring that all business / official communications are logged through the NIH's official email system, which will make it easier to audit and track, and
- d. The Use of Data Loss Prevention (DLP) Tools.

4. To safeguard against the unauthorized deletion or alteration of agency records, the NIH has implemented a combination of policies, technical solutions, and access controls. These measures help protect the integrity of records and ensure compliance with regulatory and legal requirements, particularly for sensitive information. The agency's approach consists of the following:

- a. Establish and maintain clear policies that outline the acceptable use, handling, retention, and destruction of records. The policies specifically prohibit the unauthorized deletion or alteration of records and provide clear consequences for non-compliance,
- b. Use NIH Specific Retention Schedules, which specify how long records must be kept and when they can be archived or destroyed,
- c. Continue to use:
 1. Role-based access controls to include permissions which restrict who can access, modify, or delete records,
 2. Version Control,
 3. Document Locking, and
 4. Data Back-up.

In closing, the NIH appreciates the opportunity to address your concerns and respectfully requests that NARA close this matter. The NIH, an Operating Division of HHS, remains fully committed to effective governance and the continued preservation of all federal records. As the NIH Agency Records Officer, Anthony D. Crawley Gibson is the Point of Contact for this coordinated response, as submitted: anthony.gibson@nih.gov or 301-402-8425.

Respectfully,

Anthony D. Crawley Gibson
Records Officer, NIH

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Division of Compliance Management (DCM) Office of Management Assessment (OMA) Office of Management (OM)
Office of the Director (OD) National Institutes of Health (NIH)
U.S. Department of Health and Human Services (HHS)

REFERENCE:

The National Archives and Records Administration (NARA) was recently made aware of allegations of unauthorized disposition of National Institute of Health (NIH) records, as outlined in a Letter from Hon. Brad Wenstrup, Chairman, Select Subcommittee on the Coronavirus Pandemic, House Committee on Oversight & Accountability, addressed to David Morens, M.D., Senior Scientific Advisor (June 29, 2023), referencing the following:

1. E-Mail from David Morens, M.D., Senior Scientific Advisor, NIAID, to Peter Daszak, Ph.D., et. al., President, EcoHealth Alliance, Inc. (Sept. 9, 2021) stating: *“As you know, I try to always communicate on gmail because my NIH email is FOIA’d constantly. . . . Stuff sent to my gmail gets to my phone, but not my NIH computer. . . . Don’t worry, just send to any of my addresses, and I will delete anything I don’t want to see in the New York Times.”*
2. Documents related to the origins of COVID-19 and specified documents and information from any personal e-mail accounts and any personal cell phones.

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19 of 33

Email Records

- Only create electronic Federal records using your NIH email or other NIH-approved application
- Only create, send or receive email records using your NIH email account
- Do not use your personal email account to conduct NIH business
- Access the NIH network and Office 365 Webmail using [two-factor authentication \(2FA\)](#)
- Encrypt all electronic sensitive data at rest and in transit, whether in the body of the message or in an attachment



Upon hire, all NIH Staff receive an active directory account and NIH email account managed through an electronic email system