

## United States Senate

WASHINGTON, DC 20510

July 14, 2023

The Honorable Merrick Garland  
Attorney General  
U.S. Department of Justice  
Washington, D.C. 20530

Dear Attorney General Garland:

In light of new information, I write to reiterate my previous request for the United States Department of Justice to open an investigation into testimony made to the United States Senate Committee on Health, Education, Labor, and Pensions by Dr. Anthony Fauci, former Director of the National Institute of Allergy and Infectious Diseases (NIAID), on May 11, 2021.

As one of the components of the National Institutes of Health (NIH), NIAID funds many scientific projects both in the U.S. and elsewhere. In response to my questioning at the May 11, 2021 hearing, Dr. Fauci testified that “the NIH has not ever and does not now fund gain-of-function research in the Wuhan Institute of Virology.”<sup>1</sup> Just two months later, in a separate hearing where Dr. Fauci was also under oath, I warned him of the criminal implications of lying to Congress and gave him an opportunity to retract his previous statements. He instead doubled down and stated that he had “never lied before the Congress” and “d[id] not retract that statement.”<sup>2</sup>

On July 13, 2023 the House Select Subcommittee on the Coronavirus Pandemic released an email sent by Dr. Fauci on February 1, 2020 regarding a conference call regarding the origins of COVID-19 with Dr. Fauci, Dr. Francis Collins, and several scientific researchers. In the email, Dr. Fauci acknowledges concerns that COVID-19 may have been genetically engineered due to the fact that gain-of-function research was occurring in Wuhan prior to the pandemic. Dr. Fauci wrote, “scientists in Wuhan University are known to have been working on gain-of-function experiments to determine that molecular mechanisms associated with bat viruses adapting to human infection, and the outbreak originated in Wuhan.”<sup>3</sup>

In a paper entitled “Discovery of a rich gene pool of bat SARS-related coronaviruses provides new insights into the origin of SARS coronavirus,” Dr. Zheng-Li Shi describes research conducted at the Wuhan Institute of Virology and funded under NIAID Award R01AI110964 in which the spike genes from two uncharacterized bat SARS-related coronavirus strains, Rs4231

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<sup>1</sup> *An Update from Federal Officials on Efforts to Combat COVID-19 Before the Senate Comm. on Health, Educ., Labor & Pensions*, 117th Cong. 39 (2021) (statement of Dr. Anthony Fauci, Dir., Nat’l Inst. of Allergy and Infectious Diseases).

<sup>2</sup> *The Path Forward: A Federal Perspective on the COVID-19 Response Before the Senate Comm. on Health, Educ., Labor & Pensions*, 117th Cong. (2021) (statement of Dr. Anthony Fauci, Dir., Nat’l Inst. of Allergy and Infectious Diseases).

<sup>3</sup> @COVIDSelect, TWITTER (Jul. 13, 2023), <https://twitter.com/COVIDSelect/status/1679606442414809090/photo/1>.

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and Rs7327, were combined with the genomic backbone of another SARS-related coronavirus to create novel chimeric SARS-related viruses that showed cytopathic effects in primate epithelial cells and replication in human epithelial cells. These experiments combined genetic information from different SARS-related coronaviruses and combined them to create novel, artificial viruses able to infect human cells. This research, conducted at the Wuhan Institute of Virology and funded under NIAID Award R01AI110964, fits the definition of gain-of-function research.

Last month, the Government Accountability Office (GAO) determined that the Wuhan Institute of Virology and Wuhan University received NIH funding.<sup>4</sup> The report noted that that NIH funded the WIV's project "Understanding the Risk of Bat Coronavirus Emergence"<sup>5</sup> and included "genetic experiments to combine naturally occurring bat coronaviruses with SARS and MERS viruses, resulting in hybridized coronavirus strains."<sup>6</sup> GAO also found that NIH funded the Wuhan University's collaboration with WIV on viral detection in the Yunnan province.<sup>7</sup> Under 18 U.S.C. § 1001, whoever "makes any materially false, fictitious, or fraudulent statement or representation" as part of "any investigation or review, conducted pursuant to the authority of any committee, subcommittee, commission or office of the Congress, consistent with applicable rules of the House or Senate" is subject to criminal fines and imprisonment of up to five years.

For this reason, I again ask that you investigate whether Dr. Fauci's statements to Congress on May 11, 2021 violated that statute or any other.

I look forward to your timely response.

Sincerely,



Rand Paul, M.D.  
Ranking Member  
Committee on Homeland Security  
& Governmental Affairs

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<sup>4</sup> GOV'T ACCOUNTABILITY OFF., *FEDERAL RESEARCH: NIH Could Take Additional Actions to Manage Risks Involving Foreign Subrecipients* (2023).

<sup>5</sup> *Id.* at 30.

<sup>6</sup> *Id.* at 14.

<sup>7</sup> *Id.*