

# United States Senate

WASHINGTON, DC 20510

July 21, 2021

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

Dear Attorney General Garland:

I write to urge 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, Director of the National Institute of Allergy and Infectious Diseases (NIAID), on May 11, 2021.

As one of the institutes that compose the National Institutes of Health (NIH), NIAID funds many scientific projects both in the U.S. and elsewhere. In response to questioning by me, Dr. Fauci testified that “the NIH has not ever and does not now fund gain-of-function research in the Wuhan Institute of Virology.”

In May 2016, the National Science Advisory Board for Biosecurity released a report entitled *Recommendations for the Evaluation and Oversight of Proposed Gain-of-Function Research*, which stated, “[t]he term ‘gain-of-function’ is generally used to refer to changes resulting in the acquisition of new, or an enhancement of existing, biological phenotypes.”

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 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.

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. I

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,

A handwritten signature in blue ink that reads "Rand Paul". The signature is written in a cursive style with a large, prominent "R" and "P".

Rand Paul, M.D.  
United States Senator