

Congress of the United States
Washington, DC 20515

January 12, 2021

President Joseph R. Biden
The White House
1600 Pennsylvania Ave N.W.
Washington, D.C. 20500

Dear President Biden:

We are writing to express our concern with a lack of responsiveness to requests to Ranking Members from our Committees on the topic of the origins of COVID-19. Disappointingly, many of us have received unsatisfactory responses, or no response at all. Requests for documents, briefings, or written responses for questions were refused, citing your request that the Intelligence Community review its holdings regarding the origins of COVID-19. Now that the one-and-a-half-page unclassified summary and a 17-page declassified document have been released, it is clear that many of our concerns have not been adequately addressed.

First, we are deeply concerned with the WHO's and Chinese Communist Party's (CCP) handling of the early stages of COVID-19. The CCP's lies on the origins and early stages of this outbreak, along with WHO's poor handling of this crisis, enabled a regional epidemic to become a global pandemic. This resulted in countries around the world, including ours, fighting the novel virus with incomplete information and valuable time wasted, resulting in almost 5 million dead. This malfeasance and lack of regard for human life is another example of the CCP's treatment of their own people and reminds us this is the same regime who puts millions of their own citizens in "concentration camps" and uses them for forced labor.

Additionally, there remain many outstanding questions regarding the origins of COVID-19, the nature of classified military research conducted at the Wuhan Institute of Virology, and how funding from the United States supported that research. As such, we reiterate our request that you declassify all relevant intelligence on this matter, as far as possible while protecting sources and methods. Congress and the American people have a right to know.

Your administration's lack of responsiveness ignores judicial precedent. Decades ago, the D.C. Circuit Court of Appeals recognized that:

"All Members have a constitutionally recognized status entitling them to share in general congressional powers and responsibilities, many of them requiring access to executive information. It would be an inappropriate intrusion into the legislative sphere for the courts to decide without congressional direction

that, for example, only the chairman of a committee shall be regarded as the official voice of the Congress for purposes of receiving such information, as distinguished from its ranking minority member, other committee members, or other members of the Congress. Each of them participates in the law-making process; each has a voice and a vote in that process; and each is entitled to request such information from the executive agencies as will enable him to carry out the responsibilities of a legislator.”¹

Additionally, previous administrations as a matter of policy and practice have voluntarily released information to Members of Congress who are not chairs of a committee. For example, the previous administration noted as a matter of policy: “We also agree that the Executive Branch should voluntarily release information to individual Members where possible, even though individual members cannot by themselves compel such release.”²

In addition, a 2019 Department of Justice Office of Legal Counsel opinion acknowledged this longstanding Executive Branch practice:

“The Executive Branch has historically exercised discretion in determining whether and how to respond to requests for information from individual members of Congress. Individual members often have legitimate interests in seeking information from Executive Branch officials, and providing this information can aid individual members in carrying out their legislative responsibilities. When individual members are requesting information in their official capacity on their own behalf, and not acting on behalf of a body of Congress, an Executive Branch policy of providing good-faith responses to their requests exhibits a proper respect for members of a coordinate branch of the government. Departments and agencies, therefore, appropriately give due weight and sympathetic consideration to requests for information from individual members of Congress.”³

In light of these precedents, we request that your administration clarify whether it will adhere to judicial precedent and Executive Branch policy and practice on responding to Congressional requests from Ranking Members of Committee in good faith exhibiting proper respect. In addition, we urge you to direct your administration to adequately respond to our requests in a manner consistent with Congress’ oversight roles and our Constitutional principle of co-equal branches of government. We have attached several such outstanding letters, and we look forward to your response.

¹ *Murphy v. Dep’t of Army*, 613 F.2d 1152, 1157 (1979).

² Letter for Charles E. Grassley, Chairman, U.S. Senate Committee on the Judiciary, from Marc Short, Director of Legislative Affairs, The White House at 2 (July 20, 2017).

³ Steven A. Engel, Assistant Attorney General, Office of Legal Counsel, Department of Justice, Requests by Individual Members of Congress for Executive Branch Information (February 13, 2019), *available at* <https://www.justice.gov/olc/file/1356251/download>

Sincerely,



Michael T. McCaul
Ranking Member
House Foreign Affairs Committee



Frank Lucas
Ranking Member
House Committee on Science, Space, and Technology



Cathy McMorris Rodgers
Ranking Member
House Committee on Energy and Commerce

Enclosures:

Letter from Ranking Member McCaul to Secretary Blinken on Sanctioned WIV Employees

Letter from Ranking Members Lucas and Waltz to OSTP

Letters from Ranking Member McMorris Rodgers to NIH and USAID