

United States Senate

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

April 9, 2025

The Honorable Pamela Bondi
Attorney General
Department of Justice

The Honorable Kash Patel
Director
Federal Bureau of Investigation

Ms. Juliet Hodgkins
Principal Deputy Inspector General
Office of Inspector General
Department of Health and Human Services

Dear Attorney General Bondi, Director Patel, and Ms. Hodgkins:

I recently learned that a top official at the Centers for Disease Control and Prevention (“CDC”) who led the effort to identify COVID-19 vaccine adverse events, may have deleted or destroyed agency records and communications. If true, these actions would be a clear obstruction of my oversight efforts and a violation of federal record-keeping requirements.

On March 19, 2025, officials from the Department of Health and Human Services (“HHS”) informed my staff on the Permanent Subcommittee on Investigations (“the Subcommittee”) that they are having difficulty locating records belonging to Dr. Tom Shimabukuro, the CDC’s director of the Immunization Safety Office.¹ My staff immediately pressed HHS to determine whether Dr. Shimabukuro properly maintained his emails and whether any of his records have been inappropriately deleted.² HHS officials recently informed me that Dr. Shimabukuro’s records remain lost and, potentially, removed from HHS’s email system altogether.

Dr. Shimabukuro’s potential mishandling of his official records is highly concerning. His actions, if true, would have directly obstructed my multi-year oversight efforts of the COVID-19 vaccines and would be in clear violation of my November 19, 2024 demand to HHS, CDC, and the Food and Drug Administration to “preserve all records referring or relating to the

¹ According to CDC, the Immunization Safety Office, “helps monitor vaccine safety in the United States, including during public health emergency responses and for many new vaccines.” See *About CDC’s Vaccine Safety Monitoring Program*, Centers for Disease Control and Prevention, accessed Apr. 9, 2025, <https://www.cdc.gov/vaccine-safety-systems/about/cdc-monitoring-program.html>; See also Biography, Tom Shimabukuro, Centers for Disease Control and Prevention, accessed Apr. 9, 2025, <https://blogs.cdc.gov/safehealthcare/bios/tom-shimabukuro/>.

² Email from Subcommittee staff to HHS, Mar. 19, 2025 (on file with Subcomm.).

development, safety, and efficacy of the COVID-19 vaccines.”³ Furthermore, given Dr. Shimabukuro’s role at CDC, which includes monitoring adverse events relating to the COVID-19 vaccines, his communications are directly responsive to my January 28, 2025, subpoena to HHS for records relating to the development and safety of the COVID-19 vaccines.⁴ Any attempt to obstruct or interfere with my investigatory efforts would be grounds for contempt of Congress.

In addition, Dr. Shimabukuro’s potential actions may have violated multiple federal laws. The Federal Records Act (“FRA”), requires the preservation of records defined as materials “made or received by a Federal agency under Federal law or in connection with the transaction of public business.”⁵ According to HHS’s FRA-required records management policy, emails for agency leadership officials, such as Dr. Shimabukuro, are deemed permanent records.⁶ As such, if Dr. Shimabukuro has, in fact, deleted, removed, or otherwise destroyed agency records, he is in violation of the FRA, and his action would be a federal crime.⁷ As stated earlier, given that Dr. Shimabukuro’s records are subject to my duly authorized subpoena, not to mention multiple records requests I have sent over the past four years, his destruction of records may also constitute the federal crime of obstruction of Congress.⁸

Dr. Shimabukuro’s alleged mishandling of official records is yet another example of a senior HHS official obstructing Congress and evading federal record-keeping requirements. In November 2023, I revealed a June 17, 2021 email from Dr. David Morens—who served as a scientific advisor at the National Institute for Allergy and Infectious Diseases—telling his colleagues that he has “retained very few emails or documents” relating to a June 11, 2021 oversight letter that I led on the government’s response to the COVID-19 pandemic.⁹ Dr. Morens instructed his colleagues that “correspondence on sensitive issues be sent to [him] at [his] gmail [sic] address[.]”¹⁰

³ Letter from Ron Johnson, Ranking Member, Permanent Subcomm. on Investigations, to Xavier Becerra, Secretary, Dep’t of Health and Human Services, et al., Nov. 19, 2024,

<https://www.ronjohnson.senate.gov/services/files/00AAFB3D-72EE-475F-94D5-66708B4AA86D>.

⁴ Subpoena from Ron Johnson, Chairman, Permanent Subcomm. on Investigations, to Dorothy Fink, Acting Secretary, Dep’t of Health and Human Services, Jan. 28, 2025,

<https://www.ronjohnson.senate.gov/services/files/8FAB9531-F799-4067-BA1C-AB8CA182D100>.

⁵ 44 USC §3101 (defining the responsibility of the head of a federal agency to preserve records); 44 USC §3301 (defining the term record).

⁶ 44 USC §3102; HH-OCIO-CDO-2024-02-001, HHS Policy for Records Management, Feb. 2024 (as approved by Jennifer Wendel, Acting HHS Chief Information Officer). HHS records management policy defines email and other electronic message records pursuant to NARA’s General Records Schedule (GRS) 6.1. Under GRS 6.1, individuals who hold leadership positions, to include “Directors of significant program offices, and/or their equivalent”, records be considered permanent. As the Director of the Immunization Safety Office at the CDC, Dr. Shimabukuro’s emails and electronic records would be considered permanent under HHS’s records management policy.

⁷ 18 USC §2071 (providing that an individual who willfully or unlawfully destroys a federal record shall be subject to imprisonment of not more than three years and/or fined; and for an individual employed by a federal agency, the individual may be removed from office and disqualified from holding further federal office).

⁸ 18 USC §1505 (providing that any individual who intentionally obstructs or impedes any inquiry or investigation by Congress shall be subject to imprisonment of not more than 5 years and/or fined).

⁹ Letter from Ron Johnson, Ranking Member, Permanent Subcomm. on Investigations, to Christi Grimm, Inspector General, Dep’t of Health and Human Services, Nov. 15, 2023,

<https://www.ronjohnson.senate.gov/services/files/FDD068E5-BD22-4227-BFDA-0864EB4D9782>.

¹⁰ *Id.*

I had always suspected that Dr. Morens was not the sole evader of federal record-keeping requirements at HHS. The extent to which HHS officials systemically mishandled, deleted, or destroyed their communications, data, and other information relating to the COVID-19 pandemic and the vaccines must be thoroughly investigated.

I have called on the HHS OIG multiple times to investigate Dr. Morens' actions and, specifically, in August 2023, requested that it investigate the "extent to which officials with HHS and its sub-agencies, including Dr. David Morens, deleted or destroyed official agency records."¹¹ To date, the HHS OIG refuses to confirm that it has initiated any of these investigations. The HHS OIG's lack of transparency with Congress is unacceptable. If the allegations regarding Dr. Shimabukuro's mishandling of agency records are true, then it will certainly raise questions about the effectiveness of the HHS OIG's oversight and cast doubt on whether the HHS OIG actually did what I asked it to do nineteen months ago.

Given the seriousness of the allegations surrounding Dr. Shimabukuro's potential actions, I call on your agencies to initiate an investigation to determine:

1. The extent to which officials with HHS and its sub-agencies, including Dr. Tom Shimabukuro, deleted or destroyed official agency records; and
2. The extent to which officials with HHS and its sub-agencies, including Dr. Tom Shimabukuro, deleted or destroyed official agency records to avoid or subvert Congressional oversight or the Freedom of Information Act.

I ask that your offices immediately provide your commitment to initiate this investigation, as well as keep my office informed as to the status of your investigations.

Sincerely,

A handwritten signature in blue ink that reads "Ron Johnson". The signature is written in a cursive, flowing style.

Ron Johnson
Chairman
Permanent Subcommittee on Investigations

¹¹ Letter from Ron Johnson, Ranking Member, Permanent Subcomm. on Investigations, to Christi Grimm, Inspector General, Dep't of Health and Human Services, Aug. 14, 2023, <https://www.ronjohnson.senate.gov/services/files/2706FDB3-5161-4017-B231-40626B5149CB>.

April 9, 2025

Page 4

cc: The Honorable Richard Blumenthal
Ranking Member
Permanent Subcommittee on Investigations

The Honorable Robert F. Kennedy, Jr.
Secretary
Department of Health and Human Services

Ms. Amy M. Gleason
Acting Administrator
Department of Government Efficiency