

United States Senate

WASHINGTON, DC 20510-0609

September 14, 2022

Via Electronic Transmission

The Honorable Samantha Power
Administrator
United States Agency for International Development
1300 Pennsylvania Avenue, N.W.
Washington, D.C. 20301

Dear Ambassador Power:

Today we write with deep concern about the millions of dollars the U.S. Agency for International Development (USAID) is actively paying EcoHealth Alliance (EcoHealth), a U.S. nonprofit organization led by Peter Daszak. Peter Daszak through EcoHealth has provided an offshore vehicle to channel USAID and other federal grants to foreign researchers for decades. This arrangement endangers foreign researchers to the risks involved with collecting and experimenting on pathogens with pandemic potential and prevents direct U.S. oversight of the research. It is also noteworthy that EcoHealth's subaward to the WIV permitted the transfer of U.S. intellectual property to researchers at the Wuhan Institute of Virology (WIV) in China.

EcoHealth's Failure to Comply with U.S. Federal Laws and NIH Grant Requirements

In July 2020, NIH suspended its bat coronavirus research grant to EcoHealth due to administrative non-compliance concerns when NIH determined that EcoHealth failed to monitor WIV research activities in China that posed "serious bio-safety concerns and, as a result, create health and welfare threats to the public in China and other countries, including the United States."¹ NIH also determined that EcoHealth violated federal law for five years by failing to publicly report its grant subawards to the WIV and other organizations.² NIH reminded EcoHealth of its obligations and imposed a special condition on the award for EcoHealth to submit research records and information to NIH.³

In October 2021, NIH informed Congress that EcoHealth was not compliant with its grant reporting requirements and that EcoHealth had five days to submit to NIH, "...any and all unpublished data from the experiments and work conducted," under the suspended award.⁴

¹ House Oversight Republicans, NIH 7/08/2021 letter to EcoHealth, available at <https://republicans-oversight.house.gov/wp-content/uploads/2021/05/Eco-Health-Lab-letter-July-8.pdf>

² *Id.*

³ *Id.*

⁴ House Energy and Commerce Republicans 10/20/2021 letter from NIH, available at https://republicans-energycommerce.house.gov/wp-content/uploads/2021/10/NIH-Document-Production-Cover-Letter-2021.10.20_McMorris-Rodgers.pdf

In November 2021, NIH requested WIV research records from EcoHealth, including lab records, data and field notes.⁵ EcoHealth responded to NIH that despite federal requirements to maintain those records, EcoHealth did not have them.⁶

In a January 6, 2022 letter to Peter Daszak, NIH advised that “EcoHealth’s inability or unwillingness to provide...documentation to us upon request raises questions about the quality and rigor of EcoHealth’s record-keeping.”⁷ NIH also wrote that “EcoHealth has demonstrated a history of failure to comply with several elements of the terms and conditions of grant awards,” for three NIH research grants, including the suspended award. Specifically, NIH identified deficiencies in the timely submission of financial and research progress reports, compliance with the Federal Funding Accountability and Transparency Act and other monitoring requirements.⁸ NIH reminded Peter Daszak of EcoHealth’s required responsibility to maintain all research records for three years, including WIV records and imposed a one-week deadline on EcoHealth to submit the records to NIH.⁹

In August 2022, NIH terminated the WIV subaward portion of the suspended EcoHealth grant based on its failure to comply with the grant award terms by not providing its records to NIH upon request.¹⁰

Congressional Actions to Prevent Funding to EcoHealth Alliance

Congress has passed legislation to stop funding EcoHealth’s dangerous coronavirus research in China and has taken key votes designed to halt U.S. involvement in this practice. In May 2021, the Senate agreed by voice vote to an amendment to prohibit federal funding for the WIV.¹¹ In September 2021, the House passed an amendment to defund EcoHealth Alliance.¹² In December 2021, Congress passed a law prohibiting U.S. Department of Defense funding for any work performed by EcoHealth Alliance in China on research supported by the Chinese government.¹³ The bipartisan votes should be seen as reflecting Congressional concerns about Peter Daszak and EcoHealth’s conduct.

In June 2022, a House appropriations panel approved an amendment to ban U.S. State Department funding of any EcoHealth work in China.¹⁴ By passing these amendments and law, Congress is sending a strong signal which **should directly be included as aggravating factors during USAID’s grant risk evaluation for funding EcoHealth** [emphasis added].

Dangerous Research

In an August 3, 2022 hearing before the Senate Homeland Security and Governmental Affairs Committee, Subcommittee on Emerging Threats and Spending Oversight, expert witnesses testified that the type of

⁵ House Oversight Committee Republicans, NIH letter to EcoHealth Alliance, 1/06/2022 available <https://republicans-oversight.house.gov/wp-content/uploads/2022/01/January-2022-To-EcoHealth-R01A1110964-final1.pdf>

⁶ *Id.*

⁷ *Id.*

⁸ *Id.*

⁹ *Id.*

¹⁰ House Oversight Republicans, NIH /19/2022 letter available at https://republicans-oversight.house.gov/wp-content/uploads/2022/08/NIH-Letter-to-Congress-regarding-EHA_Comer.pdf

¹¹ Senate Amendment 1507 to Senate Amendment 1502, agreed to by Voice Vote on May 25, 2021 which appears on page S4302, <https://www.congress.gov/117/crec/2021/05/25/167/91/CREC-2021-05-25-pt1-PgS3401-2.pdf>

¹² <https://rescenthaler.house.gov/media/press-releases/house-passes-rescenthaler-amendment-defunding-ecohealth-alliance>

¹³ NDAA FY22 available at <https://www.congress.gov/bill/117th-congress/senate-bill/1605/text>

¹⁴ H.R. 8282 available at <https://www.congress.gov/bill/117th-congress/house-bill/8282/text>

viral collection gain-of-function research EcoHealth Alliance conducts with pandemic-capable pathogens “can emerge from such studies as potential weapons of mass destruction, inexpensive and easily distributed.”¹⁵ The research is more likely to cause a pandemic than prevent one and has no civilian practical applications from a research perspective.¹⁶ The experts testified that increased supervision of such research activities should be implemented.¹⁷

USAID Must Suspend Awards to EcoHealth

USAID is currently funding EcoHealth through multi-million dollar grants to, in part, continue viral collection research for pandemic prediction and preparedness.¹⁸ As a prime recipient of the nearly \$4.7 million Conservation Works Activity project and as a subrecipient of USAID’s \$85 million One Health Workforce grant and \$8 million READY Initiative grant, EcoHealth’s role relates to training foreign researchers and capacity building laboratories.¹⁹

Despite representing to NIH that they had no WIV records, EcoHealth as a PREDICT consortium partner reported in 2020 accomplishments that through the fall of 2019, they trained 80 Chinese scientists, sampled over 7,300 animals and people, and strengthened the WIV laboratory and the Institute of Microbiology by conducting 39,137 tests of viral pathogens.²⁰

Unfortunately, if USAID searches the Federal Government's System for Award management (SAM.gov) for updates on the status of EcoHealth or the WIV as required when evaluating risks in funding organizations, the NIH grant suspension of EcoHealth or the termination of the WIV award will not appear.²¹ When screening an entity for funding risks, federal agencies rely on SAM.gov for accurate entity status records which include identification parties, such as the WIV, who are excluded from receiving federal financial and non-financial assistance and benefits due to suspensions, debarments and other reasons.²² In fact, the WIV is listed in SAM.gov as the “Wuhan Institute of Virology Chinese Academy of Sciences Capital Construction” and the October 2019 registration date expired on December 2, 2020 so it is unclear how NIH intends to provide the required notification of its WIV grant termination.²³ Further, considering the Congressional bans on funding EcoHealth research in China, their announcement of the grant termination is lacking significance. It is unclear if NIH has requested repayment of grant funds from EcoHealth or the WIV.

USAID is empowered through federal laws and policies to immediately suspend its awards to EcoHealth, “In accordance with 2 CFR 780 and 2 CFR 180, **the Suspending and Debarring Official (SDO) may**

¹⁵ C-Span transcript, HSGAC 8/3/2022 subcommittee hearing available at <https://www.c-span.org/video/?522133-1/hearing-virus-research-funding>

¹⁶ HSGAC 8/3/2022 Subcommittee hearing <https://www.hsgac.senate.gov/subcommittees/etso/hearings/revisiting-gain-of-function-research-what-the-pandemic-taught-us-and-where-do-we-go-from-here>

¹⁷ *Id.*

¹⁸ EcoHealth Alliance, accessed 9/12/2022 available at <https://www.ecohealthalliance.org/about>

¹⁹ <https://www.usaspending.gov/search/?hash=38d396960f3d16902149713519bdda87>

²⁰ https://ohi.vetmed.ucdavis.edu/sites/g/files/dgvnsk5251/files/inline-files/PREDICT%20LEGACY%20-%20FINAL%20FOR%20WEB_0.pdf

²¹ SAM.gov, WIV CAS Capital Construction expired registration, accessed through membership 8/25/2022 <https://sam.gov/entity/LWL3PB9R7HZ1/coreData?status=Expired>

²² SAM.gov available at <https://sam.gov/content/exclusions>.

²³ The WIV CAS Capital Construction is registered in SAM.gov with a point of contact, Min-Hua Luo, who has published multiple research articles as a WIV researcher. The entity registered address of No. 44 Xiaohongshan, Wuhan, Hubei 430071 for the WIV and Min-Hua Luo, is the same address as the WIV letterhead in EcoHealth’s suspended grant documentation obtained from NIH via a Freedom of Information Act lawsuit, available at <https://www.documentcloud.org/documents/21055989-understanding-risk-bat-coronavirus-emergence-grant-notice>.

suspend or debar **individuals and entities** from participating in government funded grants, cooperative agreements and other assistance programs **when such action is in the public interest** [emphasis added].²⁴ It is therefore incumbent upon USAID to be responsible stewards of U.S. taxpayer funds, help protect foreign researchers from risk, and immediately suspend all awards to EcoHealth. The suspension will allow time for USAID to investigate EcoHealth's oversight of foreign research programs, to include taking inventory of laboratory accidents and adverse events resulting in researcher illness, records-keeping audits, and assurance that EcoHealth is compliant with federal award requirements.

Thank you for your consideration of our request. Please do not hesitate to reach out to our staff should you need additional information or clarification of this request.

Very respectfully,



Roger Marshall, M.D.
United States Senator



Tom Cotton
United States Senator



Joni K. Ernst
United States Senator



Rick Scott
United States Senator



Rand Paul, M.D.
United States Senator



Josh Hawley
United States Senator



Marsha Blackburn
United States Senator



Charles E. Grassley
United States Senator



Marco Rubio
United States Senator

²⁴ USAID ADS Chapter 303, Grants and Cooperative Agreements to Non-Government Organizations, accessed 9/12/2022, available at <https://www.usaid.gov/sites/default/files/documents/303.pdf>