

ONE HUNDRED SEVENTEENTH CONGRESS
Congress of the United States
House of Representatives

COMMITTEE ON ENERGY AND COMMERCE

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June 10, 2021

The Honorable Francis Collins, M.D., Ph.D.
Director
National Institutes of Health
9000 Rockville Pike
Bethesda, MD 20892

Dear Dr. Collins:

As the committee of jurisdiction over public health, the Energy and Commerce Committee has authorizing responsibilities over the U.S. National Institutes of Health (NIH). We strongly support a comprehensive investigation into the origins of the COVID-19 pandemic, including the possibility of an accidental laboratory leak.

The Chinese Communist government has not yet allowed Chinese scientists to cooperate with an investigation into COVID-19 origins, and has admitted to destroying samples and records pertinent to such an investigation.¹ Thus, it is imperative we assemble all data and information in U.S. possession about bat coronavirus research experiments and lab safety protocols from all sources outside of China, particularly from EcoHealth Alliance (EHA). EHA is an NIH grantee who has been involved in bat coronavirus research in China and has issued grant subawards to the Wuhan Institute of Virology (WIV). It is also essential to collect information about the WIV, the laboratory that was conducting bat coronavirus experiments located in Wuhan, China, the epicenter of the COVID-19 outbreak. As a federal cognizant grant-making agency that funded bat coronavirus research at the WIV through EHA awards, NIH is in a unique position to publicly share detailed research reports in its possession. Importantly, NIH has full access to EHA records and EHA has refused to cooperate with our inquiry. Therefore, it is critical for NIH to cooperate with our objective fact-finding investigation as we continue to collect data about U.S. funded bat coronavirus research.

¹ Josh Chin, *China Told Labs to Destroy Coronavirus Samples to Reduce Safety Risks*, The Wall Street Journal (May 16, 2020) available at <https://www.wsj.com/articles/china-told-labs-to-destroy-coronavirus-samples-to-reduce-biosafety-risks-11589684291/>.

Since the Republican committee leaders March 18, 2021 letter to NIH, our investigation has found a number of additional issues that raise very serious concerns about the adequacy of NIH's oversight of grantees. The following newly found issues appear troubling and given the significance of these concerns, we expect the NIH to respond fully and substantively. Minority committee staff is continuing to work with your staff to schedule an NIH briefing. The NIH should be prepared to address these issues at the briefing, in addition to all of the questions from the March 18, 2021 letter that presently remain unanswered.

1. NIH's Award of \$2 million to EHA Despite Grant Suspension

On May 25, 2021, a spokesperson for EHA told Fox Business that its NIH funding is frozen and NIH did not give them guidance on when funds will be unfrozen.² EHA's representation about their NIH funding was not forthcoming. NIH terminated grant R01AI110964 to EHA entitled, "Understanding the Risk of Bat Coronavirus Emergence" in April 2020.³ NIH eventually converted the grant termination to a suspension on July 8, 2020, pending EHA's responses to seven requests from NIH related to WIV's actions. NIH could unfreeze the funding if EHA cooperates with NIH's requests, but apparently EHA has not yet done so. Despite EHA's obstruction of NIH requests, NIH gave new financial awards to EHA in June 2020 and August 2020, totaling \$2,127,602.⁴ By NIH authorizing new funding to EHA, an NIH-suspended grantee, the NIH undercut its July 8, 2020 suspension and has incentivized its grantees to defy NIH oversight with impunity.

2. NIH's Inadequate Oversight of EHA's Other Support

You testified during a May 25, 2021 Congressional hearing that NIH was, "...of course not aware of other sources of funds or other activities they might have undertaken outside of what our approved grant allowed," when asked about NIH grant recipient EHA, and the WIV, an EHA subaward recipient.⁵ Pursuant to the NIH Grants Policy, EHA was required to report all "other support," in-kind contributions such as laboratory space, equipment and supplies, and facilities and other resources for all individuals designated as the Principal Investigator (PI) personnel.⁶ Per the NIH grants policy, the grant Principal Investigator Dr. Peter Daszak and EHA were required to report its other research funding sources and activities to NIH.⁷ Without

² Fox News, *Biden State Department quietly ended team's work probing COVID origin*, State Department (May 25, 2021) available at <https://www.foxnews.com/politics/biden-state-department-shut-down-team-covid-origin-investigation>.

³ National Institutes of Health, *Understanding the Risk of Bat Coronavirus Emergence*, REPORTER (last accessed June 2, 2021) available at https://reporter.nih.gov/search/p1odLH_U1kyZgyOhClrN2w/project-details/9320765#similar-Projects/.

⁴ USASpending.gov, *Cooperative agreement numbers U01AI151797 and U01AI153420*, EcoHealth Alliance available at

⁵ House Committee on Appropriations, *FY 2022 Budget Request for the National Institutes of Health*, Hearings (May 25, 2021) available at <https://appropriations.house.gov/events/hearings/fy-2022-budget-request-for-the-national-institutes-of-health>.

⁶ National Institutes of Health, *Other Support, Grants & Funding* (last accessed June 1, 2021) available at <https://grants.nih.gov/grants/forms/othersupport.htm>.

⁷ *Id.*

further details or documentation, your testimony bolsters the notion that NIH oversight is largely ignorant of other awards to the grantee.

3. NIH's Inadequate Oversight of EHA's Delinquent Financial Reports

As the prime recipient of NIH grant R01AI110964, EHA gave a total \$598,500 in five subaward transactions to the WIV from 2015 to 2019 for the WIV to, “conduct high-quality testing, sequencing, and analyses of field samples; maintenance of cold-chains from field to lab; ensuring quality control of sample storage and testing; collaborating on scientific publications and programmatic reporting.”⁸ EHA also gave a total of \$201,217.10 in two subaward transactions to the Wuhan University School of Public Health (WUSPH) to “conduct targeted site-analyses, human behavioral surveillance including qualitative and quantitative surveys; analyses of data; collaborating on scientific publications and programmatic reporting,” from 2016 through 2017.⁹

EHA is required to report its subawards to GSA's FFATA Subaward Reporting System (FSRS) by the end of the month following the month when the subaward was made.¹⁰ For example, when EHA issued a \$133,000 subaward to the WIV on May 29, 2015, EHA was required to report that subaward to FSRS by June 30, 2015.¹¹ USASpending is the U.S. government's open federal spending data source and when the grant number R01AI110964 data is downloaded, details reveal that EHA did not report subawards for that grant until 2020, even though EHA made subawards starting in 2015.¹² EHA reported all seven subaward transactions for R01AI110964 on July 13, 2020, five days following NIH's July 8, 2020 letter to EHA instructing EHA to ensure EHA reported all subaward data to FSRS.¹³ Before the year 2020, only one other EHA subaward grant is reported in USASpending.gov, in which three subaward transactions for NIH grant number R56TW009502 are recorded in 2014.¹⁴ EHA's apparent non-compliance of required financial reporting raises concerns about the adequacy of NIH oversight of NIH grants.

4. NIH's Possible Funding of EHA for Duplicative Research in China

EHA received federal funding as both a prime and sub-recipient not only from NIH, but also from the U.S. Agency for International Development (USAID) for its bat coronavirus research. The project descriptions and research articles are so similar that a distinction between the NIH bat coronavirus research objectives and achievements for the awards to EHA are almost interchangeable with EHA's USAID-funded bat coronavirus research objectives and

⁸ *Id.*

⁹ *Id.*

¹⁰ USASpending.gov, *Data Sources*, About (last accessed June 1, 2021), available at <https://www.usaspending.gov/about>.

¹¹ *Id.*

¹² USASpending.gov, *Advanced Search: Recipient – EcoHealth Alliance* (June 1, 2021) available at USASpending.gov/.

¹³ *Id.*

¹⁴ *Id.* See NIH grant number R56TW009502.

achievements.¹⁵ The NIH grant progress reports will reveal details about the bat coronavirus research that can be compared to the reports from USAID-funded research. In its research funded by the USAID, EHA partnered with the WIV and with East China Normal University.¹⁶ We are very concerned that the NIH and USAID may have funded duplicate projects and that EHA partnered with additional unreported entities in China for NIH-funded research.

5. NIH's Inadequate Reconciliation of EHA's Grant Subawards

As far back as 2005, Peter Daszak of EHA has authored over 20 bat coronavirus and other zoonotic pathogen research articles with Dr. Zhengli Shi of the WIV, plus other researchers, about experiments funded by NIH.¹⁷ Their collaborative research has resulted in a 2005 publication entitled "Bats Are Natural Reservoirs of SARS-Like Coronaviruses," funded by NIH.¹⁸ In 2013, they published "Isolation and characterization of a bat SARS-like coronavirus that uses the ACE2 receptor," funded by NIH and USAID.¹⁹ Their numerous publications acknowledge NIH as a research sponsor yet the only EHA support to the WIV in USASpending.gov was reported by EHA on July 13, 2020 (see concern number three above).²⁰ Vanity Fair reported that Dr. Shi "herself listed U.S. government grant support of more than \$1.2 million on her curriculum vitae: \$665,000 from the NIH between 2014 and 2019; and \$559,500 over the same period from USAID."²¹ EHA's late and potentially incomplete reporting of the WIV as its sub-award recipient raises questions about EHA's compliance with required financial reporting and also raises concerns about NIH's oversight of grant awards to EHA.

6. NIH's Inadequate Oversight of EHA's Place of Performance Reporting

The Federal Funding Accountability and Transparency Act of 2006 (FFATA) requires that federal award reporting must include the primary location of where the work will be performed, (including the city, state, congressional district, and country).²² For EHA's NIH awards, China is not listed as the place of performance in USASpending.gov and instead, EHA's

¹⁵ USASpending.gov, *Advanced Search: Recipient – EcoHealth Alliance* (June 1, 2021) available at [USASpending.gov/](https://www.usaspending.gov/).

¹⁶ USAID PREDICT-1 CONSORTIUM, *Reducing Pandemic Risk, Promoting Global Health*, Final Report (Dec. 2014) available at <https://ohi.sf.ucdavis.edu/sites/g/files/dgvnsk5251/files/files/page/predict-final-report-lo.pdf>.

¹⁷ NIH Reporter, *Anthropogenic change & emerging zoonotic paramyxoviruses*, Project Number 5R01TW005869-04 (Budget Start Date June 1, 2005) available at

<https://reporter.nih.gov/search/WMYBIQPE20aG4fAZLFj0lw/project-details/6923645#details>, NIH National Library of Medicine, *Advanced Search for 'Shi, Daszak'*, National Center for Biotechnology Information (June 2, 2021) available at https://pubmed.ncbi.nlm.nih.gov/?term=Daszak%2C+Shi&sort=date&sort_order=asc&size=200.

¹⁸ NIH National Library of Medicine, *Bats Are Natural Reservoirs of SARS-Like Coronaviruses*, PubMed (Sept. 5, 2005) available at <https://pubmed.ncbi.nlm.nih.gov/16195424/>.

¹⁹ Ge, XY., et al., *Isolation and characterization of a bat SARS-like coronavirus that uses the ACE2 receptor*, *Nature* 503, 535–538 (May 16, 2013) available at <https://doi.org/10.1038/nature12711>.

²⁰ *Id.*

²¹ Katherine Eban, *The Lab-Leak Theory – Inside the Fight to Uncover COVID-19 Origins*, Vanity Fair (June 3, 2021) available at <https://www.vanityfair.com/news/2021/06/the-lab-leak-theory-inside-the-fight-to-uncover-covid-19s-origins>.

²² PL 109-282, Sept. 26, 2006 available at <https://www.govinfo.gov/content/pkg/PLAW-109publ282/pdf/PLAW-109publ282.pdf>.

primary place of performance is identified as New York.²³ The NIH grant documents, and the financial and progress reports we have requested will contain travel budgets and research details that will confirm the location(s) where EHA actually performed its research. Published research articles about NIH-funded experiments describe EHA's bat coronavirus research and surveillance activities often partnered with the WIV in China. We are very concerned about the discrepancy in EHA's primary place of performance as being New York in USASpending.gov when research articles, publications, and media interviews suggest EHA's primary place of performance is not domestic.²⁴

7. NIH's Lack of Visibility into EHA's Grant Subawards

USASpending.gov limits visible data to prime and subaward recipients, and does not disclose funds that are further disbursed subaward recipients.²⁵ EHA is a subaward recipient of NIH grant funds from the Arizona State University and the Trustees of Columbia University in New York City.²⁶ As a subaward recipient, EHA does not publicly report when it further distributes subaward funds to other organizations such as the WIV or other recipients in China.²⁷ NIH questions to EHA in the July 8, 2020 grant suspension letter suggest that NIH lacks information and visibility on sub-grant awards that are either issued or received by EHA.²⁸

8. NIH's Inadequate Oversight of EHA's Grant Fund Accounting

In our April 18, 2021 letter to EHA, we raised the issue that EHA reported a \$319,570 cash award grant and a \$126,792 cash award grant disbursed by wire to China for the purpose of "[u]nderstanding the risk of bat coronavirus emergence" on its IRS Form 990, calendar year 2016.²⁹ EHA reported giving \$321,700 for coronavirus and emerging diseases to China on its IRS Form 990, calendar year 2015.³⁰ EHA IRS Form 990's for other years do not include that purpose or identify the WIV as an organization to which funds were paid. With EHA organized as a 501 (c)(3) non-profit organization, its IRS Form 990's are public documents able to be reviewed by NIH. As a non-federal entity that expends more \$750,000 or more in federal funds in one year, EHA is required to submit a Single Audit report, previously known as the OMB Circular A-133 audit. The purpose of a Single Audit report is to provide assurance to the Federal Government that a non-federal entity has adequate internal controls in place, and is generally in

²³ *Id.*

²⁴ Nidhi Subbaraman, 'Heinous!': Coronavirus researcher shut down for Wuhan-lab link slams new funding restrictions, *Nature* (Aug. 21, 2020), available at <https://www.nature.com/articles/d41586-020-02473-4>.

²⁵ USASpending.gov, *Advanced Search: Recipient - EcoHealth Alliance* (June 1, 2021) available at [USASpending.gov/](https://www.usaspending.gov/).

²⁶ *Id.*

²⁷ *Id.*

²⁸ Internal Revenue Service, *EHA 990 final, Schedule F, Parts I and II* (May 3, 2017) available at https://apps.irs.gov/pub/epostcard/cor/311726494_201606_990_2017090514700974.pdf.

²⁹ U.S. Energy and Commerce Republicans, *Letter to EcoHealth Alliance, The COVID-19 Origins Investigation* (Apr. 16, 2021) available at <https://republicans-energycommerce.house.gov/the-covid-19-origins-investigation/>.

³⁰ Internal Revenue Service, *EHA 990 final 2015, Schedule F, Parts I and II* (May 3, 2017) available at https://apps.irs.gov/pub/epostcard/cor/311726494_201606_990_2017090514700974.pdf.

compliance with program requirements.³¹ In EHA's Single Audit reports for years 2016 to 2020, no payments are evident for EHA funds paid to the WIV.³²

9. NIH's Inadequate Oversight of Its Funded Researchers in China

The WIV named NIH and EHA on its website as WIV international partner as of and prior to the date of our March 18, 2021 letter to NIH.³³ By March 22, 2021, the WIV had removed NIH as a partner from its website.³⁴ The NIH has characterized its relationship Chinese scientists as respectable scientific partners.³⁵ However, within three days following our letter to NIH which inquired about NIH grants to the WIV, the WIV quickly concealed its long-standing relationship with NIH by deleting evidence of its NIH partnership from its website. This action does not seem consistent with NIH's claim that the WIV and its scientists were a respectable scientific partner. It has been reported that some Chinese scientists working with EHA are current or former members of the People's Liberation Army of China.³⁶ It has also been reported that the Chinese military were conducting research at the WIV.³⁷ We are concerned that NIH-funded coronavirus research in China may not have undergone proper biodefense risk analysis.

10. NIH's Lack of Cooperation with Congressional Oversight Inquiry

NIH is supposed to be a transparent institution and the grant documents we requested should be a matter of public record.³⁸ Contrary to your public statement implying that we asked for "pretty sensitive materials, not quite classified, but getting close to that," the grant documents we requested are releasable to the public per NIH's own policy and should have already been provided to us.³⁹

As you are aware, the NIH grant documents and progress reports we requested will include details pertinent to our COVID-19 origins investigation, including information about: all research participants and collaborating organizations; location(s) of work performed; instruments, equipment and monies provided to grant sub-recipients; financial accounting

³¹ U.S. Department of Health and Human Services, *Single Audit* (Apr. 25, 2016) available at <https://www.hhs.gov/about/agencies/asfr/data-act-program-management-office/single-audit/index.html>.

³² Federal Audit Clearinghouse, *EcoHealth Alliance, Inc and Wildlife Preservation Trust Int. Single Audit Reports 2017-2021* (June 7, 2021) available at <https://facdissem.census.gov/SearchResults.aspx>.

³³ Internet Archive Wayback Machine, *Wuhan Institute of Virology, CAS, Partnerships* (Mar. 18, 2021) available at https://web.archive.org/web/20210318052528/http://english.whiov.cas.cn/International_Cooperation2016/Partnerships/.

³⁴ Internet Archive Wayback Machine, *Wuhan Institute of Virology, CAS, Partnerships* (Mar. 22, 2021) available at https://web.archive.org/web/20210322053537/http://english.whiov.cas.cn/International_Cooperation2016/Partnerships/.

³⁵ House Committee on Appropriations, *FY 2022 Budget Request for the National Institutes of Health*, Hearings (May 25, 2021) available at <https://appropriations.house.gov/events/hearings/fy-2022-budget-request-for-the-national-institutes-of-health>.

³⁶ Alexis, Shi Zhengli: Weaponizing Coronaviruses, with Pentagon Funding, at a Chinese Military Lab, <https://enviroshop.com/shi-zhengli-weaponizing-coronaviruses-with-pentagon-funding-at-a-chinese-military-lab/>.

³⁷ *Id.*

³⁸ National Institutes of Health, *NIH Grants Policy Statement*, Policy and Compliance (June 1, 2021) available at <https://grants.nih.gov/policy/nihgps/index.htm>.

³⁹ *Id.*

reports; research techniques and accomplishments; research products such as: technologies, patent applications, data or databases, physical collections, and models; significant changes in use or care of human subjects, vertebrate animals, biohazards, and/or select agents; and budgetary information and project outcomes.⁴⁰

As the federal grant awarding agency, NIH must have the right of access to any of EHA's documents or other records which are pertinent to NIH federal awards.⁴¹ The NIH grants policy states that the Freedom of Information Act (FOIA) and U.S. Department of Health and Human Services regulations require NIH to release certain grant documents and records requested by members of the public, regardless of the intended use of the information.⁴² Per NIH policy, NIH will generally release funded applications and progress reports pursuant to a FOIA request.⁴³ NIH considers most grant-related information in the application or post-award phases as being public information (emphasis added).⁴⁴

In support of this inquiry and the public interest in the origins of the COVID-19 pandemic, please provide written responses to the following by June 24, 2021:

1. We again renew our request for NIH's immediate compliance with our oversight inquiry for production of the grant documents and progress reports forthwith that we first requested on March 18, 2021.
2. What is NIH's policy for awarding funds to organizations when the organization has NIH grant funds in suspended status and are not cooperating NIH requests? If the NIH permits new award funding under these circumstances, please provide the policy, and explain how such funding does not undercut NIH's ability to oversee grantees and does not incentivize grantees to defy NIH's requests for information.
3. Please explain all oversight steps NIH has taken to ensure EHA's full compliance with federal financial subaward reporting requirements for all NIH grants. Please explain if EHA reported to NIH any subaward recipients other than the WIV or the WUSPH for NIH grant R01AI110964. Please provide all financial records of all NIH funds given to Dr. Zhengli Shi of the WIV.
4. For all NIH awards in which EHA was a subrecipient, please provide a financial accounting of EHA's subawards to the WIV or other organizations in China.

⁴⁰ Hugh Hewitt, *Dr. Francis Collis On The U.S. Funding of the Wuhan Lab and Congressional Oversight*, The Hugh Hewitt Show (June 2, 2021) available at <https://hughhewitt.com/dr-francis-collins-on-the-u-s-funding-of-the-wuhan-lab-and-congressional-oversight/>, National Institutes of Health, *Research Performance Progress Report, Grants & Funding* (May 4, 2021) available at <https://grants.nih.gov/grants/rppr/index.htm>.

⁴¹ *Id.*

⁴² National Institutes of Health, *NIH Grants Policy Statement*, Policy and Compliance (June 1, 2021) available at <https://grants.nih.gov/policy/nihgps/index.htm>.

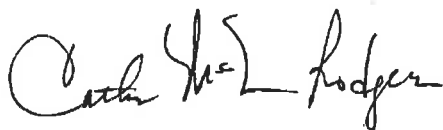
⁴³ *Id.*

⁴⁴ *Id.*

5. How does NIH ensure it does not award unapproved duplicate grants for same or similar research already funded by other agencies, to EHA or other NIH grant recipients? For all NIH awards to EHA, please provide accounting information for EHA subawards to recipients in China.
6. Please explain how NIH has reviewed EHA annual Single Audit reports to ensure how EHA has met program and reporting requirements.
7. How does NIH audit the financial reports submitted to the IRS by its 501(c)(3) non-profit organization grant award recipients to ensure NIH awards are accurately reported? How does NIH ensure its grantees do not act as a pass-through or money laundering provider to send U.S. research funding to China?
8. Please explain NIH's policy for ensuring its awardees accurately report the actual place of research performance. For all NIH-funded research, please provide all China site locations where EHA's work was performed.
9. Please explain if EHA reported its other funding or in-kind support, including awards from federal agency, to NIH. Please explain if EHA reported any support from organizations in China.
10. Did NIH perform a biodefense risk analysis for coronavirus research conducted at the WIV as research with potential for dual use of research concern, pandemic pathogen or bioweapon development, as outlined in the HHS *Framework for Guiding Funding Decisions about Proposed Research Involving Enhanced Potential Pandemic Pathogens*?⁴⁵ Please describe NIH's coordination procedures with the U.S. Intelligence Community that are completed before NIH funds research projects in foreign countries with existing biodefense programs.

Please make arrangements to schedule the briefing for Committee staff by June 24, 2021. If you have any questions, please contact Alan Slobodin or Diane Cutler of the Minority Committee staff. Thank you for your attention to this request.

Sincerely,



Cathy McMorris Rodgers
Republican Leader
Committee on Energy and Commerce



Fred Upton
Republican Leader
Subcommittee on Energy

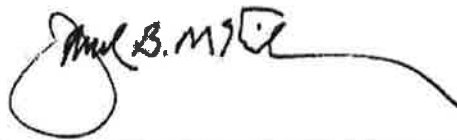
⁴⁵ U.S. Department of Health and Human Services, *Framework for Guiding Funding Decisions about Proposed Research Involving Enhanced Potential Pandemic Pathogens*, Science Safety Security (Dec. 2017) available at <https://www.phe.gov/s3/dualuse/Pages/p3co.aspx>.



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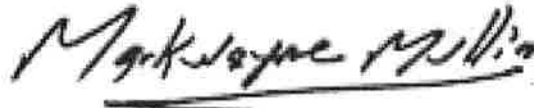
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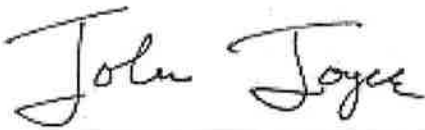
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