

United States Senate

February 13, 2023

The Honorable Xavier Becerra
Secretary
Department of Health and Human Services
200 Independence Avenue, S.W.
Washington, D.C. 20201

Dear Secretary Becerra,

As you know, an audit by your Department's Office of Inspector General (OIG) found the National Institutes of Health (NIH) mismanaged risky research on bat coronaviruses performed by China's state-run Wuhan Institute of Virology (WIV), which resulted in the creation of enhanced pathogens and the misuse of taxpayer dollars.¹

Since 2014, NIH has provided \$8 million to the EcoHealth Alliance (EcoHealth), which then funneled some of those funds through subgrants to WIV, a lab with known safety problems as documented by the U.S. State Department.²

"Despite identifying potential risks associated with research being performed under the EcoHealth awards," the OIG "found that NIH did not effectively monitor or take timely action to address EcoHealth's compliance with some requirements."

EcoHealth did not provide complete and timely reports to NIH on its collaboration with WIV, nor did it alert the agency when a bat coronavirus experiment had generated an enhanced pathogen as required. When EcoHealth did finally notify NIH of the result, the agency failed to follow up until nearly two years after its due date. The OIG noted that NIH's "oversight failure is particularly concerning because NIH had previously raised concerns with EcoHealth about the nature of the research being performed."³

The NIH-sponsored collaboration with EcoHealth and WIV, "Understanding the Risk of Bat Coronavirus Emergence,"⁴ drew understandable scrutiny following the COVID-19 outbreak in Wuhan, China, within the vicinity of the lab where the experiments enhancing coronaviruses was occurring.

¹ "NIH and EcoHealth Did Not Effectively Monitor Awards and Subawards, Resulting in Missed Opportunities to Oversee Research and Other Deficiencies," Department of Health and Human Services Office of Inspector General, January 2023; <https://oig.hhs.gov/oas/reports/region5/52100025.pdf>.

² "Read the State Department cable that launched claims that coronavirus escaped from Chinese lab," The Washington Post, July 17, 2020; <https://www.washingtonpost.com/context/read-the-state-department-cable-that-launched-claims-that-coronavirus-escaped-from-chinese-lab/2b80aef2-f728-4c36-8875-3bf6aae1d272/>.

³ "NIH and EcoHealth Did Not Effectively Monitor Awards and Subawards, Resulting in Missed Opportunities to Oversee Research and Other Deficiencies," Department of Health and Human Services Office of Inspector General, January 2023; <https://oig.hhs.gov/oas/reports/region5/52100025.pdf>.

⁴ "Understanding the Risk of Bat Coronavirus Emergence," Project Number 1R01AI110964, National Institutes of Health Research Portfolio Online Reporting Tools (RePORT) website, accessed January 31, 2023; <https://reporter.nih.gov/search/-bvPCvB7zkyvb1AjAgW5Yg/project-details/8674931#description>.

In 2020, NIH suspended EcoHealth’s subaward to WIV, citing biosafety concerns and the failure of EcoHealth to comply with the reporting requirements related to the research.⁵ After numerous requests for information about the project went unanswered, NIH canceled EcoHealth’s subaward to WIV in August 2022.⁶ NIH’s Deputy Director for Extramural Research acknowledges “WIV may never provide EcoHealth with the requested documentation.”⁷

“WIV’s lack of cooperation with the international community following the COVID-19 outbreak—consistent with the response from China—limited EcoHealth’s ability to monitor its subrecipient, and greater transparency is needed about information from WIV,” the OIG concluded.⁸

While NIH ultimately bears the blame for being unable to provide answers to questions about what was going on in the Wuhan Institute with U.S. taxpayers’ dollars, EcoHealth and especially WIV have blatantly refused to cooperate with the search for the truth. Yet, to this day, the Wuhan Institute of Virology is still on the NIH’s list of approved institutions eligible to receive taxpayer dollars to conduct experiments on animals.⁹

“Based on information provided in this audit and other information available to NIH,” the OIG recommends that HHS consider debarment of WIV. NIH concurs with this recommendation.¹⁰

I also concur and urge the department to *immediately* and *permanently* debar WIV from receiving U.S. funding to ensure that not another penny from taxpayers is ever sent to China’s state-run Wuhan Institute of Virology by NIH or any other component or grantee of HHS. This opinion is widely shared by my colleagues as the U.S. Senate approved a total prohibition on all U.S. federal funding to the Wuhan Institute of Virology in May 2021.¹¹

I would also urge you to act on the OIG’s recommendations that EcoHealth repay the tax dollars misspent on unallowable costs and provide a complete accounting of all of the federal funding it has received and for NIH to implement enhanced monitoring, documentation, and reporting requirements for all grant recipients with foreign subrecipients.

⁵ Correspondence from Michael S. Lauer, MD NIH Deputy Director for Extramural Research to Drs. Aleksei Chmura and Peter Daszak of EcoHealth Alliance, July 8, 2020; <https://oversight.house.gov/wp-content/uploads/2021/05/Eco-Health-Lab-letter-July-8.pdf>.

⁶ Correspondence from Michael S. Lauer, M.D., Deputy Director for Extramural Research at the National Institutes of Health to Congressman James Comer, then-Ranking Member of the Committee on Oversight and Reform of the U.S. House of Representatives, August 19, 2022; https://oversight.house.gov/wp-content/uploads/2022/08/NIH-Letter-to-Congress-regarding-EHA_Comer.pdf.

⁷ “NIH and EcoHealth Did Not Effectively Monitor Awards and Subawards, Resulting in Missed Opportunities to Oversee Research and Other Deficiencies,” Department of Health and Human Services Office of Inspector General, January 2023; <https://oig.hhs.gov/oas/reports/region5/52100025.pdf>.

⁸ “NIH and EcoHealth Did Not Effectively Monitor Awards and Subawards, Resulting in Missed Opportunities to Oversee Research and Other Deficiencies,” Department of Health and Human Services Office of Inspector General, January 2023; <https://oig.hhs.gov/oas/reports/region5/52100025.pdf>.

⁹ “Institutions with a PHS Approved Animal Welfare Assurance,” National Institutes of Health Office of Laboratory Animal Welfare website, as updated February 13, 2023; <https://olaw.nih.gov/assured/app/index.html>.

¹⁰ “NIH and EcoHealth Did Not Effectively Monitor Awards and Subawards, Resulting in Missed Opportunities to Oversee Research and Other Deficiencies,” Department of Health and Human Services Office of Inspector General, January 2023; <https://oig.hhs.gov/oas/reports/region5/52100025.pdf>.

¹¹ Ernst amendment 1507 to the Endless Frontier Act, agreed to by voice vote, Congressional Record, May 25, 2021; <https://www.congress.gov/117/crec/2021/05/25/167/91/CREC-2021-05-25-pt1-PgS3401-2.pdf>.

AMENDMENT NO. 1507

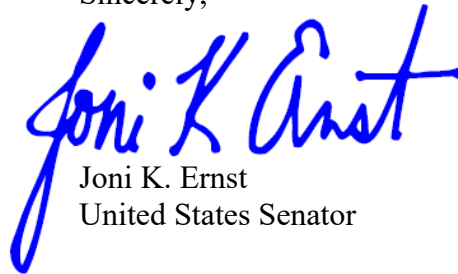
Purpose: To prohibit any Federal funding for the Wuhan Institute of Virology

At the appropriate place, insert the following:

SEC. ____ . PROHIBITION ON FEDERAL FUNDING FOR WUHAN INSTITUTE OF VIROLOGY. Notwithstanding any other provision of law, no Federal funding may be made available to the Wuhan Institute of Virology located in the City of Wuhan in the People’s Republic of China.

Thank you for your attention to this request. I look forward to hearing from you regarding the actions the department is taking to respond to the OIG's findings and recommendations.

Sincerely,

A handwritten signature in blue ink that reads "Joni K. Ernst". The signature is fluid and cursive, with the first name "Joni" and last name "Ernst" clearly legible. The middle initial "K" is smaller and positioned between the first and last names.

Joni K. Ernst
United States Senator