

JONI K. ERNST
IOWA

CHAIRMAN,
REPUBLICAN POLICY COMMITTEE

WASHINGTON, DC OFFICE
260 RUSSELL SENATE OFFICE BUILDING
WASHINGTON, DC 20510
PHONE: 202-224-3254
FAX: 202-224-9369
WWW.ERNST.SENATE.GOV

United States Senate

May 10, 2023

COMMITTEES
ARMED SERVICES
AGRICULTURE, NUTRITION
AND FORESTRY
SMALL BUSINESS
AND ENTREPRENEURSHIP

The Honorable Lawrence A. Tabak, D.D.S., Ph.D.
Acting Director
National Institutes of Health
9000 Rockville Pike
Bethesda, MD 20892

Dear Acting Director Tabak:

I was shocked to learn that the National Institutes of Health (NIH) has re-instated a grant to the EcoHealth Alliance, Inc., which had been canceled due to the organization's repeated failures to comply with federal laws and NIH's own terms and conditions. These include not notifying the agency when an enhanced pathogen had been engineered in the lab, intentionally not reporting that U.S. tax dollars were being paid to China's state-run Wuhan Institute of Virology (WIV) for dangerous experiments on bat coronaviruses, and not answering questions or providing requested information about the research that was paid for with taxpayer money.

I am following-up on my previous letters to NIH and the Department of Health and Human Services (HHS) regarding the persistent disregard of federal law by EcoHealth Alliance, Inc., and the continued funding and lax monitoring of this rogue group and its risky research.

In 2019, [the Government Accountability Office](#) found HHS and NIH were failing to enforce the [Stevens Amendment](#), a federal law renewed by Congress every year that requires projects supported with taxpayer dollars by HHS publicly disclose the cost to taxpayers. [HHS concurred with the GAO finding](#) and agreed to "implement the recommendation to the fullest extent feasible" while NIH officials "said they would address any non-compliance issues if they were raised." Despite these assurances, to this day not one of the 30 EcoHealth publications listed on the [NIH's website](#) that were supported by the agency provide the budget information required by the Stevens Amendment.

In a [March 2021 letter](#) to the HHS Office of Inspector General (OIG), I outlined EcoHealth's ongoing violations of the Stevens Amendment, which prompted a broader [audit of EcoHealth's use of taxpayer dollars](#). The OIG found that NIH failed to effectively monitor EcoHealth's studies on bat coronaviruses performed in the WIV, which resulted in the creation of enhanced pathogens. As you know, many experts believe a lab leak related to these studies may have unleashed the COVID-19 pandemic.

EcoHealth also hid the trail of taxpayer dollars into WIV for these dangerous experiments by intentionally not reporting the subawards for inclusion in the publicly searchable website established by the Federal Funding and Accountability Act. This wasn't a mere oversight, either. The OIG found the organization's "accountants advised EcoHealth not to include that information," noting, "this advice was contrary to Federal reporting requirements."

Despite these scathing findings, EcoHealth continues to violate longstanding federal law mandating that all projects supported with taxpayer dollars publicly disclose the costs and to conduct dangerous experiments on coronaviruses collected from bats with the financial backing of the NIH.

DES MOINES OFFICE
733 FEDERAL BUILDING
210 WALNUT STREET
DES MOINES, IA 50309
PHONE: 515-284-4574
FAX: 515-284-4937

CEDAR RAPIDS OFFICE
111 SEVENTH AVENUE SE
SUITE 480
CEDAR RAPIDS, IA 52401
PHONE: 319-365-4504
FAX: 319-365-4683

DAVENPORT OFFICE
201 WEST SECOND STREET
SUITE 806
DAVENPORT, IA 52801
PHONE: 563-322-0677
FAX: 563-322-0854

SIoux CITY OFFICE
194 FEDERAL BUILDING
320 SIXTH STREET
SIoux CITY, IA 51101
PHONE: 712-252-1550
FAX: 712-252-1638

COUNCIL BLUFFS OFFICE
2146 27TH AVENUE
SUITE 500
COUNCIL BLUFFS, IA 51501
PHONE: 712-352-1167
FAX: 712-352-0087

In October 2022, my colleagues and I sent you [a letter](#) expressing our concern with NIH's support of EcoHealth's expeditions to collect coronaviruses from wild bats and to conduct dangerous lab experiments overseas. According to [NIH Research Portfolio Online Reporting Tools \(RePORT\)](#), the National Institute of Allergy and Infectious Diseases (NIAID) sent EcoHealth \$653,392 last year as the first installment of a new five-year virus-hunting grant. EcoHealth's own [descriptions of the project](#) detail plans to hunt down and sample "3000-5000 bats" and "other mammals" in Myanmar, Laos and Vietnam. Experiments on the viruses collected are planned in foreign labs, including "[cell entry assays to assess ability to infect human cells.](#)" EcoHealth also notes, "*we will rapidly supply viral sequences and isolates for use in vaccine and therapeutic development, including 'prototype pathogen' vaccines.*" In March 2023, EcoHealth issued a press release, which is [posted on its website](#), announcing this taxpayer-funded grant. Once again, EcoHealth violated the Stevens Amendment by failing to include any of the spending disclosure details required by law.

Just this week, on May 8, when EcoHealth [announced the terminated NIH grant had been re-instated](#), the organization omitted the information required by the Stevens Amendment. The revised [NIH Notice of Award](#) outlines requirements for issuing of public statements related to work conducted with the grant, specifically "each publication, press release, or other document about research supported by an NIH award must include an acknowledgment of NIH award support and a disclaimer such as 'Research reported in this publication was supported by the National Institute Of Allergy And Infectious Diseases of the National Institutes of Health under Award Number R01AI163118. The content is solely the responsibility of the authors and does not necessarily represent the official views of the National Institutes of Health.' Prior to issuing a press release concerning the outcome of this research, please notify the NIH awarding IC in advance to allow for coordination." Noticeably absent in NIH's directives is any reminder to include the cost information required to be disclosed by law under the Stevens Amendment [as outlined repeatedly](#) on both the NIH and HHS websites.

Given EcoHealth's well-documented and persistent refusal to comply with federal laws, adhere to the terms of government grants, and irresponsible behavior conducting risky research in unsafe labs, I would urge you to immediately debar EcoHealth from receiving any additional taxpayer dollars in order to stop its dangerous experiments before the public's health is put at risk, possibly for a second time.

Additionally, I request the following information:

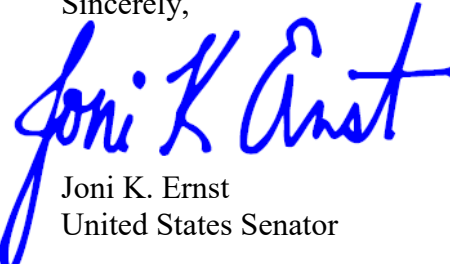
1. Has NIH contacted EcoHealth at any time to call attention to the Stevens Amendment violations and provide guidance for compliance with the law?
2. In [EcoHealth's latest new release](#), it states, "We have also agreed to all additional oversight mechanisms applied by NIH." Do these additional oversight mechanisms include complying with the Stevens Amendment requirements?
3. What has NIH done specifically to improve compliance with the Stevens Amendment by all grantees following the [GAO's 2019 report](#)?
4. What actions, if any, has NIH taken to correct the other issues with EcoHealth grants identified by the [January 2023 OIG report](#)?
5. When awarding grants, does NIH take into consideration a grantee's previous and current lack of compliance with federal laws and regulations, including disclosure and transparency statutes?
6. Per recent [GAO recommendations](#), what actions will NIH be taking to ensure compliance and the accuracy of information reported by foreign animal labs and other foreign entities that receive awards or subawards from NIH?

7. Despite a growing consensus within the intelligence and scientific communities that the COVID-19 pandemic may have been caused by a lab leak from WIV, the description of this latest EcoHealth study posted on [the NIH website states](#), the pandemic “likely began as zoonotic spillover events.” Does this statement reflect NIH’s current assessment of the pandemic’s origin?
8. List all active grants, contracts and subgrants currently awarded to EcoHealth with descriptions of the projects, their cost to date, all partner institutions, and where the virus-hunting and lab work will be conducted.
9. Please list all restrictions, either temporary or permanent, that NIH has imposed on EHA’s funding and activities.

These issues will be very important to me and many of my colleagues as we consider any nomination to head the NIH.

Thank you for your prompt attention to this request and please do not hesitate to contact me or Roland Foster on my staff at (202) 224-3254 or Roland_Foster@ernst.senate.gov if you have any questions.

Sincerely,



Joni K. Ernst
United States Senator