

Congress of the United States

Washington, DC 20515

October 27, 2021

The Honorable Merrick B. Garland
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, D.C. 20530

Dear Attorney General Garland:

We have been investigating whether U.S. taxpayer dollars funded dangerous research into deadly pathogens in Wuhan, China. For more than a year, the National Institutes of Health (NIH) and Dr. Anthony Fauci, director of the NIH's National Institute of Allergy and Infectious Diseases (NIAID), have denied using taxpayer money to fund this type of research. However, a recent admission from the NIH reveals that EcoHealth Alliance, Inc. (EcoHealth), a NIAID grant recipient, may have violated federal law in its taxpayer-funded work on deadly pathogens.¹ We accordingly refer this matter to the Justice Department for investigation.

On June 1, 2014, EcoHealth received a \$3.7 million dollar grant from NIAID, entitled "Understanding the Risk of Bat Coronavirus Emergence."² Through this grant, EcoHealth sent more than \$600,000 to the Wuhan Institute of Virology (WIV) in Wuhan, China. Further, pursuant to this grant, EcoHealth was required to report to NIH and "immediately stop all experiments" if it created a virus that showed evidence of viral growth 1,000 percent that of the original virus.³ Even if EcoHealth did not immediately report an experiment that met these parameters as required by the grant, EcoHealth would have to submit its annual progress report by September 30, 2019. EcoHealth failed on both counts.

On October 20, 2021, we received a letter from Dr. Lawrence Tabak, Principal Deputy Director of the NIH. According to Dr. Tabak, EcoHealth "failed" to properly and promptly report an experiment that violated the terms of the grant.⁴ The grant required EcoHealth to report any experiment that creates, intentionally or otherwise, a new virus that is 1,000 percent more virulent than its progenitor.⁵ In one experiment, EcoHealth did just that but subsequently failed to report it. EcoHealth subsequently failed to file an annual report until August 3, 2021, almost two years after it was required to do so.⁶

¹ Letter from Lawrence A. Tabak, Principal Deputy Director, U.S. Nat'l Inst. Of Health, to Hon. James Comer, Ranking Member, H. Comm. on Oversight & Reform (Oct. 20, 2021).

² Project Grant, Understanding the Risk of Bat Coronavirus Research, EcoHealth Alliance, Inc. (June 1, 2014).

³ Letter from Hon. Francis Collins, Dir., Nat'l Insts. Of Health, to Hon. James Comer, Ranking Member, H. Comm. on Oversight & Reform (July 28, 2021).

⁴ Letter from Lawrence A. Tabak, *supra* note 1.

⁵ *Id.*

⁶ Understanding the Risk of Bat Coronavirus Emergence, 5RO1AI110964-05 (June 6, 2018 – May 31, 2019).

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The revelation in Dr. Tabak’s letter raises the prospect about whether EcoHealth violated 18 U.S.C. § 1031 and committed a major fraud against the United States. Section 1031 states, in relevant part, “[w]hoever knowingly executes, or attempts to execute, any scheme or artifice with the intent to defraud the United States; or to obtain money or property by means of false or fraudulent pretenses, representations, or promises, in any grant . . . if the value of such grant . . . is \$1,000,000 or more shall . . . be fined not more than \$1,000,000, or imprisoned not more than 10 years, or both.”⁷ The section’s prohibition includes “misrepresenting a project’s status to continue receiving funds.”⁸

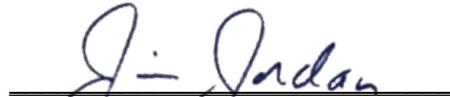
Between September 30, 2019 and August 3, 2021, EcoHealth received \$21,648,574 in grant funds from U.S. taxpayers that the company may not have received if it had timely disclosed to NIH that it had created a virus that would trigger the cessation of its experiments.⁹ The fact that EcoHealth received more than \$21 million during this period shows that the company had a clear financial incentive to violate the terms of its grant by failing to stop its experiments. In addition, EcoHealth’s failure to provide the required reporting to NIH for nearly two years—despite a requirement in the grant to do so annually—suggests that EcoHealth knowingly withheld information from NIH in an effort to misrepresent the project’s status.

Based on the information available to us, we respectfully request that the Department of Justice investigate whether EcoHealth violated federal law by misrepresenting the status of its project to NIAID or NIH. Please respond by November 3, 2021 to inform us whether the Department intends to investigate this matter. Thank you for your attention to this matter.

Sincerely,



James Comer
Ranking Member
Committee on Oversight and Reform



Jim Jordan
Ranking Member
Committee on the Judiciary

cc: The Honorable Carolyn B. Maloney, Chairwoman
Committee on Oversight and Reform

The Honorable Jerrold Nadler, Chairman
Committee on the Judiciary

⁷ 18 U.S.C. § 1031.

⁸ *Grant Fraud Responsibilities*, Grants.gov (last accessed Oct. 21, 2021).

⁹ USASpending.gov (last accessed Oct. 21, 2021),

<https://www.usaspending.gov/search/?hash=d664bf197193e61d56504abf646e5410>.