

**Congress of the United States**  
**Washington, DC 20510**

August 12, 2021

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

Dear Director Collins:

On May 20, 2021, we sent you a letter requesting information on the National Institutes of Health's (NIH) 2014 funding pause on gain of function research.<sup>1</sup> Your July 29, 2021, response failed to fully address the questions in our letter. Further, NIH's response to us appears to be nearly identical to your response to another senator's separate oversight request.<sup>2</sup> Your refusal to provide detailed responses that fully address each oversight request is unacceptable.

Specifically, the May 20, 2021 letter included 17 requests for documents and information on the 2014 gain of function moratorium.<sup>3</sup> Rather than provide detailed responses to each request, NIH only offered a summary about the gain of function research moratorium and its review process for such research.<sup>4</sup> Further, NIH claimed that no National Institute of Allergy and Infectious Diseases (NIAID) funding was approved to support gain of function research at the Wuhan lab.<sup>5</sup> Yet, your response appeared to suggest that even approved experiments could result in a virus with a gain of function.<sup>6</sup> Without any more detailed information, it is unclear whether this has ever occurred.

NIH's lack of response to the May 20 letter shows a complete disregard for congressional oversight and transparency. Congress and the American people have a right to know the complete truth about NIH's role in funding potentially risky gain of function research. We expect you to specifically address all of our previous information requests and the additional requests below by no later than August 26, 2021:

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<sup>1</sup> Letter from Ron Johnson, U.S. Senator, et al., to Francis Collins, Director, National Institutes of Health, May 20, 2021.

<sup>2</sup> See Letter from Francis Collins, Director, National Institutes of Health, to Charles Grassley, U.S. Senator, July 28, 2021, <https://www.grassley.senate.gov/news/news-releases/grassley-slams-vague-nih-explanations-and-insufficient-oversight-of-taxpayer-funding-of-wuhan-lab>.

<sup>3</sup> Letter from Ron Johnson, U.S. Senator, et al. to Francis Collins, Director, National Institutes of Health, May 20, 2021.

<sup>4</sup> Letter from Francis Collins, Director, National Institutes of Health, to Ron Johnson, U.S. Senator, July 28, 2021 (letter transmitted and received on July 29, 2021).

<sup>5</sup> *Id.* at 6.

<sup>6</sup> *Id.*

### **Additional Requests**

1. Please explain whether NIH is aware of any approved non-gain of function grants that resulted in an experiment that yielded a virus with a gain of function.
2. Did NIH ever independently evaluate whether the experiments conducted under the EcoHealth Alliance grant yielded a virus with a gain of function? If so, please explain. If not, why not.
3. Please explain when NIH first became aware of the State Department investigation into the origins of COVID-19.
4. Did NIH participate in the State Department's investigation into the origins of COVID-19? If so, please explain.
5. Please provide all documents and communications referring or relating to the State Department investigation into the origins of COVID-19.
6. Please provide all documents and communications between NIH and any entity including research institutions regarding the 2014 gain of function moratorium.

### **Requests from the May 20, 2021 letter**

1. The 2014 moratorium defines gain of function research as “research projects that may be reasonably anticipated to confer attributes to influenza, MERS, or SARS viruses such that the virus would have *enhanced pathogenicity and/or transmissibility in mammals via the respiratory route.*”<sup>7</sup> Is Dr. Baric’s research that reportedly created a chimeric virus related to SARS that could infect human airway cells<sup>8</sup>, or research that is “systematically constructing novel chimeric coronaviruses and [is] assessing their ability to infect human cells”<sup>9</sup> considered gain of function research under the 2014 moratorium definition? If not, please explain why not.
2. Please explain what prompted the establishment of a moratorium on gain of function research in 2014.
3. Who was involved in drafting the moratorium document?

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<sup>7</sup> U.S. Government *Gain-of-Function Deliberative Process and Research Funding Pause on Selected Gain-of-function Research Involving Influenza, MERS, and SARS Viruses*, Dep’t of Health and Human Services, Oct. 17, 2014, <https://www.phe.gov/s3/dualuse/documents/gain-of-function.pdf>. (emphasis added)

<sup>8</sup> Declan Buter, *Engineered bat virus stirs debate over risky research*, Nature, Nov. 12, 2015, <https://www.nature.com/news/engineered-bat-virus-stirs-debate-over-risky-research-%201.18787>.

<sup>9</sup> Nicholas Wade, *The origin of COVID: Did people or nature open Pandora’s box at Wuhan*, Bulletin of the Atomic Scientists, May 5, 2021, <https://thebulletin.org/2021/05/the-origin-of-covid-did-people-or-nature-open-pandoras-box-at-wuhan/>.

4. Who gave final approval of the moratorium document?
5. Please explain why the moratorium stated that, “[a]n exception from the research pause may be obtained if the head of the USG funding agency determines that the research is urgently necessary to protect the public health or national security.”<sup>10</sup>
6. Who requested that the moratorium include this exception?
7. How many studies received an exception during the moratorium period (2014-2017)?
8. Please list all requests for exceptions and indicate what exceptions NIH granted.
9. Who approved these exceptions?
10. Please explain whether research connected to EcoHealth Alliance or Dr. Shi required an exception? If so, was an exception: a) requested; b) granted or denied? If so, who was involved in those evaluations and decisions?
11. Was any EcoHealth Alliance grant ever forwarded for review pursuant to the P3CO Framework? If not, why not?
12. Please explain whether NIH reviewed Dr. Baric’s 2015 study<sup>11</sup>, as reported in the November 12, 2015 *Nature* article.<sup>12</sup> If NIH reviewed this study, please explain how NIH evaluated the study’s risk level and how NIH reportedly determined the study was not “so risky as to fall under the moratorium.”<sup>13</sup>
13. Did NIH request that Dr. Baric voluntarily comply with the 2014 moratorium? Please explain.
14. Were any of Dr. Baric’s grant proposals ever forwarded for review pursuant to the P3CO Framework? If not, why not?
15. After the moratorium went into effect, how many studies, which were already funded at the time, adopted a “voluntary pause on research”?<sup>14</sup> Please provide a list of those

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<sup>10</sup> *U.S. Government Gain-of-Function Deliberative Process and Research Funding Pause on Selected Gain-of-function Research Involving Influenza, MERS, and SARS Viruses*, Dep’t of Health and Human Services, Oct. 17, 2014, <https://www.phe.gov/s3/dualuse/documents/gain-of-function.pdf>.

<sup>11</sup> *A SARS-like cluster of circulating bat coronaviruses shows potential for human emergence*, *Nature Medicine*, Nov. 9, 2015, <https://www.nature.com/articles/nm.3985>.

<sup>12</sup> Declan Buter, *Engineered bat virus stirs debate over risky research*, *Nature*, Nov. 12, 2015, <https://www.nature.com/news/engineered-bat-virus-stirs-debate-over-risky-research-%201.18787>.

<sup>13</sup> *Id.*

<sup>14</sup> *U.S. Government Gain-of-Function Deliberative Process and Research Funding Pause on Selected Gain-of-function Research Involving Influenza, MERS, and SARS Viruses*, Dep’t of Health and Human Services, Oct. 17, 2014, <https://www.phe.gov/s3/dualuse/documents/gain-of-function.pdf>.

studies.

16. Provide the total number of grant proposals or projects that have been forwarded for review pursuant to the P3CO Framework since its establishment? How many of those grants have been approved?
17. Provide an explanation of what processes or procedures NIH used to ensure that a grant recipient was complying with the moratorium, including voluntary compliance.

Thank you for your attention to this matter.

Sincerely,



Ron Johnson  
United States Senator



Rand Paul  
United States Senator



James Lankford  
United States Senator



Rick Scott  
United States Senator



Tom Cotton  
United States Senator



Roger Marshall  
United States Senator



Mike Gallagher  
Member of Congress