

118TH CONGRESS
2D SESSION

S. RES. 718

Expressing the sense of the Senate that the United States Government should immediately place a moratorium on all federally funded gain-of-function research given the increased safety concerns.

IN THE SENATE OF THE UNITED STATES

JUNE 4, 2024

Mr. MARSHALL (for himself, Mr. BRAUN, and Mr. LEE) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions

RESOLUTION

Expressing the sense of the Senate that the United States Government should immediately place a moratorium on all federally funded gain-of-function research given the increased safety concerns.

Whereas the Obama Administration defined gain-of-function studies as research that aims to increase the ability of infectious agents to cause disease by enhancing its pathogenicity or by increasing its transmissibility;

Whereas the Obama Administration, on October 17, 2014, mandated a Federal Government pause on new gain-of-function research, citing recent concerns regarding bio-safety and biosecurity;

Whereas the Obama Administration, on October 17, 2014, stated that new Federal funding will not be released for gain-of-function research projects that may be reasonably anticipated to confer attributes to the influenza, Middle East respiratory syndrome (referred to in this preamble as “MERS”), or severe acute respiratory syndrome (referred to in this preamble as “SARS”) viruses such that such a virus would have enhanced pathogenicity or transmissibility in mammals via the respiratory route;

Whereas in the lead up to the Obama Administration pausing new gain-of-function research, the Centers for Disease Control and Prevention noted an increase in accidents involving leaks, spills, or other releases of infectious material inside the laboratories receiving Federal funding;

Whereas the Cambridge Working Group, a consortium of some of the leading international researchers and scientists, released a 2014 open letter stating “experiments involving the creation of potential pandemic pathogens should be curtailed until there has been a quantitative, objective and credible assessment of the risks, potential benefits, and opportunities for risk mitigation, as well as comparison against safer experimental approaches.”;

Whereas in 2014, after the Obama Administration mandated a pause on gain-of-function research, the National Institutes of Health (referred to in this preamble as “NIH”), led by Francis Collins, including the National Institute of Allergy and Infectious Diseases (referred to in this preamble as “NIAID”), led by Anthony Fauci, continued to authorize grants and research awards to organizations that study the spread of viruses from animals to humans;

Whereas some such awards went to EcoHealth Alliance and its President, Peter Daszak, who then disbursed research

money to the Wuhan Institute of Virology (referred to in this preamble as the “WIV”) and East China Normal University;

Whereas experiments advanced by EcoHealth Alliance during the pause included, among other projects, combining genetic material from a “parent” coronavirus, known as WIV1, with other viruses;

Whereas the results of such experiments demonstrated varying pathogenicity of SARS–CoV–2 with different spike proteins in humanized mice;

Whereas a majority of scientists and researchers, including Dr. Lawrence Tabak and Dr. Ralph Baric, an EcoHealth Alliance collaborator and top coronavirus expert, when made aware of such experiment, admitted that EcoHealth Alliance’s coronavirus research appeared to meet the standard criteria for gain-of-function research;

Whereas NIH and NIAID continued to support EcoHealth Alliance and other organizations conducting gain-of-function research, according to the Obama Administration’s definition, through 2017, even though the pause remained in effect;

Whereas on July 7, 2016, NIAID identified possible gain-of-function research concerns in an experiment proposed by EcoHealth and conducted by the WIV;

Whereas in May 2021, Anthony Fauci conceded that during the period between 2014 and 2017 that “it is impossible to guarantee that researchers at the Wuhan Institute of Virology did not use American funds to perform gain-of-function research on coronaviruses.”;

Whereas Anthony Fauci and NIAID did not alert senior White House officials before lifting a ban on gain-of-function research in 2017;

Whereas in November 2019, 3 researchers from the WIV became sick enough to receive hospital care, and according to United States officials, those sick researchers were involved in coronavirus research;

Whereas the Chinese government deliberately delayed notifying the World Health organization that it had detected SARS-like infections from an unknown, novel pathogen well before it sent official notification in December 2019;

Whereas on April 24, 2020, NIH instructed EcoHealth to terminate all funding to the WIV, and NIH terminated the WIV's entire sub-grant award;

Whereas in July 2020, NIH, having procedurally erred in its April 2020 termination of EcoHealth's grant, reinstated and then immediately suspended EcoHealth's grant while requiring EcoHealth to meet certain conditions, such as obtaining a sample of the SARS-CoV-2 virus that the Wuhan lab used to determine its genetic sequence and arranging for an independent team to examine the Wuhan lab and determine whether it had possession of the SARS-CoV-2 virus prior to December 2019;

Whereas Peter Daszak reacted to those conditions by calling them "preposterous";

Whereas based on tips from the scientific community that suspected EcoHealth's science research at the WIV may have caused the COVID-19 pandemic outbreak, NIH investigated EcoHealth's compliance with its grant agreement terms, including the gain-of-function provisions in

June 2016 and again from April 2020 to April 2023 and concluded that EcoHealth was noncompliant;

Whereas in October 2021, NIH acknowledged to Congress that EcoHealth Alliance did not have access to laboratory notebooks or other records supporting its research, even though keeping such records was a requirement of the NIH grant;

Whereas although EcoHealth's Year 5 Research Performance Progress Report for its research activities was due to NIH in September 2019, EcoHealth did not submit the report until August 3, 2021;

Whereas on October 20, 2021, it was revealed that an experiment in EcoHealth's Year 5 Progress Report (for research between June 2018 and May 2019) exhibited virus growth greater than one log, thus constituting gain-of-function research, which should have triggered immediate suspension and reporting to NIAID according to contract agreements;

Whereas instead of EcoHealth taking either action, EcoHealth used language in its report that obfuscated the severity and timing of the gain-of-function experiments, which contradicted the Obama-era pause on gain-of-function research and the additional terms of agreement NIH added to EcoHealth's grant in June 2016;

Whereas in October 2021, NIH updated the definition of gain-of-function research to focus more on enhanced pandemic potential pathogens (referred to in this preamble as "ePPP"), which meant that because the majority of gain-of-function research does not include ePPPs, once considered gain-of-function research now fell outside the scope of the stricter oversight required for ePPP studies;

Whereas NIH determined that no evidence existed to support the testimony Peter Daszak gave to Congress on November 14, 2023, that EcoHealth was prevented from submitting its Year 5 Research Performance Progress Report to NIH due to a technical problem in NIH's system;

Whereas in April 2023, when NIH reinstated EcoHealth's suspended grant and imposed new conditions, NIH stated that it was executing a corrective action plan to EcoHealth that satisfied NIH's compliance efforts regarding gain-of-function research;

Whereas as part of the April 2023 reinstatement, EcoHealth pledged it would not perform work in, or with, Chinese-affiliated institutions;

Whereas the prime reasoning for EcoHealth's reinstatement was EcoHealth's representation to NIAID that EcoHealth had access to sequences and samples that were required to be supplied to the Federal Government as a condition of receiving Federal grants, which still needed analysis;

Whereas EcoHealth was not forthcoming and failed to disclose to NIAID that those samples were stored in China at the WIV, which was EcoHealth's subcontractor that conducted the coronavirus gain-of-function research that could have caused the COVID-19 pandemic;

Whereas as of new guidance issued in May 2024, the Biden Administration removed avian influenza and current forms of SARS-CoV-2, the virus that causes Covid-19, from the category of pathogens of pandemic potential, thus excluding them from updated rules governing gain-of-function research;

Whereas effective May 14, 2024, the Department of Health and Human Services (referred to in this preamble as “HHS”) announced it would commence official debarment proceedings against EcoHealth Alliance and implement a government-wide suspension of United States taxpayer funds to include a hold on all active grants;

Whereas on May 21, 2024, HHS, in an effort to protect public interest, suspended and recommended debarment of Peter Daszak’s individual ability to receive any Federal funds;

Whereas both the Federal Bureau of Investigation and the Department of Energy have assessed that the COVID–19 pandemic was a result of a lab leak from the WIV;

Whereas the majority members of the Select Subcommittee on the Coronavirus Pandemic of the Committee on Oversight and Accountability of the House of Representatives (referred to in this preamble as the “Subcommittee”) reported that EcoHealth’s actions were often enabled by NIH and NIAID and the failures of NIH and NIAID to properly oversee EcoHealth’s research projects;

Whereas the majority members of the Subcommittee found that EcoHealth’s actions were often enabled by the lack of grant management and oversight by NIH and NIAID; and

Whereas the majority members of the Subcommittee believe that such NIH and NIAID grant management oversight failures necessitate both Congressional and Executive action to increase transparency and grantee oversight: Now, therefore, be it

- 1 *Resolved*, That it is the sense of the Senate that Con-
- 2 gress should immediately consider the Viral Gain-of-Func-

1 tion Research Moratorium Act (S. 81, 118th Congress, as
2 introduced on January 25, 2023), which would—

3 (1) define gain-of-function research as any re-
4 search that—

5 (A) could confer attributes to the influ-
6 enza, Middle East respiratory syndrome, or se-
7 vere acute respiratory syndrome viruses such
8 that such a virus would have enhanced pathoge-
9 nicity or transmissibility in any organism; or

10 (B) involves methods that could enhance
11 potential pandemic pathogens or related risky
12 research with potentially dangerous pathogens;
13 and

14 (2) prohibit, notwithstanding any other provi-
15 sion of law, research grants supported by Federal
16 funds from being awarded to institutions of higher
17 education, or other research organizations, that are
18 conducting gain-of-function research.

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