

## CONGRESSIONAL OVERSIGHT OF COVID-19's ORIGINS: A shared understanding of this pandemic is key to preventing the next one.

Empower Oversight Whistleblowers & Research (“Empower Oversight”) is a nonprofit, nonpartisan educational organization that works to enhance independent oversight of government and corporate wrongdoing. One of Empower Oversight’s first projects focuses on how the federal government can prevent the next pandemic from happening.

Since the COVID-19 outbreak in Wuhan, China in late 2019, Johns Hopkins University reports that 4.1 million people have died, with over 618,000 deaths in the United States.<sup>1</sup> While it is still too soon to calculate the economic costs, McKinsey and Company estimate the pandemic will cost the world between \$16 trillion and \$35 trillion by 2025.<sup>2</sup> And in July, the Congressional Research Service (CRS) wrote that the economic impacts were beyond anything experienced in nearly a century. COVID-19 reduced global economic growth last year from -3.4% to -7.6%, and global trade fell by 5.3% in 2020. CRS also reported estimates that the pandemic pushed 95 million people into extreme poverty.<sup>3</sup>

On March 6, *The Washington Post* called for an investigation into how the pandemic began, “Because the source and method by which the virus made the leap to people are critical to prepare for any future pandemic.”<sup>4</sup> Despite such a high cost in lives and finances, the federal government has taken few steps in trying to understand how the outbreak started. On May 26, President Joe Biden directed the U.S. intelligence community to focus efforts on investigating the pandemic’s origins and report back to him in 90 days.<sup>5</sup> And on July 14, Congress held its first hearing on the pandemic’s origin, which was run by the Investigative Subcommittee of the House Committee on Science, Space, and Technology.<sup>6</sup>

From the beginning of the outbreak, two theories have sought to explain how the bat virus began infecting humans. One theory argues that the pandemic started through natural spillover, as humans encountered infected bats or other animals carrying the virus. The other

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<sup>1</sup> <https://coronavirus.jhu.edu>

<sup>2</sup> <https://www.mckinsey.com/business-functions/risk/our-insights/covid-19-implications-for-business>

<sup>3</sup> <https://fas.org/sgp/crs/row/R46270.pdf>

<sup>4</sup> [https://www.washingtonpost.com/opinions/global-opinions/the-who-needs-to-start-over-in-investigating-the-origins-of-the-coronavirus/2021/03/05/6f3d5a0e-7de9-11eb-a976-c028a4215c78\\_story.html](https://www.washingtonpost.com/opinions/global-opinions/the-who-needs-to-start-over-in-investigating-the-origins-of-the-coronavirus/2021/03/05/6f3d5a0e-7de9-11eb-a976-c028a4215c78_story.html)

<sup>5</sup> <https://edition.cnn.com/2021/05/26/politics/biden-intelligence-community-pandemic-origins-report/index.html>

<sup>6</sup> <https://science.house.gov/hearings/principles-for-outbreak-investigation-covid-19-and-future-infectious-diseases>

theory is that the pandemic started due to a leak from a lab in Wuhan where they are studying these types of viruses.<sup>7</sup>

Funding for one of the labs in Wuhan has come from the National Institutes of Health (NIH), as part of a subcontract from NIH monies provided to the EcoHealth Alliance, a nonprofit that studies pandemic viruses. China has refused to cooperate with the World Health Organization on an independent examination of their labs, and the NIH and EcoHealth Alliance have ignored letters and demands for documents sent to them by Senators and congressional committees trying understand what type of research they have funded, funds provided to the EcoHealth Alliance, and the subcontracts to the lab in Wuhan.

With so many lives lost and so much economic ruin brought on our country, far too little has been done to focus the formidable investigative authorities of the United States Congress to demand answers. Rather than getting sidetracked on partisan posturing in special investigations with little or no bipartisan support, Congress has an opportunity to unite on a serious bipartisan inquiry into the origins of COVID-19.

The virus knows no political party, and Americans of every political and ideological background deserve answers to these important questions. Their elected representatives have the authority, and the duty, to get those answers.

With more than 618,000 lives lost and the economic devastation caused by this pandemic, it is unacceptable that Congress has failed to either: (1) rigorously conduct its own independent, bipartisan inquiry into the origins of COVID-19, or (2) effectively delegate such an inquiry to a special commission or independent oversight authorities within the executive branch.

## **CONGRESSIONAL OVERSIGHT**

Several congressional leaders have sent letters to the National Institutes of Health (NIH) asking to see documents about their funding for gain of function research and funds provided to the EcoHealth Alliance, a nonprofit run by Peter Daszak. Daszak's EcoHealth Alliance has received millions of taxpayer dollars in grants from the federal government to research viruses for pandemic preparedness, and subcontracted this research to various scientists and groups, including around \$600,000 to the Wuhan Institute of Virology.<sup>89</sup>

Yet, the NIH refuses to respond, despite a second letter demanding to see documents about its grants.<sup>10</sup> Daszak has also refused to respond to a Congressional letter about his work with the Wuhan Institute of Virology.<sup>11</sup> Despite ignoring congressional requests, Daszak's EcoHealth Alliance has received \$1.5 million in coronavirus loans from the Small Business Administration.<sup>12</sup>

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<sup>7</sup> <https://www.vanityfair.com/news/2021/06/the-lab-leak-theory-inside-the-fight-to-uncover-covid-19s-origins>

<sup>8</sup> [https://www.usaspending.gov/award/ASST\\_NON\\_R01A1110964\\_7529](https://www.usaspending.gov/award/ASST_NON_R01A1110964_7529)

<sup>9</sup> <https://www.technologyreview.com/2021/06/29/1027290/gain-of-function-risky-bat-virus-engineering-links-america-to-wuhan/>

<sup>10</sup> <https://republicans-energycommerce.house.gov/news/ec-republican-leaders-again-ask-nih-for-grant-documents-related-to-humanized-mice-experiments-and-wuhan-lab/>

<sup>11</sup> <https://republicans-energycommerce.house.gov/wp-content/uploads/2021/04/EcoHealth-Alliance-Letter.pdf>

<sup>12</sup> <https://www.usaspending.gov/recipient/795bea59-8bc3-e16d-74fa-ae2660ff8b29-R/all>

The House and Senate have the authority to enforce important requests for information from its members and should do so. Alternatively, Congress could institute a select bicameral, bipartisan committee and delegate to it the investigative authorities to obtain the necessary information from U.S. government agencies, companies, and individuals.

### **HOUSE SELECT SUBCOMMITTEE ON THE CORONAVIRUS CRISIS (SELECT SUBCOMMITTEE)**

After passage of the CARES Act, On April 2, Speaker Nancy Pelosi announced the creation of the House Select Oversight Subcommittee on the Coronavirus Crisis.<sup>13</sup> “It will be laser-focused on ensuring that taxpayer money goes to workers, paychecks and benefits,” Speaker Pelosi told The Hill. “And it will ensure that the federal response is based on the best possible science and guided by health experts, and that the money invested is not being exploited by profiteers and price gougers.”<sup>14</sup>

The Select Subcommittee was created with the passage of House Resolution 935.<sup>15</sup> Of its many duties, the Select Subcommittee can investigate “the implementation or effectiveness of any Federal law applied, enacted, or under consideration to address the coronavirus crisis and prepare for future pandemics” and “any other issues related to the coronavirus crisis.”

On June 11, the Chairman of Select Subcommittee sent the Ranking Members a letter stating that the Select Subcommittee would *not be investigating the pandemic’s origin* as it may “deflect accountability for the Trump Administration’s failed response to this crisis.”<sup>16</sup> The letter continued, “Your apparent effort to use the issue of the origin of the virus in order to shift accountability from President Trump and his top political advisers to Dr. Anthony Fauci, a respected civil servant who has served with distinction under seven Presidents, is an irresponsible gambit that we urge you to abandon.”

That sort of partisan bickering is a disservice to average Americans who care much more about getting to the bottom of how the pandemic started and preventing the next one than about what the two parties in Washington think about the political motives of their colleagues on the other side of the aisle. The lives of 618,000 of their fellow Americans is simply more important.

Find the facts first and then let the political chips fall where they may.

### **CONGRESSIONAL OVERSIGHT COMMISSION (COC)**

With broad support from Congress, On March 27, 2020, President Donald Trump signed into the law the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), a \$2.2 trillion economic stimulus package to support businesses, health care providers, and family struggling with the COVID-19 pandemic.<sup>17</sup> Congress established the Congressional

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<sup>13</sup> <https://www.cnn.com/2020/04/02/politics/coronavirus-house-committee-pelosi/>

<sup>14</sup> <https://thehill.com/homenews/house/494340-house-votes-to-create-select-committee-to-oversee-coronavirus-response>

<sup>15</sup> <https://www.congress.gov/bill/116th-congress/house-resolution/935/text>

<sup>16</sup> <https://republicans-oversight.house.gov/wp-content/uploads/2021/06/2021-06-11.Clyburn-and-Maloney-re-Response-to-Scalise-and-Comer.pdf>

<sup>17</sup> <https://apnews.com/article/donald-trump-financial-markets-ap-top-news-bills-virus-outbreak-2099a53bb8adf2def7ee7329ea322f9d>

Oversight Commission (COC) in Section 4020 of Title IV, Subtitle A of the CARES Act.<sup>18</sup> The COC oversees how the Department of the Treasury and the Board of Governors of the Federal Reserve System use specific taxpayer funds to provide economic stability due to the pandemic.<sup>19</sup> Subtitle A provided \$500 billion to the Treasury to help support and stabilize the economy by lending and providing liquidity to businesses and state and local governments. Of this amount, \$46 billion is set aside for the Treasury to provide loans or loan guarantees to the airline industry and businesses critical to maintaining national security.<sup>20</sup>

One task of the COC is to examine, “The impact of loans, loan guarantees, and investments made under this subtitle on the financial well-being of the people of the United States and the United States economy, financial markets, and financial institutions.”<sup>21</sup>

However, Congressional leadership has failed to agree on appointing a chair. If it chose, Congress could revive the COC, expand its mission and capabilities, appoint a chair, and examine the origins of COVID-19 to prevent the next pandemic.

## 9/11 STYLE COMMISSION

Grassroots survivor groups such as Marked by Covid, Survivor Corps, Covid Grief Network, and Young Widows and Widowers of Covid-19 have asked that Congress establish a Commission like the 9/11 Commission to investigate and prepare for the next pandemic.<sup>22</sup>

Last June, Philip Zelikow, the former executive director of the commission on the Sept. 11 terrorist attacks told *The Wall Street Journal* that he is heading a planning group, backed by prominent foundations, for a possible commission to investigate how COVID-19 emerged and how to better prepare for future pandemics. “There has not yet been a properly organized, independent, scientific evaluation of all of the available evidence,” Zelikow said.<sup>23</sup>

A few weeks later, *Politico* reported that Sens. Bob Menendez (D-N.J.) and Susan Collins (R-Maine) have partnered on a bill for a 9/11-style commission to investigate how the pandemic started and the responses by the Trump and Biden administrations.<sup>24</sup> And on July 14, Blue Dog Democrats sent Speaker Pelosi a letter asking for “passage of legislation establishing a national commission on the COVID-19 pandemic, modeled on the 2002 legislation creating the National Commission on Terrorist Attacks Upon the United States,’ also known as the 9-11 Commission.”<sup>25</sup>

Unfortunately, Congress has not taken this matter seriously. The 9/11 Commission was set up after attacks that cost almost 3,000 lives, while the New York Fed estimated costs of \$33 and

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<sup>18</sup> <https://www.govinfo.gov/content/pkg/PLAW-116publ136/html/PLAW-116publ136.htm>

<sup>19</sup> <https://coc.senate.gov/about>

<sup>20</sup> <https://coc.senate.gov/congressional-oversight-commission-publishes-initial-report>

<sup>21</sup> <https://www.govinfo.gov/content/pkg/PLAW-116publ136/html/PLAW-116publ136.htm>

<sup>22</sup> <https://www.washingtonpost.com/dc-md-va/2021/07/31/covid-memorial-day-congress-victims/>

<sup>23</sup> <https://www.wsj.com/articles/biden-administration-warns-covid-19-origins-review-may-not-be-definitive-11624819570>

<sup>24</sup> <https://www.politico.com/news/2021/07/04/wuhan-lab-leak-theory-democrats-497902>

<sup>25</sup> <https://bluedogcaucus-costa.house.gov/sites/bluedogcaucus.house.gov/files/documents/210630%20COVID-19%20Commission%20Letter.pdf>

\$36 billion to New York City.<sup>2627</sup> Meanwhile, Congressional Research Service concluded, “Among the major conclusions is that 9/11 is more appropriately viewed as a human tragedy than as an economic calamity. Notwithstanding their dire costs in human life, the direct effects of the attacks were too small and too geographically concentrated to make a significant dent in the nation’s economic output.”<sup>28</sup>

In contrast over 618,000 Americans have died and the economic impacts of the pandemic stretch beyond anything we have experienced in nearly a century. Yet Congress has not begun serious discussions about setting up a commission to investigate how this pandemic began to prevent the next from happening.

## **INSPECTORS GENERAL**

### **PANDEMIC RESPONSE ACCOUNTABILITY COMMITTEE (PRAC)**

Section 15010 of the CARES Act established PRAC which is made up of 21 inspectors general from across the federal government.<sup>29</sup> Congress granted the PRAC broad new investigative powers for a collection of inspectors general, including the ability to hold hearings. The PRAC can commission audits, studies, and analyses, and can subpoena information. Yet Congress appears to have limited the PRAC’s mission to watching the money.

On April 1, 2020, the Council of the Inspectors General on Integrity and Efficiency (CIGIE) released a statement that, “The PRAC will promote transparency and support independent oversight of the funds provided by the CARES Act and two prior emergency spending bills, the Coronavirus Preparedness and Response Supplemental Appropriations Act and the Families First Coronavirus Response Act” and, more generally, “prevent and detect fraud, waste, abuse, and mismanagement [and] mitigate major risks that cut across program and agency boundaries.”<sup>30</sup> PRAC may also audit funds disbursed under the CARES Act as part of “reviewing the economy, efficiency, and effectiveness in the administration of, and the detection of fraud, waste, abuse, and mismanagement in, Coronavirus response programs and operations.”<sup>31</sup>

The PRAC itself is well-funded and has special hiring authorities to quickly build or retool a highly professional and experienced staff. Congress could expand the PRAC’s authority to include requiring agencies under its jurisdiction to be more transparent about important substantive issues related to the pandemic itself rather than just the explosion of government spending afterward. Congress could also task the PRAC to investigate how this pandemic started, obtain information from the 21 agencies under the jurisdiction of its inspectors general, and inform the American public of what our government knows about the origins of COVID-19.

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<sup>26</sup> <https://www.cnn.com/2013/07/27/us/september-11-anniversary-fast-facts/index.html>

<sup>27</sup> <https://www.newyorkfed.org/research/epr/02v08n2/0211rapa/0211rapa.html>

<sup>28</sup> <https://fas.org/irp/crs/RL31617.pdf>

<sup>29</sup> <https://www.govinfo.gov/content/pkg/PLAW-116publ136/html/PLAW-116publ136.htm>

<sup>30</sup> <https://www.ignet.gov/sites/default/files/files/PRAC-press-release-additional-members.pdf>

<sup>31</sup> <https://www.govinfo.gov/content/pkg/CRPT-117hrpt79/html/CRPT-117hrpt79.htm>



## SPECIAL INSPECTOR GENERAL FOR PANDEMIC RECOVERY (SIGPR)

Section 4018 of the CARES Act established the Special Inspector General for Pandemic Recovery (SIGPR).<sup>3233</sup> The law provided \$25,000,000 for this office, which shall be terminated five years after the law's enactment. Under the CARES Act, the SIGPR has broad inspector general powers to conduct audits and investigations of monies handled by the Secretary of the Treasury under the CARES Act. SIGPR also has the duties, responsibilities, powers, and authorities granted inspectors general under the Inspector General Act of 1978, including broad subpoena authority.<sup>34</sup>

Shortly after President Trump signed the CARES Act, critics complained that SIGPR was toothless and had limited authority over criminal matters.<sup>35</sup> Several Democratic Senators then sent a letter to congressional leadership asking that SIGPR be granted broader powers to include informing Congress when executive branch officials block their access to information.<sup>3637</sup>

In a quarterly report published on April 30, the SIGPR warned Congress that the Justice Department's Office of Legal Counsel (OLC) had narrowed his oversight duties and asked that Congress clarify his duties.<sup>38</sup> "Congress can pass legislation to clarify SIGPR's mandate to provide oversight of the Coronavirus Relief Fund, Payroll Support Program, and other pandemic-related programs managed by the Secretary of the Treasury. We ask Congress to do so."<sup>39</sup>

The decision by OLC to narrow the SIGPR's oversight came after the current administration began considering a \$1.9 trillion stimulus package.<sup>40</sup> In the report to Congress, SIGPR continued, "While OLC's decision ensures the Executive Branch the greatest amount of flexibility, it does not ensure the robust oversight that Congress intended. But that decision can be overturned by legislation that ensures greater oversight rather than reduced oversight."<sup>41</sup>

In an op-ed published at Newsweek, Brian D. Miller, who runs SIGPR explained, "Congress must pass legislation ensuring SIGPR's jurisdiction over all of Treasury's pandemic programs—past, present and future—so that the crooks who attempted to profit from the pandemic are brought to justice."<sup>42</sup>

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<sup>32</sup> <https://www.govinfo.gov/content/pkg/PLAW-116publ136/html/PLAW-116publ136.htm>

<sup>33</sup> <https://www.sigpr.gov/about-sigpr/sigpr-overview>

<sup>34</sup> <https://www.govinfo.gov/content/pkg/PLAW-116publ136/html/PLAW-116publ136.htm>

<sup>35</sup> <https://thehill.com/homenews/senate/507380-battle-brewing-on-coronavirus-relief-oversight>

<sup>36</sup> <https://www.warren.senate.gov/oversight/letters/blumenthal-warren-jayapal-and-sarbanes-lay-out-oversight-accountability-and-anti-corruption-provisions-for-next-congressional-covid-19-response-package>

<sup>37</sup> <https://www.blumenthal.senate.gov/imo/media/doc/Summary%20-%20COVID%20IV%20Oversight%20-%20Information%20Accountability.pdf>

<sup>38</sup> <https://www.sigpr.gov/sites/sigpr/files/2021-04/SIGPR-Quarterly-Report-to-Congress-March-31-2021.pdf>

<sup>39</sup> <https://www.sigpr.gov/sites/sigpr/files/2021-04/SIGPR-Quarterly-Report-to-Congress-March-31-2021.pdf>

<sup>40</sup> <https://www.bbc.com/news/business-56019033>

<sup>41</sup> <https://www.sigpr.gov/sites/sigpr/files/2021-04/SIGPR-Quarterly-Report-to-Congress-March-31-2021.pdf>

<sup>42</sup> <https://www.newsweek.com/unleash-pandemic-watchdog-opinion-1597008>

SIGPR should have broad powers to investigate monies released under the CARES Act, and SIGPR should be tasked with informing Congress when the executive branch blocks access to information. SIGPR should aggressively examine funding provided to the EcoHealth Alliance as some of this money was sent through subgrants to the Wuhan Institute of Virology, where a lab accident may have started the pandemic. In keeping with the CARES Act language, we must ensure that money is not being used to start another pandemic.

## **CONCLUSION**

Empower Oversight offers these specific suggestions as to how Congress could re-focus its attention away from petty partisan squabbling to thoroughly investigating important questions for which there would be broad bipartisan support. Like our country, our legislative branch is deeply divided along partisan lines. However, we should unite to stop another incident like the COVID-19 pandemic from starting and killing so many of us while causing such horrific economic devastation.

Congress has more than enough tools, authority, and resources to get answers on behalf of the American people. It only needs the will to do so.

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