



VIA ELECTRONIC MAIL AND CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Dr. Peter Daszak

[REDACTED]
[REDACTED]

Email: [REDACTED]

Re: Notice of Suspension and Proposed Debarment of Dr. Peter Daszak

Dear Dr. Daszak:

This is to provide notification that, on behalf of the United States Department of Health and Human Services (HHS), I have suspended you and proposed you for debarment, related to your respective roles as the President of EcoHealth Alliance, Inc. (EHA) and as Program Director (PD)/Principal Investigator (PI) on the National Institutes of Health (NIH), National Institute of Allergy and Infectious Disease (NIAID) Grant Number R01AI110964, from participating in United States Federal Government procurement and nonprocurement programs. This action is initiated pursuant to 2 C.F.R. Part 180. HHS adopted and gave regulatory effect to 2 C.F.R. Part 180 at 2 C.F.R. Subpart 376.10. Copies of the referenced regulations are enclosed. Also enclosed is a copy of an Action Referral Memorandum (ARM), dated May 21, 2024, which sets forth the basis for your suspension and proposed debarment. The information in the ARM indicates that you lack the present responsibility to participate in federal procurement and nonprocurement programs

As indicated in the ARM, I base this suspension and proposed debarment on information from the following:

- 1) October 1, 2013, National Institutes of Health Grants Policy Statement (NIH GPS) for Fiscal Years 2013-2014;
- 2) a May 27, 2014, Notice of Award (NoA) for Grant Number 1R01AI110964-01, awarded by the NIH/NIAID to EHA;
- 3) a May 28, 2016, letter from the NIAID to EHA;
- 4) a June 8, 2016, letter from EHA to the NIAID;
- 5) a July 7, 2016, letter from the NIAID to EHA;
- 6) a November 30, 2016, Revised NoA for Grant Number 5R01AI110964-03, awarded by the NIAID to EHA;
- 7) a May 26, 2017, NoA for Grant Number 5R01AI110964-04, awarded by the NIAID to EHA;
- 8) HHS *Framework for Guiding Funding Decisions about Proposed Research Involving Enhanced Potential Pandemic Pathogens* (HHS P3CO Framework), published on December 19, 2017;
- 9) a June 18, 2018, NoA for Grant Number 5R01AI110964-05, awarded by the NIAID to EHA;

- 10) a July 24, 2019, NoA for Grant Number 2R01AI110964-06, awarded by the NIAID to EHA;
- 11) an April 19, 2020, letter from the NIH to EHA;
- 12) an April 24, 2020, letter from the NIH to EHA;
- 13) a May 22, 2020, letter from the law firm of Tarter Krinsky & Drogin LLP, to the NIH;
- 14) a July 8, 2020, letter from the NIH to EHA;
- 15) a July 23, 2021, letter from the NIH to EHA;
- 16) an October 20, 2021, letter from the NIH to EHA;
- 17) an October 26, 2021, letter from EHA to the NIH;
- 18) Year 4 Research Performance Progress Report (RPPR), for Grant Number 5R01AI110964-05;
- 19) Year 5 Interim-Research Performance Progress Report (I-RPPR) for Grant Number 5R01AI110964-05;
- 20) a November 5, 2021, letter from the NIH to EHA;
- 21) a November 15, 2021, email from EHA to Wuhan Institute of Virology (WIV);
- 22) a November 18, 2021, letter from EHA to the NIH;
- 23) a January 6, 2022, letter from the NIH to EHA;
- 24) a January 21, 2022, letter from EHA to the NIH;
- 25) an August 19, 2022, letter from the NIH to EHA;
- 26) a January 25, 2023, HHS Office Of Inspector General (OIG) Audit Report Number A-05-21-00025, titled, "The National Institutes Of Health And EcoHealth Alliance Did Not Effectively Monitor Awards And Subawards, Resulting In Missed Opportunities To Oversee Research And Other Deficiencies;"
- 27) a July 17, 2023, HHS Notice and ARM for the Suspension and Proposed Debarment and of WIV;
- 28) a September 19, 2023, HHS Notice and ARM for the Debarment of WIV;
- 29) a May 6, 2024, NIH forensics summary report of the eRA Commons reporting system logs for RPPR related activities for R01AI110964-05;
- 30) NIH RePORTER database documents for Grant Numbers 5U01AI151797-04, 5U01AI153420-04, and 5R01AI163118-02; and
- 31) May 15, 2024, HHS Notice and ARM for the suspension and proposed debarment of EHA.

As further explained in the ARM, the information from this record provides cause for the suspension under 2 C.F.R. § 180.700(b) and (c) for the debarment cause provided in 2 C.F.R. § 180.800(d) – “Any other cause of so serious or compelling a nature that it affects your present responsibility.” HHS believes there is adequate evidence in the record for this debarment cause and that immediate action is necessary to protect the public interest.

Pursuant to 2 C.F.R. § 180.630(b), a federal agency may impute the fraudulent, criminal, or other improper conduct of any organization to an individual, or from one individual to another individual, if the individual to whom the improper conduct is imputed either participated in, had knowledge of, or reason to know of the improper conduct. The alleged conduct of EHA is imputed to you, because during all or part of the time relevant, you participated in, knew of, or had reason to know of EHA’s improper conduct, through your role as the President of EHA, and also as the PD/PI for Grant Number R01AI110964. The improper conduct of EHA is imputed to you and provides separate and independent cause for your suspension and proposed debarment, pursuant to 2 C.F.R. § 180.630(b) and 2 C.F.R. §§ 180.700 and 180.800.

Pursuant to 2 C.F.R. § 180.625(b), any affiliate of a participant may be included in a suspension or debarment action if the suspending and debarring official: 1) officially names the affiliate in the notice; and 2) gives the affiliate an opportunity to contest the action. Entities and/or individuals are affiliates of each other if, directly or indirectly, either one controls or has the power to control the other, or a third person controls or has the power to control both. 2 C.F.R. § 180.905. EHA and you are affiliates within the meaning of 2 C.F.R. § 180.905, because as mentioned above, you are the President of EHA. The affiliation of EHA and you provides separate and independent cause for your suspension and proposed debarment, pursuant to 2 C.F.R. § 180.625(b) and 2 C.F.R. §§ 180.700 and 180.800.

If you wish to contest this action, you, or a representative acting on your behalf, must either send, or make arrangements to appear and present information and argument to me, the HHS Suspension and Debarment Official (SDO), within 30 days after you receive this Notice and ARM. *See* 2 C.F.R. § 180.725(b) (addressing the time a respondent has to contest a suspension and when a Notice is considered to be “received”).

If you designate a representative to respond on your behalf, please send notification of the identity of the representative via electronic mail to the HHS Exclusion Mailbox at the following email address: exclusioninquiries@hhs.gov. The designation should specifically state the names, addresses, phone numbers, and email addresses of all individuals or companies the designee has the authority to represent in this matter.

Any response contesting this suspension action may include any information and argument in opposition to the suspension that you would like considered by the SDO and should provide information responsive to 2 C.F.R. § 180.730(a)(1)-(4). Additional information about contesting the suspension is available at 2 C.F.R. Part 180, Subparts F and G, generally, and specifically, 2 C.F.R. § 180.720 *et seq.*

Any response contesting this proposed debarment action may similarly include any information and argument in opposition to the suspension and proposed debarment that you would like considered by the SDO and should provide information responsive to 2 C.F.R. § 180.825(a)(1)-(4). Additional information about contesting the debarment is available at 2 C.F.R. Part 180, Subparts F and H, generally, and specifically, 2 C.F.R. § 180.815 *et seq.*

The suspension and proposed debarment are effective as of May 21, 2024. The suspension and debarment, if ultimately imposed, has the following consequences pursuant to the authorities of 2 C.F.R. § 180 and the Federal Acquisition Regulation (FAR) (under the reciprocal effect provision of 2 C.F.R. § 180.140).

1. Your name, Peter Daszak, will be published in the General Services Administration’s web-based System for Award Management (SAM), available at www.sam.gov. SAM contains the names of contractors debarred, suspended, proposed for debarment, or declared ineligible by any federal agency. Suspension and proposed debarment are effective throughout the executive branch of the United States Federal Government and apply to procurement and nonprocurement programs.

2. Offers will not be solicited from, contracts will not be awarded to, existing contracts will not be renewed or otherwise extended for, and subcontracts requiring United States Federal Government approval will not be approved for you by any agency in the executive branch of the United States Federal Government, unless the head of the agency taking the contracting action determines that there is a compelling reason for such action.
3. You may not conduct business with the United States Federal Government as an agent or representative of other contractors, or as an agent or representative of other participants in federal assistance programs, nor may you act as an individual surety to other United States Federal Government contractors.
4. No United States Federal Government contractor may award to you a subcontract equal to or in excess of \$35,000, except for certain subcontracts for commercially available off-the-shelf items, unless there is a compelling reason to do so and the contractor first notifies the contracting officer and further complies with the provisions of FAR 9.405-2(b).
5. Your affiliation with, or relationship to, any organization doing business with the United States Federal Government will be carefully examined to determine the impact of those ties on the responsibility of that organization to be a United States Federal Government contractor or subcontractor.
6. You are prohibited from acting as a participant in Federal agency transactions that are covered transactions unless an exception applies, and prohibited from acting as a principal of a participant in those covered transactions. *See* 2 C.F.R. §§ 180.130, 180.200, and 180.980. Covered transactions include certain procurement and certain nonprocurement transactions. *See* 2 C.F.R. § 180.200. You are prohibited from participating in certain non-procurement transactions which include but are not limited to grants, cooperative agreements, scholarships, fellowships, contracts of assistance, loans, loan guarantees, subsidies, insurances, payments for specified uses, and donation agreements. *See* 2 C.F.R. § 180.970. No agency in the executive branch shall enter into, renew, or extend, primary or lower-tier covered transactions in which you are either a participant or principal, unless the head of the agency grants an exception in writing.

The determination to suspend and/or debar is discretionary and is being made on the basis of an administrative record. Any written information submitted by you will become a part of this administrative record, as will any information added to the record by the United States Federal Government. A copy of the administrative record will be furnished upon request.

As noted in the ARM, this suspension is a temporary action. Suspension is used where immediate action is necessary to protect the integrity of federal procurement and nonprocurement activities. The suspension is effective until the conclusion of debarment proceedings pursuant to 2 C.F.R. § 180.760(a). It is important to note that suspension and debarment actions are not punitive. Accordingly, I will consider any information you provide in response to this Notice.

Debarment is generally for a period not to exceed three years; however, regardless of whether you contest this action or responds to this Notice, I may impose debarment for a longer period or shorter period as the circumstances warrant. The length of debarment, if ultimately

imposed, will be based on the seriousness of the cause for debarment, as provided by 2 C.F.R. § 180.865. I may also take into account any mitigating or aggravating factors that may apply, as provided by 2 C.F.R. § 180.860.

Any electronic communications regarding this matter should be addressed to the HHS Exclusion Mailbox at exclusioninquiries@hhs.gov. Written submissions should be addressed to the U.S. Department of Health and Human Services, Office of Acquisitions, Office of Recipient Integrity Coordination, 200 Independence Avenue, S.W., Room 519H, Washington, D.C. 20201.

Sincerely,

[REDACTED]

(May 21, 2024 12:41 EDT)

[REDACTED]

Suspension and Debarment Official and
Deputy Assistant Secretary for Acquisitions

Enclosures: Action Referral Memorandum
[Copy of 2 C.F.R. Part 180](#)
[Copy of 2 C.F.R. Part 376](#)