



2024 South Dakota Legislature

House Concurrent Resolution 6012

Introduced by: **Representative Aylward**

1 **A CONCURRENT RESOLUTION, Acknowledging the challenges and responses during**
2 **the COVID-19 pandemic and committing to accountability and action.**

3 WHEREAS, the COVID-19 pandemic presented unprecedented challenges to the health,
4 well-being, civil rights, and economic stability of the citizens of South Dakota; and

5 WHEREAS, the Severe Acute Respiratory Syndrome (SARS) outbreak, caused by the SARS
6 coronavirus (SARS-CoV-2003), emerged in late 2002 and had its most significant global
7 impact in 2003, serving as an early 21st-century example of the challenges posed by
8 emerging infectious diseases; and

9 WHEREAS, both SARS-CoV-2003 and SARS-CoV-2, which was responsible for the COVID-
10 19 pandemic, are classified as beta-coronaviruses, highlighting the ongoing challenges posed
11 by this group of viruses in causing serious respiratory illnesses in humans; and

12 WHEREAS, in 2014, the Obama administration announced a pause in gain-of-function
13 research, noting that the funding pause applied to gain-of-function research projects that may
14 have been reasonably anticipated to confer attributes to influenza, MERS, or SARS viruses
15 such that the virus would have enhanced pathogenicity and/or transmissibility in mammals
16 via the respiratory route; and

17 WHEREAS, in January 2017, as President Obama was preparing to leave office, the White
18 House released a statement regarding this pause, stating that projects that were paused
19 under the existing moratorium would be reviewed utilizing a process consistent with the
20 recommended policy guidance, and any projects that are determined suitable to proceed will
21 do so with appropriate risk mitigation measures in place; and

1 WHEREAS, a grant proposal known as DEFUSE, spearheaded by EcoHealth Alliance
2 President Peter Daszak, was submitted in 2018 to the Defense Advanced Research Projects
3 Agency (DARPA) seeking a \$14 million grant aimed at enhancing SARS-like bat viruses; and

4 WHEREAS, prior to the COVID-19 pandemic, there had never been a coronavirus vaccine
5 approved by the Food and Drug Administration (FDA) for human use in the United States of
6 America, highlighting the unprecedented nature of the vaccine development efforts during
7 the pandemic; and

8 WHEREAS, vaccine development usually undergoes a series of safety studies spanning
9 several years, typically involving short-term (several months), mid-term (one to two years),
10 and long-term (several years) phases to thoroughly assess safety and efficacy, yet under
11 Operation Warp Speed, these timelines were significantly shortened; and

12 WHEREAS, it is a fundamental ethical principle in medicine and healthcare that for a
13 medical treatment to be considered justifiable and ethical, the potential benefits to the patient
14 must significantly outweigh any associated risks, a standard essential for safeguarding patient
15 welfare and informed consent in medical decision-making; and

16 WHEREAS, Professor John Ioannidis, recognized as one of the most cited epidemiologists
17 globally, highlighted the significant risk stratification of COVID-19 by age during the
18 pandemic, noting in a discussion that the majority of deaths occurred in older populations,
19 with an approximately 10,000-fold difference in the risk of fatality between an 80-year-old
20 individual and a child of 10 years, illustrating the stark disparity in vulnerability between the
21 old and the young; and

22 WHEREAS, in November 2019, the World Health Organization (WHO) released a
23 comprehensive document titled "Non-pharmaceutical public health measures for mitigating
24 the risk and impact of epidemic and pandemic influenza," meticulously developed over years
25 through systematic review and consideration, independent of any specific crisis, providing
26 deliberate and thoughtfully constructed recommendations on non-pharmaceutical
27 interventions (NPIs) including personal protective measures, environmental measures, social
28 distancing measures, and travel-related measures, as informed by extensive research and
29 analysis, with the aim of guiding national authorities in effectively managing influenza
30 epidemics and pandemic; and

1 WHEREAS, in response to the emergence of COVID-19 in early 2020, the World Health
2 Organization (WHO) and China collaborated to form a Joint Mission, undertaking a pivotal
3 investigation into the virus within China; and

4 WHEREAS, the Joint Mission's comprehensive report, "Report of the WHO-China Joint
5 Mission on Coronavirus Disease 2019 (COVID-19)," provided crucial insights into the virus's
6 natural history, transmission patterns, purported effectiveness of implemented measures,
7 including lockdowns, and areas demanding further research; and

8 WHEREAS, this report's impact reverberated across the globe, including the United States,
9 shaping public health strategies, and propelling research efforts that continue to guide the
10 ongoing fight against COVID-19; and

11 WHEREAS, in the early stages of the COVID-19 pandemic, physicians, including those
12 treating high-profile patients such as Tom Hanks and Rita Wilson in Australia, utilized
13 repurposed medications like chloroquine and hydroxychloroquine; these drugs were
14 considered due to their demonstrated in vitro antiviral effectiveness against coronaviruses
15 and their established low-risk profile, honed by decades of widespread use in treating malaria,
16 thus presenting a potential high-reward scenario in the urgent global search for effective
17 COVID-19 treatments; and

18 WHEREAS, Mr. Peter Daszak of EcoHealth Alliance, an entity that received funding and
19 was likely involved in the funding of gain-of-function research at the Wuhan Institute of
20 Virology, orchestrated a letter published in The Lancet on February 19, 2020, which stated,
21 'We strongly condemn conspiracy theories suggesting that COVID-19 does not have a natural
22 origin,' effectively branding the lab leak hypothesis as a conspiracy theory, a stance that has
23 been successfully challenged in light of his organization's ties to the Wuhan lab; and

24 WHEREAS, in April 2020, reflecting a proactive and committed response to the COVID-19
25 pandemic, South Dakota, through collaborative efforts involving the Governor's Office, the
26 South Dakota Department of Health, and Sanford Health, initiated a clinical trial to explore
27 the efficacy of hydroxychloroquine in treating COVID-19, a step grounded in logical scientific
28 inquiry following promising in vitro analyses of the drug against coronaviruses; and

29 WHEREAS, ivermectin, a Nobel Prize-winning medication with a well-documented safety
30 profile and a history of effective use in treating certain parasitic infections, demonstrated

1 promising antiviral properties in in-vitro studies, including potential efficacy against the novel
2 coronavirus SARS-CoV-2; and

3 WHEREAS, the urgent circumstances of the COVID-19 pandemic necessitated the
4 exploration of all plausible therapeutic options, including repurposing existing medications
5 with known safety profiles, to rapidly address a global health crisis for which no specific and
6 proven treatments were initially available, thereby warranting scientific and clinical
7 investigation into the off-label use of ivermectin as a potential treatment option for COVID-
8 19; and

9 WHEREAS, in July 2020, Sanford Health, a major healthcare provider in South Dakota,
10 launched an important yearlong study known as Seroprevalence under Repeated Viral
11 Immunity Examination (SURVIVE), with the goal of gaining deeper insights into COVID-19;
12 as Dr. Allison Suttle, Chief Medical Officer for Sanford Health, stated "We wanted to know
13 more about a patient's potential exposure to the virus, how the patient's immune system
14 responded, and overall, more about the virus itself. We know our teams here always rise to
15 the challenge, and we know they'll be ready to help in this next step to better understand
16 COVID-19," thereby emphasizing the study's contribution to comprehending the efficacy and
17 durability of infection-induced immunity; and

18 WHEREAS, a study published in July 2021 in Cell Reports Medicine demonstrated that
19 immunity induced by natural infection with COVID-19 shows a significant level of durability,
20 with the research indicating that key components of the immune response, including memory
21 B cells, CD8+ T cells, and CD4+ T cells, remain robust and functional for an extended period
22 post-infection, contributing to ongoing protection against the virus; and

23 WHEREAS, in July 2021, it had been a year since Sanford Health announced its critically
24 important yearlong SURVIVE study; and

25 WHEREAS, on July 21, 2021, Senator Rand Paul issued a letter to Attorney General Merrick
26 Garland, urging the Department of Justice to investigate testimony given by Dr. Anthony Fauci
27 to the Senate Committee on Health, Education, Labor, and Pensions, alleging that Dr. Fauci's
28 statements about the funding of gain-of-function research at the Wuhan Institute of Virology
29 on May 11, 2021, may have violated federal law; and

30 WHEREAS, the implementation of vaccine mandates for SARS-CoV-2 was ethically
31 underpinned by the belief, based on initial public health communications, that vaccines

1 approved under Emergency Use Authorization would prevent infection and transmission, thus
2 protecting not only the individual but also the broader community and contributing to the
3 shortening of the pandemic by reducing the spread of the virus; and

4 WHEREAS, on July 22, 2021, Sanford Health officially announced a vaccine mandate
5 requiring all employees within its medical facilities and Good Samaritan Society locations to
6 be vaccinated against COVID-19 by November 1, 2021; and

7 WHEREAS, Dr. Anthony Fauci, stated, "It's been proven that when you make it difficult for
8 people in their lives, they lose their ideological bullshit, and they get vaccinated," as quoted
9 in the book "Fauci" by Michael Specter, Pushkin Industries Publishing (2021); and

10 WHEREAS, on August 1, 2021, in an interview on 'Face the Nation,' Dr. Anthony Fauci,
11 Chief Medical Adviser to President Biden, acknowledged and stated that with the Delta variant
12 of COVID-19, the level of virus in the nasopharynx of vaccinated individuals experiencing
13 breakthrough infections is quite high and equivalent to the level of virus in the nasopharynx
14 of unvaccinated individuals who are infected, thereby indicating that vaccinated people,
15 despite their status, can have a similar viral load and potentially spread the virus to others as
16 efficiently as those who are unvaccinated; and

17 WHEREAS, on August 24, 2021, as part of the Path Out of the Pandemic: President Biden's
18 COVID-19 Action Plan, Secretary of Defense Lloyd J. Austin III, in accordance with the Biden
19 administration's directive, issued a memorandum mandating COVID-19 vaccinations for all
20 members of the Armed Forces under Department of Defense authority, including active duty,
21 National Guard, and Reserve components; and

22 WHEREAS, a significant study conducted by a highly credible team in Israel, titled
23 "Comparing SARS-CoV-2 natural immunity to vaccine-induced immunity: reinfections versus
24 breakthrough infections," initially released as a preprint on August 25, 2021, and later
25 published in Clinical Infectious Diseases, Volume 75, Issue 1, on July 1, 2022, involving
26 673,676 vaccinated individuals and 62,883 unvaccinated previously infected individuals,
27 found that those with natural immunity were significantly less likely to contract the Delta
28 variant, being almost six times less likely to get infected and seven times less likely to have
29 symptomatic disease compared to those vaccinated with the Pfizer-BioNTech vaccine; and
30 therefore, the preprint was available before the implementation of many vaccine mandates;
31 and

1 WHEREAS, in September of 2021, President Biden mandated that all federal employees
2 and contractors within the executive branch be vaccinated against COVID-19 but did not
3 extend to members of Congress and their staff, nor to the judicial branch, adhering to
4 constitutional separations of powers that prevent the imposition of such executive mandates
5 on the legislative and judicial branches of the federal government. Neither the House nor the
6 Senate voted to enforce these mandates upon their respective members or their staff; and

7 WHEREAS, on September 7, 2021, Avera Health, following the precedent set by Sanford
8 Health, announced its own COVID-19 vaccine mandate, stipulating that all employees across
9 its healthcare facilities must receive their vaccinations by December 1, 2021; and

10 WHEREAS, in September 2021, President Biden, under the policy titled 'Path Out of the
11 Pandemic: President Biden's COVID-19 Action Plan', mandated that all federal employees be
12 vaccinated against COVID-19, with limited exceptions for those with qualifying medical or
13 religious exemptions, thereby applying this requirement to the entire federal workforce across
14 various departments and agencies; and

15 WHEREAS, the Biden administration, through the Occupational Safety and Health
16 Administration (OSHA) of the Department of Labor, in November 2021, issued an Emergency
17 Temporary Standard (ETS) mandating that employers with 100 or more employees require
18 their workforce to be fully vaccinated against COVID-19 or, alternatively, require
19 unvaccinated workers to produce a negative COVID-19 test result on a weekly basis; and

20 WHEREAS, the United States Supreme Court, in January 2022, ruled against the
21 enforcement of this OSHA mandate, determining that OSHA had exceeded its statutory
22 authority, thereby blocking the implementation of the vaccine or testing requirement for large
23 employers; and

24 WHEREAS, in the case Public Health and Medical Professionals for Transparency v. Food
25 and Drug Administration before the U.S. District Court for the Northern District of Texas, Fort
26 Worth Division, the FDA initially proposed a timeline to release all non-personal data from the
27 Pfizer-BioNTech COVID-19 vaccine EUA submission over a period extending up to 75 years,
28 citing the need to protect trade secrets and address privacy concerns, as well as workload
29 burden; however, in January 2022, Judge Mark Pittman ruled in favor of the plaintiff, Public
30 Health and Medical Professionals for Transparency (PHMPT), ordering a significantly
31 accelerated release of 55,000 pages of documents per month, thereby emphasizing the
32 public's interest in transparency and access to critical public health data; and

1 WHEREAS, COVID-19 has been shown to induce a wide-ranging humoral immune
2 response, with antibodies targeting approximately twenty-seven or more distinct regions
3 across the virus's proteins, including the spike protein and its receptor-binding domain (RBD),
4 as well as other proteins, offering a broad-based potential protection against diverse viral
5 components; and

6 WHEREAS, the COVID-19 vaccine mandate, which led to the discharge of thousands of
7 service members who had otherwise served honorably, has adversely impacted military
8 readiness and depleted ranks, with a particular emphasis on the removal of conservatives
9 from the armed forces, thereby raising concerns about the implications of such mandates on
10 the composition and effectiveness of the military; and

11 WHEREAS, on November 8, 2022, Dr. Rochelle Walensky, Director of the Centers for
12 Disease Control and Prevention, acknowledged her recovery from a COVID-19 breakthrough
13 infection, with only mild symptoms, attributing this mild course of illness to being up to date
14 on her COVID-19 vaccines, as per her statement on social media. and

15 WHEREAS, President Biden, despite being fully vaccinated and boosted, tested positive for
16 COVID-19 on July 21st, 2022, demonstrating the occurrence of breakthrough infections even
17 among highly vaccinated individuals;" and

18 WHEREAS, President Biden, despite being fully vaccinated and boosted, tested positive for
19 COVID-19, again, on July 30th, 2022, demonstrating the occurrence of breakthrough
20 infections even among highly vaccinated individuals;" and

21 WHEREAS, following the repeal in January 2023 of the COVID-19 vaccine mandate for
22 U.S. military service members, initially imposed from August 2021, only a minor fraction of
23 the over 8,000 discharged for non-compliance have sought re-entry, as reported by CNN on
24 October 2, 2023; and

25 WHEREAS, reports from February 2023 indicate that both the Department of Energy, and
26 the Federal Bureau of Investigation have concluded that the COVID-19 pandemic likely
27 originated from a laboratory leak, contributing to the ongoing discussion and investigation
28 into the origins of the virus; and

29 WHEREAS, on March 5, 2023, the Select Subcommittee on the Coronavirus Pandemic
30 released a memorandum providing new evidence suggesting that Dr. Anthony Fauci had a
31 significant influence on the drafting and publication of "The Proximal Origin of SARS-CoV-2,"

1 with the intent to counter the lab leak theory, thereby raising concerns about the objectivity
2 of scientific discourse in the context of the COVID-19 pandemic origins; and

3 WHEREAS, Dr. Robert Redfield, M.D., who served as the Director of the U.S. Centers for
4 Disease Control and Prevention and is a trained virologist, testified before the Select
5 Subcommittee on the Coronavirus Pandemic on March 8, 2023, asserting his belief, based on
6 his analysis of the data, that COVID-19 more likely resulted from an accidental lab leak rather
7 than a natural spillover event, suggesting a detour from nature for the virus to become adept
8 at infecting humans; and

9 WHEREAS, on July 14, 2023, Senator Rand Paul reiterated a request to Attorney General
10 Merrick Garland for the Department of Justice to investigate Dr. Anthony Fauci's May 11,
11 2021, congressional testimony, in light of new evidence suggesting that Dr. Fauci's
12 statements regarding the non-funding of gain-of-function research at the Wuhan Institute of
13 Virology by the NIH may have been misleading, as detailed in the recent findings of the House
14 Select Subcommittee on the Coronavirus Pandemic and the Government Accountability Office,
15 potentially implicating 18 U.S.C. § 1001 concerning materially false statements to Congress
16 and

17 WHEREAS, on January 29, 2024, esteemed molecular biologist Richard H. Ebright
18 highlighted significant concerns regarding a DEFUSE grant proposal aimed at enhancing
19 SARS-like bat viruses, in collaboration with the Wuhan Institute of Virology, and emphasized
20 that recent disclosures have raised the plausibility of a laboratory origin for SARS-CoV-2; and

21 WHEREAS, in contrast, the Pfizer-BioNTech COVID-19 vaccine, an mRNA-based vaccine,
22 elicits an immune response that is more specifically concentrated on the single spike protein
23 of the SARS-CoV-2 virus, predominantly targeting the RBD, a key area for viral entry into
24 cells, thus providing potent protection against severe illness and death from COVID-19 but
25 with a narrower range of antibody targets compared to natural infection; and

26 WHEREAS, during the pandemic, numerous individuals, organizations, and governmental
27 entities faced difficult decisions under rapidly changing and often uncertain circumstances;
28 and

29 WHEREAS, in the face of such an unprecedented crisis, mistakes were made by various
30 entities, including but not limited to government bodies, private organizations, and
31 individuals; and

1 WHEREAS, throughout the COVID-19 pandemic, individuals who chose not to receive
2 vaccinations were subject to public ridicule by various public figures, including politicians,
3 television hosts, comedians, and government officials, who often labeled them as uninformed,
4 anti-science, and antisocial, contributing to a divisive public discourse on personal health
5 choices and public health measures; and

6 WHEREAS, during the COVID-19 pandemic, established immunological principles such as
7 natural and herd immunity were at times dismissed and erroneously labeled as conspiracy
8 theories, undermining longstanding scientific understandings and contributing to a polarized
9 view of public health practices and policies; and

10 WHEREAS, the implementation of vaccine mandates has led to job losses, the end of
11 military careers, the dissolution of personal relationships, and the fracturing of communities
12 and societies, largely due to misinformation spread by the government, and thus, it is crucial
13 to critically examine the role of misinformation in shaping public health policies and to
14 promote transparency and open dialogue to prevent further harm and division; and

15 WHEREAS, some entities have openly acknowledged and taken ownership of these
16 mistakes, demonstrating a commitment to transparency and accountability; and

17 WHEREAS, other entities have not yet acknowledged or taken responsibility for their
18 actions or inaction during the pandemic; and

19 WHEREAS, the Legislature recognizes the importance of learning from past experiences
20 to improve future responses to public health crises and other statewide emergencies;

21 NOW, THEREFORE, BE IT RESOLVED, by the House of Representatives of the Ninety-Ninth
22 Legislature of the State of South Dakota, the Senate concurring therein, that this Legislature
23 acknowledges the complexities and challenges faced during the COVID-19 pandemic,
24 including the mistakes made by various entities; and

25 BE IT FURTHER RESOLVED, that while the initial purported understanding of COVID-19
26 vaccines suggested they would prevent both infection and transmission, subsequent findings,
27 including statements from public health figures, like Dr. Fauci, have indicated that vaccinated
28 individuals can carry similar viral loads in breakthrough cases as unvaccinated individuals,
29 thereby questioning the ethical underpinning of mandates based on transmission prevention;
30 and

1 BE IT FURTHER RESOLVED, that Legislature acknowledges the need for deeper
2 understanding of the medical ethics surrounding COVID-19 vaccine mandates and vaccines,
3 particularly considering the robust and durable nature of infection-induced immunity, the
4 ongoing assessment of vaccine-related adverse events, and revelations from FOIA disclosures
5 on EUA processes. This recognition emphasizes the importance of informed consent and
6 individual risk assessment in public health decisions, and the necessity for ongoing evaluation
7 and dialogue in the formulation of health policies; and

8 BE IT FURTHER RESOLVED, that the Legislature recognizes the legitimate criticisms of the
9 World Health Organization (WHO) in response to the COVID-19 pandemic, including but not
10 limited to, delayed response, lack of transparency, and inconsistent guidance; and

11 BE IT FURTHER RESOLVED, that this criticism specifically includes the WHO setting aside
12 its November 2019, comprehensive policy document titled "Non-pharmaceutical public health
13 measures for mitigating the risk and impact of epidemic and pandemic influenza," hastily
14 pivoting to the findings of the "Report of the WHO-China Joint Mission on Coronavirus Disease
15 2019 (COVID-19)"; and

16 BE IT FURTHER RESOLVED, that future proclamations and recommendations by the WHO
17 should be approached with extreme skepticism and subjected to rigorous scrutiny by both
18 local and national governments and public health authorities to ensure the best possible
19 outcomes for their respective populations; and

20 BE IT FURTHER RESOLVED, that the Legislature calls for the transparent and timely
21 release of the Sanford Health SURVIVE study data, to foster a comprehensive understanding
22 of COVID-19 immunity and to inform ongoing public health responses and strategies within
23 the state; and

24 BE IT FURTHER RESOLVED, that the Legislature stands in solidarity with United States
25 Senator Rand Paul of Kentucky in his pursuit to uncover the origins of the SARS-CoV-2 virus,
26 investigate the lab leak hypothesis, examine the role of gain-of-function research funded by
27 the United States, and determine the culpability of Dr. Anthony Fauci in any potential cover-
28 up or misinformation related to the COVID-19 pandemic; and

29 BE IT FURTHER RESOLVED, that the Legislature recognizes and commends the state
30 government's proactive and informed response to the COVID-19 pandemic, particularly the
31 Legislature's response in not agreeing to shut down the state's economy, the state's swift

1 action to resume in-person schooling and minimize educational disruptions once data
2 indicated a minimal risk to children, thereby prioritizing the academic and social development
3 of South Dakota's youth during an unprecedented global health crisis; and

4 BE IT FURTHER RESOLVED, that the Legislature commends those who have taken
5 responsibility for their actions during the pandemic and encourages all entities to embrace
6 transparency and accountability; and

7 BE IT FURTHER RESOLVED, that the Legislature commits to reviewing and enhancing its
8 own responses and policies related to public health crises, with a focus on ensuring
9 preparedness, effective action, and accountability in future emergencies; and

10 BE IT FURTHER RESOLVED, that this resolution serves as a commitment by the Legislature
11 to learn from the COVID-19 pandemic and to work collaboratively for the betterment of all
12 South Dakotans in addressing future challenges.