

Congress of the United States

House of Representatives

SELECT SUBCOMMITTEE ON THE CORONAVIRUS PANDEMIC

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

Majority (202) 225-5074
Minority (202) 225-5051

September 1, 2023

Ms. Jennifer Mnookin, Ph.D.
Chancellor
University of Wisconsin-Madison
163 Bascom Hall
500 Lincoln Drive
Madison, WI 53706

Dear Chancellor Mnookin,

The Select Subcommittee on the Coronavirus Pandemic (Select Subcommittee) is investigating the origins of the COVID-19 pandemic. Pursuant to that investigation we are also evaluating the potential need for new or enhanced biosafety or security regulations, to include limits on dangerous gain-of-function research.

The University of Wisconsin-Madison (UW) recently sent a letter to the Wisconsin State Legislature in response to the introduction of a bill that would ban institutions of higher education from conducting gain-of-function research on potential pandemic pathogens (PPP).¹ UW's letter called for reconsideration of the bill, stating that gain-of-function research is "needed and highly regulated."² The letter continued to state that "while there are risks inherent in studying viruses, bacteria, and other pathogens, such risks are considered and balanced at both the federal and institutional level."³

UW's claim that gain-of-function research is highly regulated is not supported by the facts. During a meeting on January 27, 2023 of the National Science Advisory Board for Biosecurity, the Board primarily stated (1) "[t]he current definitions of a PPP and enhanced PPP (ePPP) are too narrow" and (2) [c]urrent [potential pathogen care and oversight] P3CO policy does not adequately include roles for investigators and institutions in the identification, review, and ongoing oversight of ePPP research."⁴ The Board continued, "...research involving the enhancement of pathogens that do not meet the PPP definition (e.g., those with low or moderate virulence) but is anticipated to result in the creation of pathogen with the characteristics described by the PPP definition could be overlooked. Such a modified pathogen could pose a

¹ Letter from University of Wisconsin Madison, to Members of the Wisconsin State Legislature, (Aug. 14, 2023).

² *Id.*

³ *Id.*

⁴ DRAFT REPORT OF TWO NSABB WORKING GROUPS: PROPOSED BIOSECURITY OVERSIGHT FRAMEWORK FOR THE FUTURE OF SCIENCE, NAT'L SCIENCE ADVISORY BOARD FOR BIOSECURITY (Jan. 27, 2023).

severe threat to public health, the capacity of public health and healthcare systems to function, or national security.”⁵

UW has already shown it has the capabilities to modify pathogens and make them more dangerous. In 2011, Dr. Yoshihiro Kawaoka revealed to the world that he had modified the deadly avian H5N1 influenza virus so it could spread between ferrets.⁶ This experiment enabled the bird virus to spread more easily among mammals, particularly ferrets which most closely mimic human response to the flu.⁷ The H5N1 virus is considered a “potential pandemic pathogen,” which through modification or handling could cause another global pandemic.⁸

Legislators in support of the bill pointed to several specific incidents involving lab work at UW:

- In 2019, three research scientists, two seniors and one trainee, were working in an enhanced biosafety level 3 agriculture lab, a facility that was specifically built for Dr. Kawaoka’s research.⁹ While preparing to collect samples, the trainee realized their power air-purifying respirator (PARP) hose had disconnected from the unit that supplied safe, filtered air, and was “immediately” reconnected.¹⁰ Neither local, state, nor federal health officials were notified about the incident until sometime after the trainee’s quarantine.¹¹
- In 2013 a researcher in a lab accidentally pierced their finger with a needle that had the engineered H5N1 virus on it.¹² The individual quarantined in their home, while their family went to a hotel.¹³ While seeking federal funding and approval for these experiments, Kawaoka’s application had assured officials at the National Institutes of Health (NIH) that UW had a designated quarantine apartment for an event such as this.¹⁴ However, when a researcher working with an engineered virus at UW needed to quarantine per Wisconsin Department of Health Services policy, that apartment did not exist and the researcher was instead forced to quarantine at home. Further, NIH noted the needle was used for an unauthorized purpose.¹⁵

⁵ PROPOSED BIOSECURITY OVERSIGHT FRAMEWORK FOR THE FUTURE OF SCIENCE, NAT’L SCIENCE ADVISORY BOARD FOR BIOSECURITY (Mar. 2023).

⁶ Jocelyn Kaiser, *EXCLUSIVE: Controversial experiments that could make bird flu more risky poised to resume*, SCIENCE, (Feb. 8, 2019).

⁷ Martin Enserink, *Scientists Brace for Media Storm Around Controversial Flu Studies*, SCIENCE, (Nov. 23, 2011).

⁸ Mara Hvistendahl, *High Containment: Lab That Created Risky Avian Flu Had “Unacceptable” Biosafety Protocols*, THE INTERCEPT, (Nov. 1, 2022).

⁹ Alison Young, *Lab-created bird flu virus accident shows lax oversight of risky ‘gain of function’ research*, USA TODAY, (Apr. 11, 2023).

¹⁰ *Supra*, n. 8.

¹¹ *Id.*

¹² *Supra*, n. 9.

¹³ *Id.*

¹⁴ *Id.*

¹⁵ *Supra*, n. 7.

- In 2009 members of a research lab, without the permission of the UW-Madison Institutional Biosafety Committee *or* the Office of Biological Safety, introduced antibiotic resistant genes into strains of *Brucella*.¹⁶ This is not only a violation of internal institutional policy, but of federal guidelines as well.¹⁷
- These are not the only incidents that have occurred at UW's labs. In 2013, just a week before the researcher was pierced with an infected needle, another individual accidentally dropped plates of differently modified H5N1 strains. The virus spilled onto the floor and matter splashed onto his Tyvek suit, which stopped at his bare ankles.¹⁸ NIH stated the lab knew that bare skin at that level of containment was unacceptable.¹⁹

To further the Select Subcommittee's investigation into federal funding of gain-of-function research and assist in evaluating the need for legislation, we request the following documents and information as soon as possible but no later than September 15, 2023:

1. All coronavirus-based research proposals that include any work to be conducted or supported by individuals or institutions in China or Southeast Asia between January 1, 2018 and January 1, 2020, including proposals that were declined, denied, or otherwise ultimately not funded.
2. All gain-of-function-based, PPP, ePPP, or DURC research proposals between January 1, 2018 and January 1, 2020, including proposals that were declined, denied, or otherwise ultimately not funded.
3. All privately funded coronavirus-based research proposals that include any work to be conducted or supported by individuals or institutions in China or Southeast Asia between January 1, 2018 and January 1, 2020.
4. All privately funded gain-of-function, PPP, ePPP, or DURC research proposals between January 1, 2018 and January 1, 2020.
5. All documents and communications between or among any employee or contractor of UW, including but not limited to Dr. Kawaoka, regarding gain-of-function research, PPP, ePPP, DURC, the Wuhan Institute of Virology, the Wuhan Center for Disease Control and Prevention, EcoHealth Alliance, Inc., or the origin of COVID-19.
6. All documents and communications between or among UW, including but not limited to Dr. Kawaoka, and any employee or contractor of the U.S. Department of Health and Human Services, particularly the National Institutes of Health and the National Institute

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ *Supra*, n. 8.

¹⁹ *Id.*

of Allergy and Infectious Diseases, regarding gain-of-function research, PPP, ePPP, DURC, the Wuhan Institute of Virology, the Wuhan Center for Disease Control and Prevention, EcoHealth Alliance, Inc., or the origin of COVID-19.

7. All documents and communications between or among UW, including but not limited to Dr. Kawaoka, and any employee or contractor of the U.S. Department of State regarding gain-of-function research, PPP, ePPP, DURC, the Wuhan Institute of Virology, the Wuhan Center for Disease Control and Prevention, EcoHealth Alliance, Inc., or the origin of COVID-19.
8. All documents and communications between or among UW, including but not limited to Dr. Kawaoka, and any employee or contractor of the U.S. Department of Energy regarding gain-of-function research, PPP, ePPP, DURC, the Wuhan Institute of Virology, the Wuhan Center for Disease Control and Prevention, EcoHealth Alliance, Inc., or the origin of COVID-19.
9. All documents and communications between or among UW, including but not limited to Dr. Kawaoka, and any employee or contractor of the Office of the Director of National Intelligence, Central Intelligence Agency, or Federal Bureau of Investigation regarding gain-of-function research, PPP, ePPP, DURC, the Wuhan Institute of Virology, the Wuhan Center for Disease Control and Prevention, EcoHealth Alliance, Inc., or the origin of COVID-19.
10. All documents and communications between or among UW, including but not limited to Dr. Kawaoka, and any employee, or contractor, or other individual associated with the Wuhan Institute of Virology, the Wuhan Center for Disease Control and Prevention, or the Chinese Academy of Sciences.

The Select Subcommittee is authorized to investigate “the origins of the Coronavirus pandemic, including but not limited to the Federal Government’s funding of gain-of-function research.”²⁰ To that end, the Select Subcommittee is tasked to learn from the U.S. response to the COVID-19 pandemic and recommend alterations where necessary to enhance our preparedness and responses in the future. To ask any follow-up or related questions please contact Select Subcommittee staff at (202) 225-5074.

²⁰ H. Res. 5 § 4(a)(2)(A)(i) (2023).

Ms. Jennifer Mnookin, Ph.D.

September 1, 2023

Page 5

Thank you for your attention to this very important matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Brad R. Wenstrup". The signature is fluid and cursive, with a long horizontal stroke at the end.

Brad R. Wenstrup, D.P.M.
Chairman

cc: The Honorable Raul Ruiz, M.D., Ranking Member
Select Subcommittee on the Coronavirus Pandemic