COMMITTEE ON OVERSIGHT AND ACCOUNTABILITY,

SELECT SUBCOMMITTEE ON THE CORONAVIRUS PANDEMIC,

U.S. HOUSE OF REPRESENTATIVES,

WASHINGTON, D.C.

INTERVIEW OF: JIM GIMLETT

Thursday, May 9, 2024

Washington, D.C.

The interview in the above matter was held in room 5400, O'Neill House Office Building, commencing at 10:30 a.m.

Appearances:

For the SELECT SUBCOMMITTEE ON THE CORONAVIRUS PANDEMIC:

MITCH BENZINE, STAFF DIRECTOR.

MADELINE BREWER, COUNSEL

ANNA-BLAKE LANGLEY, PROFESSIONAL STAFF MEMBER

[redacted], MINORITY CHIEF COUNSEL

[redacted], MINORITY COUNSEL

For the U.S. DEPARTMENT OF DEFENSE:

[redacted], OFFICE OF GENERAL COUNSEL

[redacted] COUNSEL, DARPA

Mr. Benzine. We can go on the record.

This is a transcribed interview of Dr. Jim Gimlett conducted by the House Select Subcommittee on the Coronavirus Pandemic under the authority granted to it by House Resolution 5 and the rules of the Committee on Oversight and Accountability.

This interview was requested by Chairman Brad Wenstrup as part of the select subcommittee's oversight of the Federal Government's response to the coronavirus pandemic.

Pursuant to House Resolution 5, the select subcommittee has wide-ranging jurisdiction, but specifically to investigate the origins of the coronavirus pandemic, including, but not limited to the Federal Government's funding of gain-of-function research.

Can the witness please state his name and spell his last name for the record?

Dr. Gimlett. Yes. It's Jim Gimlett, G-i-m-l-e-t-t.

Mr. Benzine. Thank you.

Dr. Gimlett, my name is Mitch Benzine. I'm the staff director for the majority staff of the select subcommittee. I want to thank you for coming in today for this interview. The select subcommittee recognizes that you are here voluntarily, and we appreciate that.

Under the select subcommittee and Committee on Oversight and Accountability's rules, you're allowed to have an attorney present to advise you during this interview.

Do you have an attorney representing you in a personal capacity with you today?

Dr. Gimlett. No, I do not.

Mr. Benzine. Is there an attorney present representing the Department of Defense?

Dr. Gimlett. There is.

Mr. Benzine. Will counsel identify themselves?

[redacted]. Yes. I'm [redacted] with the Department of Defense, Office of General Counsel.

Mr. Benzine. For the record, starting with the remainder of the majority staff, can the additional staff members please introduce themselves with their name, title, and affiliation.

Ms. Brewer. Madeline Brewer, counsel for the majority.

Ms. Langley. Anna-Blake Langley, professional staff member for the majority.

[redacted]. [redacted], minority chief counsel.

[redacted] [redacted], minority counsel.

Mr. Benzine. And then the one left?

[redacted]. [redacted], counsel for DARPA.

Mr. Benzine. Thank you.

Dr. Gimlett, before we begin, I'd like to go over the ground rules for the interview.

The way this interview will proceed is as follows.

The majority and minority staff will alternate asking you questions, 30 minutes per side per round, until each side is finished with their questioning. The majority staff will begin and proceed for half an hour, and then the minority staff will have half an hour to ask questions. We'll then alternate back and forth in this manner until both sides have no more questions.

If either side is in the middle of a specific line of questions, they may choose to end a few minutes past their time to ensure completion of that specific line of questioning, including any pertinent follow-ups.

In this interview, although one member of the staff for each side may lead the questioning, additional staff may ask questions.

There's a court reporter taking down everything I say and everything you say to make a written record of the interview. For the record to be clear, please wait until the staffer questioning you finishes each question before you begin your answer, and the staffer will wait until you finish your response before proceeding to the next question.

To ensure the court reporter can properly record this interview, please speak clearly, concisely, and slowly.

Also, the court reporter cannot record nonverbal answers, such as nodding or shaking your head, so it is important that you answer each question with an audible, verbal answer.

Exhibits may be entered into the record. The majority exhibits will be identified numerically. Minority exhibits will be identified alphabetically.

Do you understand?

Dr. Gimlett. Yes.

Mr. Benzine. We want you to answer our questions in the most complete and truthful manner possible, so we will take our time. If you have any questions or do not fully understand the question, please let us know. We will attempt to clarify, add context to, or rephrase our questions.

Do you understand?

Dr. Gimlett. Yes.

Mr. Benzine. If we ask about specific conversations or events in the past and you are unable to recall the exact words or details, you should testify to the substance of those conversations or events to the best of your recollection.

If you recall only a part of a conversation or event, you should give us your best recollection of those events or parts of conversations that you do recall.

Do you understand?

Dr. Gimlett. Yes.

Mr. Benzine. Although you're here voluntarily and we will not swear you in, you are required, pursuant to Title 18, Section 1001 of the United States Code to answer questions from Congress truthfully. This also applies to questions posed by congressional staff in this interview.

Do you understand?

Dr. Gimlett. Yes.

Mr. Benzine. If at any time you knowingly make false statements, you could be subject to criminal prosecution.

Do you understand?

Dr. Gimlett. Yes.

Mr. Benzine. Is there any reason you're unable to provide truthful testimony today?

Dr. Gimlett. No.

Mr. Benzine. The select subcommittee follows the rules of the Committee on Oversight and Accountability. Please note that if you wish to assert a privilege over any statement today that assertion must comply with the rules of the Committee on Oversight and Accountability.

Pursuant to that, Committee Rule 16(c)(1) states, "For the Chair to consider assertions of privilege over testimony or statements, witnesses or entities must clearly state the specific privilege being asserted and the reason for the assertion on or before the scheduled date of testimony or appearance."

Do you understand?

Dr. Gimlett. Yes.

Mr. Benzine. Ordinarily we take a 5-minute break at the end of each, in this case,

30 minutes of questioning, but if you need a longer break or a break before that, please let us know, and we'll be happy to accommodate. However, to the extent that there's a pending question, we would ask that you finish answering the question before we take the break.

Do you understand?

Dr. Gimlett. Yes.

Mr. Benzine. Do you have any other questions before we begin?

Dr. Gimlett. No.

Mr. Benzine. And I'd like to note at the beginning for the record that DOD has an authorization for Dr. Gimlett to testify today.

[redacted]. Yes. Just for the record, Dr. Gimlett before leaving DARPA signed an NDA and conflict of interest form which has been provided to the committee in advance of the interview. And pursuant to that, the form that he signed requires authorization to speak to certain source selection information.

And under that understanding, and as discussed with the committee in advance, a letter was provided to Dr. Gimlett and to the committee in advance -- subcommittee, sorry -- authorizing Dr. Gimlett to speak to general information concerning the source selection process for the PREventing EMerging Pathogenic Threats, or PREEMPT program; general information about the types of proposers of the PREEMPT program; general information about the proposals received by the PREEMPT program; Dr Gimlett's general role as program manager in the DARPA source selection process and specific role within the PREEMPT program source selection process; Dr. Gimlett's recollections concerning the proposal submitted by EcoHealth Alliance to the PREEMPT program, including discussions about that proposal; and Dr. Gimlett's evaluation of the EcoHealth Alliance proposal to the PREEMPT program.

Mr. Benzine. All right. Thank you.

EXAMINATION

BY MR. BENZINE:

Q Dr. Gimlett, again, I want thank you for taking part in this interview voluntarily and start with just some baseline education and experience questions, and we'll get into some more details.

Where did you attend undergraduate school?

A Cal Tech.

Q And what degree did you graduate with?

A That was in applied physics.

Q And where did you get your doctorate?

A Also Cal Tech, in physics.

Q The primary time period we'll be discussing, as outlined in your authorization today, is surrounding the PREEMPT program at DARPA, but focused primarily in the 2018 timeframe around the EcoHealth submission.

During that time, what was your role at DARPA?

A I was a program manager actually in the Defense Sciences Office, but I had programs in the Biological Technologies Office as well.

Q And what are the kind of standard responsibilities of a program manager in those offices?

A It's a few things. So formulate program ideas, generate the concepts, work with the community to refine it, put out broad area announcements, and then go through the source selection in that process.

And then DARPA has a very hands-on management type of approach, so manage the programs, often with sort of weekly or bimonthly calls with the performers.

In some cases, we inherited programs, as I did when I came into DARPA, and then we managed those as well.

Q Was PREEMPT an inherited program or was that stood up during your time?

A That was stood up by me during my time there.

Q Those were your responsibilities generally. What were your responsibilities specific to PREEMPT?

A So basically formulate the concept, which was my concept; canvass the community to sort of understand where the state of the art was, potential performers, trying to get the word out that we were interested in this, solicit feedback; and eventually create a definition for what the program looks like, get buy-in from the level of management at DARPA, which meant office directorship and then DARPA directorship.

And basically that means going through a few hurdles, like acceptance from your colleagues, who are also aiming to shoot you down if you don't have it thought through.

So it's basically kind of get the details right on how the program gets then communicate it to the community in a broad area announcement. Subsequent to that, go through the source selection process, which means reviewing the proposals.

My job as a reviewer would be on the technical side of the proposal review, and then there's additional review after that that would come from the office leadership or from legal or other -- contracts office, for example -- and then manage the program.

As it turned out, I managed it in terms of the kicking off of the program. I know it was fairly soon afterwards handed to another program manager, because in 2018 I was just about ending my term of service at DARPA.

Q And what were kind of the goals or strategy of the PREEMPT program?

A So it started from sort of a hypothesis that we've had a lot of close calls in zoonotic spillover and had gotten fairly lucky that most of them were semi-contained.

But I wasn't happy with the overall approach, which is, okay, let's hope we don't -- let's hope we get lucky again, wait until another spillover happens and then try to rush and contain it through all kinds of draconian measures sometimes.

So the idea was can we do a better job of sort of sampling the hotspot areas of the globe where this is happening frequently, especially both in the wild animal reservoir, as well as in livestock reservoirs and humans associating with those two; get a better gauge of sort of a probabilistic likelihood and try to come up with some models for how easy -- how likely a spillover could happen; try to get a little bit in front of the curve and even possibly think about ways of sort of stopping it in its tracks before it hits the human population.

So that was the overall goal.

Q Would it be -- you ran through a lot there. Would it be more of a --

A Sorry.

Q No, no, no. I appreciate it.

Would it be more of a surveillance program? You said, like, kind of the end goal is stopping it before the human -- before human spillover. And we'll get into DEFUSE with, like, kind of the aerosolized bat vaccine that they proposed. But was it more heavily focused on surveillance or more heavily focused on kind of stopping the spillover?

A It was more -- in my mind, it was more heavily focused on the surveillance and analytics at the front end and trying to do a better job of assessing likelihood of spillover.

So the program was divided into two technical areas. That was technical area one.

Technical area two was sort of -- it was basically pinging the community to see if there were any ideas on how to preempt, literally, a spillover either at the vector if it was mosquito borne, at the sort of livestock if it was passing through livestock before entering

the human population, or directly in the wild animal reservoirs.

And it was more assess what's possible, sort of the art of the possible, and if you had some solution to validate it in some kind of closed, confined, safely controlled area.

So that was the idea. It wasn't actually go out and do it. It was to see what is possible to be done in a controlled experimental environment.

Q And that makes sense. And you can correct me if I'm wrong, but kind of, like, the state of the art technology on mosquito-borne illnesses is still a net, so getting -- having the understanding of kind of what those do or anything more advanced than that would be important?

A Right. So, I mean, the state of the art is pretty crude, right? And that's avoidance. A variety of things that were sort of -- people were thinking about or even trialing in different situations, like genetically engineered mosquitos that would be infertile, for example, that's one thought.

There are people -- I mean, we did try also just bait. So, for example, fox, raccoons -- or fox, racoon, and rabies were a concern both in North America and Europe, and they just put out millions of samples of bait, and they actually did contain it, but it's a very crude and expensive way of going about it.

So there were ideas being circulated about self-disseminating vaccines or other methods. So this was just try to get a better quantitative handle on whether any of those were actually possible and could be done in a safe way.

Q And the goal kind of on part two, like you said, would have been to do it in a controlled research environment, not necessarily go to the source and release?

A Correct. That would have been beyond that program's scope.

Q Appreciate the overview of PREEMPT.

Can you briefly walk through kind of the from RFI, to application, to approval

process of a grant?

A Yeah. So it can vary, but in general the process is, okay, you have a basic skeleton of an idea. Go out and read all the literature, and sometimes there's a team to help do that. Canvass the community. Sometimes put out -- yeah, put out RFIs. Solicit inputs from people that appear to be leading figures in the community that might be relevant. Start putting together something that basically -- we use acronyms that I long since have forgotten what they stand for, but PAD is one of them, so Program Authorization -- something.

So the process is once you have your idea, now you present it first at the office level to the office director and deputy director and to your program manager colleagues, all of whom will be firing off questions about it, trying to shoot this down or see how well you thought it through. And that may take several iterations actually to get sort of buy-in at the office level.

And then there's another defense, which is DARPA's Tech Council.

So Tech Council is basically a roundtable that involves all the office directors, some DARPA staff folks, and the DARPA deputy director and director. They may also come back and say: We have questions about this and this, need it answered better. So there's some iteration there.

But once you get that approval, then you formalize this, and first this PAD document has to get signed off, and then in a BAA solicitation that also gets signed off at different levels.

So there's a variety of different sort of gates that one has to go through before it actually hits the street as a broad area announcement.

Q And then after it's announced and solicits proposals, what happens next? Is there a -- like, obviously, drafting these proposals and having the preliminary data can

take a lot of time. Is there kind of gatekeeping along the way to see what's viable?

A So in a lot of cases there's, yeah, two more sort of ways to not have people waste a lot of time writing a full proposal if it's clearly not going to meet the needs of the program.

So there's often sort of an executive summary stage. And there's also, often, coincidentally, with when the BAA hits the street, there's an Industry Day.

So people may -- are invited from the community. This is an opportunity for people who don't -- who feel like they don't by themselves have all the capabilities to address the announcement, may find partners who can sort of complement their skills.

They have an opportunity to speak with me or my staff about their idea and get feedback before they officially write a long 30- or 40-page proposal submission.

Q And then after the proposal -- after a full proposal is submitted, if they feel comfortable doing that, there's a peer review process and then determination on funding?

A Yeah. So the peer review process for any proposal, generally at least three reviewers, in some cases four, generally.

So for PREEMPT and most of my programs, we try to get at least two DARPA program managers as part of that three-person review, and then sometimes there's a third reviewer that may come from another government agency.

And in PREEMPT's case, there were folks from NAMRU, which is the Naval Academy of Medical Research -- or Naval Medical Research Unit, I think -- who also has a lot of local experience with pandemic potential pathogens.

Possibly USAMRIID. We've worked with them on some of these, and they might have had some participation in the review process. BARDA, NIH, sometimes CDC.

So all of those might have been part of the process.

So my memory is hazy on exactly who were participating, but I'm pretty sure that there was someone from NIH and someone from BARDA and someone from NAMRU.

Q Would the outside agencies be brought in on the idea of the project or just on the review process?

A No. By then it's sort of -- this is sort of in a DARPA internal set of acceptance as they get you to a solicitation. So they're more on the source selection side and evaluating proposals.

So everyone generates a written review of each proposal, and different reviewers may be on different proposals because no one has the time, except for me, to go through 20 or 30 or 40 proposals. I read every one and had to write a review for every one.

And then often post the written review there's sort of a roundtable of reviewers. It's not mandatory. And some reviewers advocate you get written feedback and that's all you'll get from us.

Others participate in this roundtable. And there we kind of go through every proposal and people have -- there's some chance of understanding if there's a discrepancy in the reviews what was the source and whether they were really in disagreement or whether there were sort of just details that they didn't agree on.

So that's part of a roundtable review afterwards. And then there's more layers, which we can get into if you have further questions.

Q Do you remember how many proposals were submitted to PREEMPT?

A I don't, but I think it was on the order of 30-something.

Q And do you remember how many were accepted?

A Five. I think five.

Q Is that kind of a standard acceptance rate, or is it low or high?

A That's not unusual, yeah. I've had fewer proposals submitted. This one

seemed to be a very popular one. But five performers is pretty typical actually in a lot of these programs.

Q Do you recall kind of like if there was a standard rationale for denial?

A Yes.

So on the technical side of the review, there's sort of three review criteria that are part of the process that we have to address, sort of technical approach, competence, plausibility, innovation, whether we thought that it was outlined in a way that you could kind of get to the ultimate goal of the program in a reasonable timeframe.

The sort of relevance to the DOD was a separate second criteria. And then cost realism, so was it actually budgeted to do the job.

So those three things are sort of on the technical side, and that's where this roundtable and all these technical reviewers participate.

Once that's done, we make sort of recommendations. Here are the top ones that we really think should be funded. Here's some that we felt selectable, either in whole or in part, that didn't make the cut but had some merit for some pieces. And here are ones that we would not recommend funding.

So that's sort of how it came out.

Q Do you recall which of the three buckets DEFUSE fell into?

A Yeah. It fell into selectable but not recommended.

Q And we'll get into why, but --

A Okay.

Q The process of selection, the three peer reviewers who would go through it, who was the final decider?

A So I'm the one ultimately who has to make the recommendation to the office directorship. So I can -- after getting the three reviews and all verbal feedback as

well, I can even overrule my own written feedback if I want. I'll make the assessment based on those three reviews, and I'm the one responsible for making this sort of selection map of recommended, or selectable but not recommended, or not selectable.

Q And then would it be the DARPA director that makes the funding decision or --

A Yeah. So --

Q -- the deputy?

A Well, so, first of all, the office director, in this case the Biological Technologies Office, would have to approve my recommendations or make their own recommendations. That then would go up to the DARPA leadership to make the final decision, and it would probably involve some other components of DARPA as well, including Contracts, Legal.

Q Uh-huh. I'm going to shift and talk more DEFUSE-specific. And when I say DEFUSE, you know I'm talking about the EcoHealth, UNC, Wuhan Institute geographical survey. There might have been one more submission.

A Yeah. Those were the three major ones, but PARC I think was part of it too.

Q All right. Had DARPA worked with EcoHealth prior to PREEMPT?

A I don't know about DARPA in general. I hadn't heard of DARPA ever working with them before and I had not personally.

Q What about the Wuhan Institute?

A No.

Q Do you recall if NIH's Rocky Mountain Labs were involved at all in that proposal?

A They were involved in one proposal, but I don't think it was DEFUSE.

Q And then there's been -- I think you touched on it a little bit, like using air

quotes, like Proposers Day, or something like that --

A Yeah.

Q -- prior, where it's an abstract presentation versus the whole thing. Does that sound familiar?

A Yeah. So Proposers Day and the BAA may come out very closely aligned in time, and then there's an abstract phase, and then there's full proposal submission. So those three time points are part of the general process.

Q So Proposers Day would be a little bit less than the abstract and then --

A So Proposers Day would be a very short, at most, like, a 10-minute or 5-minute even, and generally a lot of people participate in Proposers Day. And it's a chance for them to say: Now, these are things that we do that other people may find interesting and we might want to partner with this.

So it's especially useful for teams that just can't do the entire thing themselves. And often DARPA programs are hard enough that very few single entities can fulfill the entire program.

Q Are there other Federal agencies at Proposers Day?

A Yes.

So I think by this time we're already kind of trying to solicit people who can help with the review process, so some of those were probably there. I'm pretty certain there were folks from some of the services, but I don't remember exactly which ones. Someone from BARDA and NIH I'm pretty sure were there. I can't say about other agencies. Maybe DTRA.

Q And then after Proposers Day, so it's kind of figuring out if there's a combination of groups that are able to perform, right? That's kind of the theme? If I can do this part and I go to Proposers Day and this guy can do this part, maybe I can work

with them?

A Yeah. I mean, DARPA's hands off in that teaming process, but it's a chance for them to talk among themselves.

Q And then the next process is submit the -- the proposers submit abstracts of the proposal?

A Yes.

Q Do you recall how many abstracts you got?

A I do not. It was certainly more than the proposals. I'm thinking it was at least 40.

Q All right. So not -- more than the proposals, but not maybe a significant amount more than the proposals?

A Yeah.

Q And then what are the kind of common rationales for someone submitting an abstract but then not submitting a proposal?

A So, I mean, the abstract process is a chance for proposers to get some feedback if they're missing the mark in some way. And if they're given -- so, I mean, our feedback is verbal, so there's a phone call after this abstract. Maybe written too, come to think about it. I'm sorry. I don't remember that detail of that part of the review process.

But it's pretty short. It's sort of: Please pay more attention to these things. You might need to think about sharpening your pencil in these areas. Or flat out: This probably is not going to map to what we're interested in. You might not want to go through the whole proposal generation process.

Q Yeah. That makes sense.

I'm almost at time, but I want to ask just three quick questions, I think.

Were you present for Proposers Day?

A I was.

Q And do you recall Dr. Daszak or anyone from EcoHealth being there?

A Yes.

Q And then the abstract presentation, was that -- is that in person, or do they just send you the abstract?

A The abstract is a written submission with a deadline. So we get all the abstracts pretty much at the last day.

Q And then --

A Then we have about 1 or 2 weeks to go through all the abstracts and try to decide who to discourage politely -- or not so politely -- who to encourage.

Q And then the phone call after the abstract presentation, were you present on that phone call with Dr. Daszak, or do you recall?

A I was, yeah. Generally for that I'm present. Some of my staff might have been present, and generally someone from DARPA Contracts is present as well.

Mr. Benzine. Perfect. Thank you.

We can go off the record.

[Discussion off the record.]

Mr. Benzine. All right. We can go back on the record.

BY MR. BENZINE:

Q So shifting and talking about, to the best of your recollection, EcoHealth's presentations and conversations both at Proposers Day and after the abstract.

What do you recall about their proposal at Proposers Day?

A To be honest, my memory on Proposers Day is pretty fuzzy regarding presentations because I'm trying to do a whole bunch of things at the same time. So this is more for the performers than for me.

Q Okay.

A So, yeah, I mean, I have other recollections of more face-to-face conversations.

Q Yeah. So after the abstract was submitted, prior to conversations with Dr. Daszak, what was DARPA's position on their abstract?

A So we encouraged their abstract.

Q And then the conversation that you had with Dr. Daszak afterwards, were there tweaks you wanted him to make? How was that, the encouragement of a proposal, communicated?

A So it's generally: Here's some really strong pieces that we think have merit. In their case, it was they have their feet on the ground in a very hotspot for zoonotic spillover, with access to bats and bat caves and even a whole repertoire of prior samples that they've collected and only partially analyzed. So that was attractive.

I don't recall the exact feedback I would have given him on that, other than be sure to read the BAA. We're particularly interested in quantitative models, so connect your sampling with some kind of approach to get a risk map and a likelihood model of spillover. There's a bunch of safety concerns as well, and please read the BAA about things that might be of ELSI, which is ethical, legal, societal impact, as well as safety concerns.

So that would have been the feedback to everybody.

Q And it sounds like they had -- at this point had they informed DARPA that they were planning on using the Wuhan Institute?

A Yes. So he would have talked about that and probably would have asked us: Is it okay to have a Chinese partner? And I wouldn't have been able to give him the answer.

So this PREEMPT is a 6.1 research proposal. There's no official restriction on who can perform. And often DARPA does rely on researchers outside of the country. They're often teamed with U.S. researchers as well. But DARPA goes where the expertise is, or in this case where the samples exist.

So there wouldn't have been any official restriction. I basically asked up the chain: Is it okay? Because I don't have any awareness of China being a performer on a DARPA program, certainly didn't have any on mine.

So it would have been a little bit unusual, but probably not strictly prohibited. So I went up the chain, and the answer came back: No, we're not going to restrict. Yeah.

So that was communicated back, that, yes, it's okay to have a Chinese partner.

Q We've heard from NIH and EcoHealth on a different grant that foreign labs, foreign collaborators are vetted through the State Department. How does DARPA vet foreign labs or collaborators?

A That I don't know.

Q Would there be vetting beyond just the review process? If you know.

A [redacted].

Q Again, to the extent you know, when particularly work with China, beyond going up the chain in DARPA, do you know if there was any question to the intelligence community at large on the use of a Chinese lab?

A No, I don't know. [redacted]. So that would have been something to be

discussed, but not at my level.

Mr. Benzine. I want to submit what'll be majority exhibit 1 and give you some time to flip through it.

[Gimlett Majority Exhibit No. 1
was marked for identification.]

BY MR. BENZINE:

Q It is not Bates numbered, but it is a draft of the DEFUSE proposal. And the printer cut off some pages, so we'll just have to wing some of this. But it's released via FOIA to U.S. Right to Know.

And I want to talk about some of the comments in this proposal. Like I said, some of them got cut off. So if I need to go at our next break, print off the full one, I can.

But I want to start on the last page. The back of that page. There's a comment at the very bottom from Dr. Daszak that reads, "Ralph, Zhengli. If we win this contract, I do not propose that all of this work will necessarily be conducted by Ralph, but I do want to stress the US side of the proposal so that DARPA are comfortable with our team. Once we get the funds, we can then allocate who does what exact work, and I believe that a lot of these assays can be done in Wuhan as well..."

He says "assays" in the comment. The comment is on Ralph Baric's name, who was reverse-engineering spike proteins in this proposal. But I want to ask just a few questions about kind of like process and then the document more specifically.

After something is proposed and accepted, are principal investigators allowed to go back and shift work responsibilities?

A At the abstract phase, yes. At the proposal phase, no.

Q So proposing that the assays would be done at UNC, while this comment certainly implies the intent of shifting that after getting the money, that would be kind of

uncommon?

A That would be very uncommon.

Q During your conversations with Dr. Daszak, did he ever insinuate or otherwise say that Wuhan Institute of Virology was going to do more work than what they were proposing?

A He did not.

This is the abstract, correct, that I'm reading here?

Q I think it's a very early draft of the final proposal.

A Oh, okay.

Q And at the end of our --

A Because I'm remembering the proposal was a long slog of about 30 pages.

Q I only printed one copy of the proposal because it was long.

A Okay.

Q And so you don't recall kind of this -- him saying: We want to downplay -- we want to stress the U.S. side of the proposal in order to make DARPA more comfortable and then can shift things around once the proposal is awarded.

A No. And he certainly never talked about sort of engineering of the virus at all when we talked with him prior to the proposal.

Q So that opens up new questions.

So the kind of -- and I'm going to butcher the science a little bit -- but the proposal of taking 20 percentage divergent SARS-related coronaviruses, dropping in a furin cleavage site at S1/S2, and testing pathogenicity was not in the original Proposers Day or abstract?

A It wasn't at the abstract or Proposers Day that I would remember, no. That's why I kind of hedged a little bit, surprising.

Q That part of the proposal was surprising?

A Yes.

Q Why? I mean, beyond that he hadn't mentioned it before, did it pose particular risks?

A Well, so to answer that, we kind of have to back up, if it's okay with you, just to --

Q Yes.

A So before the BAA even went out, we did a lot of research on all the government regulations involving gain-of-function research, dual-use research of concern. There was some language about basically this P3CO, so potential pandemic pathogen documentation that had come out.

All of which were very -- they all had their own viruses of interest. Like gain-of-function, the original moratorium was specifically about avian influenza and SARS and MERS.

The P3CO had a broader set of pathogens, not all viral, and it specifically talked about gain of transmissibility or virulence, but it said it was not -- that did not apply to wild type viruses not in humans.

So when we put together the BAA, I was concerned that regardless of what the official language is, since this is going out to the academic community and others who will basically not -- they will not want to be constrained in terms of how they publish information, being in a 6.1 research, and DARPA had no formal mechanism to restrict that.

But I'm still concerned that if this ever gets into the area where there could be dual-use research of concern, you've somehow created something that you didn't intend and it's more virulent and transmissive. And I don't want to see that sequence published

the next day in some journal.

So we insisted on sort of a safety and communication plan in the BAA: Tell us what is your mechanisms to put a halt or a slowdown on anything in case you encounter this situation.

So this is sort of preamble to why this sort of struck us in an odd way, because the intent of PREEMPT really was to look at natural spillover processes. So we weren't even expecting that it would encounter dual-use issues but wanted that protection mechanism anyway just in case.

And I did not want to see sort of, well, a narrow interpretation, since it's not these specific viruses, it doesn't apply.

And reading the proposal is the first time that they did talk about engineering chimeric viruses, albeit still just taking components of wild virus found in bat caves, but mixing and matching to potentially gain -- probably to gain ability to even culture in, like, human cell cultures.

So I understood the rationale, but it didn't quite map to what I was looking for, and I wasn't sure how that would help necessarily in producing probabilistic risk map, and they didn't go through clearly that motivation and how they were going to use that data.

So all of these were concerns, particularly the claim that since this is a wild bat virus, gain-of-function, dual use, none of it is relevant, and we don't have to go any further. That was not what the BAA specified.

So now I don't remember the original question, whether I got to it in some way, but this is a complicated story. I just want to get it clear.

Q No. Absolutely. I think you did a little bit. I think the original question in this case was does that proposed work strike particular risks that were not envisioned.

A So, I mean, any time you put a virus in some other animal, in a petri dish, in a

cell culture, there are some risks. And any time anyone gets infected by a virus, the virus will be looking to gain function in some respect.

So there's always risks. And I wanted to be sure that this program had clear safety guidelines, where it would be done, in the BSL-3, if it was a coronavirus with pandemic potential.

And even if it's a bat virus, it could still have risks. I mean, there are always -- it is spilling over, and there's probably some component in that viral quasi species that's capable of entering other mammalian cell types.

So this does encounter -- and it's hitting a gray area that was a concern, and we just wanted to make sure that we never got -- crossed that line.

Q This is -- I mean, it's rather complicated work. You said it has to be done at BSL-3. It takes a specific level of expertise. And you said it was a bit surprising.

Did you ever ask Dr. Daszak or Dr. Baric why it wasn't proposed in the abstract?

A I did not.

Q Did EcoHealth or UNC ever submit preliminary data that suggested they were capable of doing this?

A No.

Q Did they submit preliminary data at all with the proposal?

A No. They referred to prior work, for example, in China, tracing a bat coronavirus to an epidemic that hit pigs in a pig farm.

Q I'm going to at our next break print the full version so you have the other comments that I want to ask about in front of you and you're not taking my word for it that what I'm reading is accurate.

But I'm going to shift to -- actually, I take that back. Let's go ahead and go off the record. We'll take a break and come back.

[Discussion off the record.]

Mr. Benzine. We can go back on the record.

So when we left off I was talking about the poorly printed exhibit 1. We're going to mark the fully printed exhibit 2.

[Gimlett Majority Exhibit No. 2
was marked for identification.]

BY MR. BENZINE:

Q So just for clarity of the record, the comment that we talked about before is on page 6.

A 6.

Q And that's the one talking about the proposal of doing more assays at the Wuhan Institute of Virology.

I want to flip to -- unfortunately, they're not marked -- but the resume section. It's near the end.

And there's another comment here from Dr. Daszak that reads, "I'm planning to use my resume and Ralph's. Linfa/Zhengli, I realize your resumes are also very impressive, but I'm trying to downplay the non-US focus of this proposal so that DARPA doesn't see this as a negative."

And I have a specific question about this and then some more general questions about kind of the intent in this comment.

Dr. Daszak testified at a hearing last week that in proposals there is a limit on how many resumes that you can attach. Is that true?

A There are various page count limits for different parts of the proposal, but I can't remember exactly what it might be for resumes. References are sometimes unlimited, although if you exceed the page count they're not guaranteed to be read.

But I don't -- it's not that strict a requirement for the number of resumes to attach. Typically, I see 10 in a proposal.

Q So Dr. Daszak, in theory, could have attached the resumes of the Chinese collaborators? He was not limited in that attachment?

A I don't know.

[redacted]. Sorry. Was that --

Dr. Gimlett. That was -- well, I don't know how many others he actually did attach to the resume, but I wouldn't have thought that would be a limitation.

BY MR. BENZINE:

Q There's also a fun asterisk here that says, "Resumes count against the abstract page limit." So maybe he's talking about that, the page limit chunk versus actual limit on how many resumes you can attach?

A It could be.

Q Yeah.

A So my feeling is it wouldn't have been a limitation. If you want my opinion, I'll give that to you too. But that's --

Q You can give your opinion.

A I mean, generally, you'd expect in a proposal that key people in the team, including the subcontractors, would have some resume attached to it. Could be a small one or even a sentence in a table, for example. But that's part of what -- a proposal should be saying: Here's why we are qualified as a team to do this work. So I would have expected it actually.

Q And then reading this comment in conjunction with the last one of, again, trying to downplay the Chinese side of the proposal, I mean, you were the one in charge of this program and in charge of reviewing the proposals.

Does that concern you, the kind of stated intent of downplaying the Chinese involvement?

A Yeah. I mean, clearly, this didn't come out at the time, and it would have been very concerning if we had heard about it. And we had already said that we're okay with a Chinese collaborator, so I'm not sure why they would be downplaying it.

Q He said -- he testified something along the lines of DARPA knowing that there would be Chinese collaborators doesn't mean the reviewers knew that DARPA was okay with Chinese collaborators.

Are the reviewers --

A That's possibly true. I mean, especially external reviewers might not have been party to that discussion. They went up the ladder to see if it was okay.

Q Do you recall any other reviewers having concerns with the Chinese portion of the DEFUSE proposal?

A No, I don't. But, again, our review was on the technical side. So if there are issues like paying salaries or something, that would have been addressed at the contractual side.

Q Kind of hindsight, and I know I'm asking you to go back now 6 years, but through your conversations with Dr. Daszak leading up to and after the application, do you feel he was honest with DARPA?

A So leading up to the proposal, I felt that he was an honest broker. He was representing his Chinese collaborators in terms of their access and capabilities in doing sequencing of samples that they would collect.

And so, yeah, in all of that, I felt that he was.

Q What about afterwards?

A Now?

Q Now.

A Now, having seen the kind of trying to limit the impression of Chinese involvement or even potentially the type of work that would be going on in China, I don't -- it comes as a disappointment.

Q Would, in kind of understanding, but in the technical review that you brought up, kind of like that data sharing is important with Chinese collaborators, would have been at least a point of maybe contention, would having a more full picture of Chinese involvement have been beneficial in the review process?

A It probably would not have impacted the ultimate decision to not recommend for funding, but it wouldn't have hurt. I mean, we wanted to know what we were getting into. And if you've got China in there, it is going to be a concern. They're doing the sampling, sequencing. Is DARPA going to get access in sort of real time of the data or not?

And from what Peter had represented, there was a very close collaboration between EcoHealth and the Chinese scientists, and that had not been a problem in the past and still would not be a problem.

So that's sort of where we were -- how we saw it, as a potential opportunity to get better eyes at the locale that might have been really important.

Q Have you -- and this will be the last question, and then we'll hand it over to the minority.

Have you followed NIH's compliance efforts with EcoHealth since the beginning of the pandemic?

A Not really, no.

Q Okay.

A I catch a bit on the popular press, and I'm not sure what to make of it.

Mr. Benzine. All right. Thank you.

We can go off the record.

[Discussion off the record.]

[11:47 a.m.]

[redacted]. We can go back on the record.

EXAMINATION

BY [redacted]:

Q Hi, Dr. Gimlett. My name is [redacted]. I'm a minority counsel for the subcommittee. Thank you for your voluntary participation in today's interview.

I'd just like to ask you a couple questions about something that came up in the previous round. If we could go back to majority exhibit 1 and the last page there.

You were asked about a potential inconsistency between the DEFUSE proposal and what Dr. Daszak is proposing in a comment bubble of -- draft of that proposal.

Do you recall talking about this comment bubble in the previous round? It's the last one.

A You mean at the abstract phase or --

Q -- been unclear what this actually document is.

A I'm not sure either. This looks like a draft that we would never have seen, obviously, and so the conversation wouldn't have come up.

Q Oh, I mean, in the previous round, do you recall talking about it?

A Oh, I do, yes, yes.

Q Okay. Great.

A With the question, yes, I do.

Q Okay. So, in that bubble, it looks like Dr. Daszak referenced work that could be done at Wuhan once EcoHealth wins the proposal. And, if we could just read the last sentence of that comment bubble. Daszak says, "Once we get the funds, we can then allocate who does what exact work, and I believe that a lot of these assays can be done in

Wuhan as well."

Is that also what you read there?

A That's what I read there, yes.

Q It might be helpful to look at the final proposal for DEFUSE, and that will be minority exhibit A.

[redacted]. Sorry, Mitch. We didn't have our usual 10.

Mr. Benzine. Oh, no. You're okay. It's a lot of paper.

[Gimlett Minority Exhibit A was marked for identification.]

BY [redacted]:

Q If we could just turn to page 10. And if I could direct your attention to a section titled "Experimental Assays of SARS-related CoV QS Jump Potential."

A Yes.

Q Are you there? And, if we can go down into that paragraph, about midway through there is a sentence that begins with "We will conduct in vitro pseudovirus binding assays."

A I see it, yes.

Q Okay. I'll just read it. "We will conduct in vitro pseudovirus binding assays using established techniques and live virus binding assays at WIV to prevent delays and unnecessary dissemination of biocultures." I'll just stop there.

We're not scientists, and sometimes it's unclear to us what certain sentences mean, but based on your recollection and sitting here now reading this sentence, do you have a sense of whether Dr. Daszak's comment bubble is actually inconsistent with the final proposal?

A Yeah. The word "assays" is a funny one. So, if assays refers to doing deep

sequencing of virus found in bats, then I don't think it's inconsistent. It's just that the comment was attached sort of in the sentence about reverse engineering spike protein. So I -- I made that leap, but it may not be legitimately -- if they're talking about assays meaning doing sequence analysis, then I think the two are not inconsistent.

Q Okay. Thank you.

BY [redacted]:

Q Dr. Gimlett, I just had a few questions which follow up on things we talked about in the previous round. There was a discussion about some formal gain-of-function-related policies, right? There was the moratorium in effect 2014, and 2017 there's the P3CO framework that has all sorts of terms of art.

I think, as a listener -- but I just kind of wanted to clarify -- it sounded like you were saying, okay, the work that was being discussed in the DEFUSE proposal may not really have fit one of these formal policies. It's more of a gray area.

That didn't mean that there didn't need to be a safety plan for it given the nature of the work, but I think the vibe sounded like you're not saying that it fit one of those policies per se?

A No. I would agree that, if you interpret those policies as they're written, this doesn't map to those. But I still did not like -- I didn't like the response, nevertheless, because we were pretty explicit. Tell us, no matter what virus you're doing research on, if -- what your communication and safety plan are if it, sort of, starts encroaching on something that could be potentially dangerous.

Q Makes sense. There was a comment -- and I just didn't quite catch the context, so it's just for me, about wild-type or naturally occurring viruses not being included or not being covered.

It might have been in the context of P3CO; if you recall the comment and what

exactly it was referring to.

A Yeah. So, as I recall, P3CO did -- specifically ruled out nonhuman viruses. So it was like it's perfectly okay to do research on wild-type virus, "wild-type" meaning extracted from wild animal reservoir that hadn't spilled over.

So that's -- that was -- that's sort of how I read P3CO. I mean, we did a lot of research before we put out the BAA to understand what all the regulations were, what we could use as a requirement. And then, if that was too narrow a definition, how to expand it within the limits of what were -- what DARPA is allowed to do in terms of regulation. That's why we required a communication plan in the BAA.

Q And so wild type or naturally occurring in that sense was being thought of a little bit as synonymous with not a human pathogen?

A Yeah. That's -- that's how I interpreted P3CO was written at the time. But, I mean, it was either -- it was -- it was like in 2016 or something.

Q You talked a little bit about the aspects of the DEFUSE proposal that involved reverse engineering, spike proteins, and work with chimeric viruses in the lab, furin cleavage site, and -- and not being totally clear on what the connection was, whether there was enough of a connection between that proposal -- that aspect of the proposal and the underlying goal of this whole enterprise, which was to identify risk of natural spillover.

Could you tease that out for us a little bit? Because I think the proposer in this case would say, "Well, there is a link. I'm going to take these spike proteins; I'm going to check it out in the lab and see which one of them is most able to attach to human ACE-2, and that will give me a sense of which of these family of viruses, of which there are many viruses in the family, I will then know which ones are the risks, and that will enable me to go pick out the hotspots" -- it's probably what this person would say. I'm curious your

point of view on that linkage.

A Yeah. And I -- that would have been a legitimate linkage, perhaps, if it had been articulated in that way. It was, basically, "We're going to do a lot of engineering of these viruses, sort of -- our own sort of engineered recombinants of spike protein plus backbone to see which are infectious in culture or in a humanized mouse model and whatever."

But it wasn't -- it wasn't articulated why -- why did you need to do that -- your own recombinant, sort of, human engineering of that. If you already found that spike protein as part of the quasi-species, why not use that sequence that you found if you had it. Why -- so, I mean, for -- let me just say, I'm not a coronavirus expert, so -- but I wanted to see a clear justification what -- how does that data inform us as to the -- the risk of a spillover.

And there might have been perfectly legitimate reasons, but it wasn't articulated in the proposal. It was just, "We're going to do all this work," and it's very costly work, potentially encountering gain-of-function, and it doesn't tell me necessarily, okay, that component or the family could have already infected human cells, and there might be a risk, but you didn't have to increase the risk.

Q And I think -- but I'm just checking -- halfway through that thought, I think you had said something like, well, why don't you just use -- I think, were you referring to the full-length -- like if you have a novel SARS-like coronavirus and Dr. Daszak wants to take the spike off of it and put it on the backbone of some other novel SARS-like coronavirus, am I hearing that the thought is, well, why don't you just use the full-length original virus?

A Yeah. That would --

Q Which is wild type naturally occurring --

A So, if you're doing sequencing and you're kind of figuring out, okay, there's -- there's a whole bunch of different mutations that exist in this single bat sample, and some of those mutations already have a spike protein that can attach to human cells, okay, maybe isolate on those.

You didn't have to necessarily engineer something that's even more optimal. I mean, that's part of the natural spillover question I'm trying to get at is, is there -- are there already viral mutations existing that have the potential to spill over? Once they do, they would naturally amplify themselves. And what's the likelihood of that occurring?

So that's sort of a different question than saying, "Okay, if I've got a bunch of different viruses, and I wait long enough, can they recombinantly form a combination that now is super-infectious to human cells?"

Q And you said you're not a coronavirus expert. I barely made it through science class. So you're a little bit ahead of me. So this is not me pressing for any reason other than trying to understand.

Is it -- is it that, okay, if you have 50 different novel SARS-like coronaviruses and you know that one or two of them or at least their spike proteins are capable of attaching to human ACE-2, why not just focus on that instead of taking the other 48 and mixing and matching? Is that what you're saying, or is it something more nuanced than that?

A I mean, that's basically what I'm -- I mean, what I'm going through, as I read this, you need -- if you're going to do a lot of engineering, sort of, in terms of viral sequences, what -- what's the ultimate output of that, and how does that feed back into the model that we were asking for originally?

And that all might be extremely useful for vaccine development or for other purposes, but was it addressing the concerns of PREEMPT, which is more, can this virus naturally spill over? Is it already capable? Because it does have some mutations existing

that can attach to human cells and enter human cells or pig cells or whatever animal they might jump over into as an intermediary.

So those were the questions in my mind. And I'm not -- I'm not saying there's no valid reason. I'm just saying, if you're going to do a lot of work, tell us exactly the justification for that work. And I didn't see that in the proposal, and that was part of why we rejected it.

Q Got it. And a related question and one that we've grappled with sometimes is, at this point in time, before the emergence of SARS-CoV-2, when -- when you think about this family of SARS-like viruses, and it seems like the known universe at this point was SARS-1 and all its implications, and then the -- the gradual discovery of these other SARS-like novel bat coronaviruses, and some knowledge in the literature that maybe -- maybe at least one of those novel viruses could attach to human airway cells in the lab or could replicate in human airway cells and could attach to human receptors in the lab, but not a lot else was known, I think.

When you look at that landscape back then as opposed to now -- it's a different world now -- would one or you individually have looked at that and said, "Okay, that's enough to add up to major concern, a major risk of human spillover, could be tomorrow; I mean, it's imminent, it's coming"? Or is it more of, "Okay, I mean, we have SARS-1 and we might know that there's the lab experiment showing an attachment to human ACE-2, but that in and of itself doesn't tell us all that much, and I'm not really that concerned"? Or is it somewhere in the middle on that scale?

Because different people, I think, have framed it differently for us at different times, and it's hard for us to see through the fog sometimes.

A Yeah. That's -- I mean, all spillover is an unlikely event. So you're trying to gauge -- unlikely in some context. SARS-1 was already a pretty bad spillover event. There

was this other SADS, which I believe -- because I know Peter talked about it, which was already another spillover into pigs, and it resulted in some hundred thousand piglets being slaughtered. So that was a pretty bad event.

In my mind, this is just another -- this is sort of a bat cave, sort of an incubation factory for all kinds of viral genomes, and -- it's not just coronavirus, too. In some cases, the same bats can harbor multiple viruses at the same time.

So it was certainly an area of concern. It was an area that I would have liked to have a program that was collecting coronavirus bat samples and understood more about what the genome was, what the, sort of, whole spectrum of viral quasi-species in the bat was, how different it was bat to bat.

And so, to answer your question, it was certainly a concern of mine even at the time. But there -- I mean, there was other viruses of concern as well, and ultimately we said, "Well, this proposal didn't quite meet our needs, and we'll look at some of those other bat viruses or other viruses."

Q One last question, I think. In the previous round, there was plenty of discussion about the comment bubble, the other comment bubble, your perception of the applicant in the application process, and I think you used the phrase for that point in time "honest broker" or "I saw him as an honest broker." And then I think the question is, well, what about now, now that you looked into this stuff? And I think you used the word "disappointed."

It might be a little bit of semantics, but I'm wondering if, for you, the phrase "honest broker" would still apply as far as your perception goes?

A Well, I don't like to be harsh to the performer community, which DARPA relies on. In this case, so -- I mean, if you go back here, as you pointed out, he is acknowledging that assays could be done in Wuhan. And I would have been okay with

that, and that looks like that's being honestly presented here.

You haven't told me other information that would say, well, they were going to do other things besides just those sequencing assays. That would have been very disappointing. Maybe I take back -- I'll walk back "disappointing" if it -- if the question was, is he trying to hedge how much assay work will be done in China, here it looks like there is some being done. China was costed out at some level, which I don't remember, but -- so none of that seems that untoward.

[redacted] Okay. I think that's all we have. We can go off the record.

[Recess.]

Mr. Benzine. Back on the record.

BY MR. BENZINE:

Q I have just kind of one curiosity question, and then we'll get back to the DEFUSE.

The talk of the P3CO and naturally occurring, like nonhuman viruses, didn't, by the letter of the law, apply but you kind of wanted to see -- kind of hedge a little bit and have a -- have a safety plan if it got close to the letter of the law. Is that a fair characterization?

A That's a good characterization.

Q The proposal here of taking a naturally occurring backbone, swapping in a naturally occurring spike protein to make a now unnaturally occurring virus, what's the -- what's the line of demarcation on when it's no longer natural even if all of its -- all of its parts are natural?

A Yeah. That's highly subject to interpretation because these regulations weren't spelled out very explicitly or in much detail.

My interpretation would be, if you're not introducing new information that wasn't part of the -- the existing viral genome, then probably still applies that this is -- this is

something that could have easily come out of a naturally occurring reservoir and would not fall under the P3CO, for example.

Q Okay. So, to kind of -- as long as all the parts are natural and there's the possibility that it exists somewhere in a reservoir, I mean, it's still kind of a naturally occurring virus, in your perspective?

A Yeah, in my perspective. My colleagues might have disagreed with me at the time, and we did call it out as potential gain-of-function.

Q Uh-huh.

A So I think I'm -- I'm a little less concerned about the literal interpretation of that gain-of-function as in -- in the spirit, which is, I need to see a safety plan. I don't care how natural or unnatural this combination is.

Q Yeah. And the safety plan -- you've mentioned a communications plan which kind of goes back to, like, the Ron Fouchier ferret experiments, there was concern about reporting these that they could be used by adversary or nonstate actor or state actor to make a building block for a bioweapon.

So there's kind of the communications plan and then the actual biosafety plan where you -- did you want both?

A I wanted both.

Q Okay. I'll introduce majority exhibit 3 and have some preliminary questions about this before getting into the specifics. At least on its face, it appears to be the denial letter to EcoHealth under PREEMPT. It has your signature block that is not signed.

So, just an initial question of, is this a letter that you would have typed out?

A Yep. That -- that looks like the letter I wrote.

Q Was it formally sent to EcoHealth, or was it more communicated verbally?

A No, it would have been formally sent.

[redacted]. I'm sorry.

Mr. Gimlett. I'm sorry. It was formally sent.

[redacted]. To EcoHealth?

Mr. Gimlett. To EcoHealth. Or whoever the submitter was, the process would be that they're -- they're the ones who get the letter back.

BY MR. BENZINE:

Q And I think the PI on this one was actually Dr. Daszak, if that --

A Yeah, that sounds right.

Q It mentions -- it goes through kind of, like, a summary of the proposal, mentions what you've said here today; it was selectable but not recommended for funding.

The beginning of the bottom paragraph on the first page says, "Two of three reviewers marked this proposal as selectable." So I guess a process question, it got 67 percent, and then -- well, maybe, if you were the fourth, it got 50 percent.

Is it common -- I guess, what's the process of determining, you know, two of the three reviewers marked it as selectable, but the final determination was not to fund it?

A Yeah. So there's two pieces to that question. One is, sort of, the internal process, which is marking something as selectable but not recommended gives the remaining reviewers, the office leadership, DARPA, the ability to overrule me. "Okay. We want -- we want to see what the bat genome samples look like, fund this piece." So that gives them some additional options, which is why we might go ahead and mark it selectable even though we didn't recommend it for funding.

In terms of communicating that to the performer community, this is also sort of standard procedure, which is they may not have met the needs of this program; you don't want them discouraging from ever proposing to DARPA again, so you try to frame a letter

in a positive way. So --

Q And, in that paragraph, you go through some of the strengths, which include experienced team in a hotspot like southern China, the experimental in vivo and in vitro work. But then also talk about some of the weaknesses. And, in there, you include lack of detail regarding data, statistical analysis, model development, clear decision points.

And then the last paragraph discusses what we've been talking about, that you assessed a potential risk of gain-of-function research and dual-use research of concern. And, given that their approach potentially involved that type of research, if selected for funding, that they would need to submit a DURC mitigation plan and incorporate it into the contracting language, a reasonable communications plan.

I think there was also some -- some language that parts could be fundable even though it wasn't selected. Did DARPA ever fund pieces of DEFUSE?

A Not to my knowledge, no.

Q Dr. Daszak testified that the reason that this was not funded was strictly because there was not enough money. This seems to go further than just it's an expensive proposal.

I guess -- and the letter is in your own words, but sitting here today, what do you recall as the primary drivers to deny funding?

A I would say three major things, which we've kind of talked about all of them.

One, no regulatory or ELSI discussion.

Two, no, sort of, justification for collect -- of basically, acquiring a whole set of data based on, sort of, genetic manipulation of the virus, how that data would then inform a model, for example. So the model development which we've talked about in the letter.

And then, three, didn't address -- or basically just denied that they had to address

gain-of-function because it didn't fall under any of the regulatory requirements.

So those three were key reasons in my mind.

Q Dr. Daszak also testified -- and this is a quote -- "In no instance did they" -- being DARPA -- "suggest that the reason for turning down was because of safety issues."

It sounds like he might be parsing words a little bit, but he didn't specifically say the safety issues.

A I guess we didn't call out safety, but calling out gain-of-function and dual-use research concern definitely is hitting on that.

Q Yeah. So was kind of the lack of safety proposal both in communications of the results and in the actual research a reason for denial?

A It was. I mean, so safety kind of hits on two different levels. One is safety in terms of how the samples are acquired or how and where the research is done, and that seemed to be addressed in the proposal. But it also requires what happens if, during these kinds of assaying and manipulation tests, you all of a sudden stumble on something that's highly infectious, how are we going to, sort of, reanalyze whether we proceed with this research or not. And that was the safety piece that was missing.

Q So the actual, like, "Oh, no, we found something that was more transmissible or more lethal, what do we do next," was the safety -- was the biosafety --

A Yeah. So, in my mind, regardless of whether that falls strictly under gain-of-function, the virus has potentially gained some function that could be hazardous, and we needed -- we need to reassess whether to proceed with research or put it in a different safety level or something.

Q And, prior to the denial, did you request that they add a safety plan to their proposal?

A No. I'm pretty certain that we would have stressed that at the abstract phase of, sort of, feedback that that would have been part of the proposal, and they need to address both dual use -- this was something that we used with everybody. We need a good dual-use research plan and a communication plan, and we need to address the regulatory analyses. So those would have been part of any initial feedback.

But then there's no further opportunity for feedback once a proposal is submitted.

Q But, at the abstract phase, they hadn't told you that they were going to do the reverse engineering work?

A They had not, no. But that's still -- as we called out in the BAA, any time you're kind of trying to analyze viral sequences and potentially putting them in cell cultures or in other animal models, there's -- I don't want a recurrence of, like, what happened with the Avian influenza research where genomes would get published and misused.

So that was part of it, and that would have been part of the feedback at that time regardless of whether they're doing sort of engineering of the viral sequence.

Q And you just said -- I forgot the exact word -- but that Dr. Daszak kind of denied that he needed to have this gain-of-function plan because it didn't fall under the black letter of P3CO? Can you --

A Yeah. I'm not remembering --

Q -- get into that a little bit more?

A Well, I'm remembering that was something that hit me when I read the proposal the first time or twice, basically, flat out saying gain-of-function -- "the work we're doing does not hit upon gain of function, so we don't need a gain-of-function plan" or -- I don't know where that is now, but I'm pretty sure I remember reading it because it hit me as, okay, yes, I agree; that's the narrow interpretation of gain of function. But I still

wanted a plan, and I asked for it in the BAA, and he didn't give it to me.

Q Uh-huh. Did you -- after the denial was communicated to Dr. Daszak, did you have kind of a -- did you have an exit conference with him or any communications after that?

A So part of -- part of the, sort of, end game of the selection process is that we give performers who got rejected the opportunity to have a -- like, a 10-minute phone call with me and, again, with the contracts offices saying -- basically, telling them why they didn't get accepted and what to do better next time.

Q During that call, did you bring up the lack of safety plan?

A So I don't recall the specific conversation. I had this kind of conversation with everybody who accepted the invitation to have oral feedback, but the process was always the same, which is kind of going through the high points of the -- the rejection letter. So it would have certainly come up.

Q And we've kind of touched on this, but I'm going to ask it a little bit more bluntly.

Did the lack of a gain-of-function or DURC plan affect the decision to reject the proposal?

A Yes, it did.

Q That's all I have generally on this. I have a few, kind of, overarching questions of after this and specifically after the pandemic started, and they touch on the intelligence community. Don't -- we're in a conference room. We're not in a SCIF. So don't say anything classified. And it's yes/no answers. So, if it's -- it doesn't get into the conversations that you had with anybody, if you did.

So, generally since 2020, the intelligence community has been investigating the origins of COVID-19. It's resulted in a number of reports and a number of directives. Are

you generally aware of those occurring?

A Yes. I read in the popular press that several agencies made some conclusions or nonconclusions, and they weren't all in agreement.

Q At any point since 2020 have you been contacted by anyone in the intelligence community to assist in that review?

A Not to assist in that review, no.

Q Have you been contacted by anyone regarding the DEFUSE proposal?

A Yes, I have.

Q Do you recall the agencies?

A I do.

Q Which ones were they?

A Just one. FBI.

Q And this isn't a trick or a trap question. But, to the extent that you recall what you told the FBI, is it consistent with what you told us today?

A Yes, it is.

Q All right. Thank you.

Mr. Benzine. We can go off the record.

[redacted]. We can go back on the record.

BY [redacted]:

Q Dr. Gimlett, one narrow question. I know that you were not as focused on the formal definition in P3CO, but we have been. So just a clarification on P3CO.

It's not only a question of whether this is a human or wild-type virus, even -- that just is a threshold question about whether or not you're even possibly in the P3CO world. But, even if you are a human virus, there's then all sorts of additional language in there about, to be a PPP, you have to be likely highly virulent and likely wild and uncontrollable

spread. I mean, the bar gets fairly high. That's also your understanding?

A Yes.

Q All right. I'm going to take one more swing at a science question. Forgive me if it gets messy.

A That's fine.

Q Could you help me understand a little bit why what EcoHealth was -- EcoHealth was proposing to do -- so reverse engineering novel spike proteins, putting them on other SARS-like backbones -- would, in and of itself, seem to pose a greater risk than testing the ability of, I guess, full-length novel SARS-like viruses to infect human cells?

Like, taking a component of one naturally occurring virus, putting it on a component of some other naturally occurring virus, without knowing more, I would think perhaps the odds of any single naturally occurring virus, like posing a problem in the first place, are similarly low. So I guess, is it just double the risk by involving two of them?

A No. It's not that simple.

Q Okay.

A I mean, basically, spillover is unlikely, but it's -- it's unlikely, but the virus has many shots on goal to -- to figure out some combination that works. And the virus can -- it can insert genomic segments. It can delete them. It can mutate different pieces. It does that a lot in the spike protein region. It can even do, sort of, recombinant mixing and matching of segments as long as both of them happen to be in that cell that's amplifying the virus.

So, I mean, whether that's more likely or not to produce something that's highly transmissive or virulent, I couldn't say. I mean, it doesn't necessarily have to be increasing the risk. It's still a risk regardless of what you're doing, and it's still I want a

clear communications plan, which was part of the process, even if they hadn't been, sort of, mixing it or finding the optimum spike protein to put on a backbone. It's a risk either way.

I mean, you could argue that the virus is going to figure out on its own. If it already has a spike protein that can enter a cell, it may enter that cell, that part of the genome will then amplify, and it's on its own without any help.

So that could have been -- I mean, that could have been an equally likely scenario. I can't judge quite the likelihood of those two events.

Q And so would it have been, perhaps, a somewhat similar thought or reaction if the proposal had been, "Okay, we've got a hundred novel SARS-like bat coronaviruses, and we're just going to start testing them in human cells one by one"?

A So, if they had proposed that, I would have preferred it for two reasons. One, okay, now you're not doing a whole bunch of additional engineering work at pretty large cost that I'm still not clear is -- is answering the question at hand and just testing a whole bunch of different bat genome might have answered the question in a better way. So that would be one thought.

And then second would be, even if they didn't, I still want to see that -- some kind of safety and communications plan if you -- if one of those natural sequences, even nonengineered, turns out to be highly virulent or transmissive, we need to -- DARPA needs to know about it right away, and then we have to reassess even what to do next in this line of research.

Q This is such a minor point. But I feel like I've heard somewhere from somebody that, "Oh, it's cheaper to just have one backbone and -- then use that and put all the other spikes on that one backbone."

It sounds like your thought would perhaps be the opposite, which is that's going to

end up costing more?

A Well, I mean, so an expert in that field might actually say, "It's very hard to passage this virus just -- I mean, there might not be enough of that one component that has the right receptor on it in the spike protein to amplify, and this thing is just going to be dead on arrival and I can't culture it." So that could have been behind their rationale.

But, if it was, they need to articulate it at least. So I understand, "Okay, that's why you're doing it, and maybe that is a cheaper way to go." It wasn't part of the story. So, in my mind, it would have been, seems like, a lot of extra work.

Engineering is kind of a funny business because you don't know whether you're making a more fit virus or a less fit virus, and virus figures that out pretty naturally by itself. And you might be wasting a lot of time finding combinations that just don't work.

[redacted]. Thank you. That's all I have. We can go off the record.

[Whereupon, at 12:29 p.m., the interview was concluded.]

Certificate of Deponent/Interviewee

I have read the foregoing ____ pages, which contain the correct transcript of the answers made by me to the questions therein recorded.

_____

Witness Name

_____

Date