

CATHY McMORRIS RODGERS, WASHINGTON
CHAIR

FRANK PALLONE, JR., NEW JERSEY
RANKING MEMBER

ONE HUNDRED EIGHTEENTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON ENERGY AND COMMERCE

2125 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6115

Majority (202) 225-3641

Minority (202) 225-2927

October 20, 2023

Lawrence A. Tabak, D.D.S., PhD.
Acting Director
National Institutes of Health
9000 Rockville Pike
Bethesda, MD 20892

Dr. Tabak,

Pursuant to Rules X and XI of the U.S. House of Representatives and following up on our March 30, 2023, oversight letter, we request documents related to research involving possible mpox virus enhancement considered, planned and/or conducted at the National Institute of Allergy and Infectious Diseases (NIAID). The National Institutes of Health (NIH) project number that includes this research work appears to be *Poxvirus Host Interactions, pathogenesis and immunity*, 1ZIAAI000979.¹ The Principal Investigator of this project is Dr. Bernard Moss of NIAID.

We note in response to our recent correspondence that the Department of Health and Human Services (HHS) provided some written responses and convened a bipartisan staff briefing on September 21, 2023, that included Dr. Moss. However, the written responses did not directly address the specific questions in our March 30, 2023, letter. The in-person briefing at the NIH is appreciated and was agreed to as an accommodation from the Committee, but Majority committee staff was limited to 20 minutes of questioning. Some questions were addressed in part at the briefing. However, this level of engagement and accountability is not sufficient to address our legitimate oversight interests into understanding the risks and benefits of mpox gene transfer experiments and the nature of the oversight and internal review of such research. So far, no requested documents have been produced.

¹ <https://reporter.nih.gov/search/Dm7t3Wqn0k-MLTGNZf3t2g/project-details/10482754>. The specific experiments to transfer genes from clade 2 monkeypox to clade-1 monkeypox virus are not mentioned in the abstract, being one of many specific experiments being performed in a large project with a 30-line project summary.

The Committee has a right to these documents to carry out its oversight responsibilities, and we believe that these documents will aid the Committee's understanding of the issues we are examining. In the spirit of accommodation, the Committee narrows the scope of its document requests and makes a supplemental request to help clarify how Dr. Moss and the NIH understood the nature of his discussion about gene-transfer research from the more lethal Clade I mpox and the Clade IIa mpox (and possibly Clade IIb mpox).

To assist the Committee's oversight, please produce the following by October 31, 2023:

1. All proposals and progress reports discussing the mpox gene transfer experiments.
2. All documents related to the consideration of any mpox gene transfer research.
3. All documents related to the reviews of the mpox gene transfer research by the Institutional Biosafety Committee.
4. All documents related to Federal Select Agent inspections related to the Moss laboratory's possession of Clade 1 mpox viruses.
5. All documents related to the *Science* magazine articles published on September 15, 2022,² and October 19, 2022,³ including communications between NIH and American Association for the Advancement of Science (AAAS) or *Science* magazine.
6. A copy of the document used by Dr. Tabak in response to a question on mpox research at the hearing on February 8, 2023, held jointly by the Subcommittee on Health and the Subcommittee on Oversight and Investigations.

Given the lack of response to previous document requests related to the mpox research in question, if the NIH does not produce the requested documents by October 31, 2023, it will be necessary to issue a subpoena for documents since the Committee has a right to obtain these materials to aid in its legislative activities. An attachment to this letter provides additional instructions for responding to the Committee's request.

If you have questions about this correspondence, please contact the Majority Committee Staff at (202) 225-3641.

Sincerely,



Cathy McMorris Rodgers
Chair
Committee on Energy and
Commerce



H. Morgan Griffith
Chair
Subcommittee on Oversight and
Investigations

² Kai Kupferschmidt, "Moving Target," *Science* (September 15, 2022).

³ Jocelyn Kaiser, "Making Trouble," *Science* (October 19, 2022).

A handwritten signature in blue ink that reads "Brett Guthrie". The signature is written in a cursive style with a horizontal line underneath it.

Brett Guthrie
Chair
Subcommittee on Health

Attachment

CC: Frank Pallone Jr., Ranking Member, Energy and Commerce Committee
Anna Eshoo, Ranking Member, Subcommittee on Health
Kathy Castor, Ranking Member, Subcommittee on Oversight and Investigations