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ONE HUNDRED EIGHTEENTH CONGRESS

# Congress of the United States

## House of Representatives

### COMMITTEE ON ENERGY AND COMMERCE

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WASHINGTON, DC 20515-6115

Majority (202) 225-3641

Minority (202) 225-2927

February 9, 2024

The Honorable Gene Dodaro  
Comptroller General  
U.S. Government Accountability Office  
441 G Street, NW  
Washington, DC 20548

Dear Mr. Dodaro:

We write to request that the Government Accountability Office (GAO) examine the adequacy of oversight and controls related to sales of used laboratory equipment and protective clothing items that could increase biosecurity risks.

In 2023, GAO reported that a number of incidents over the past 10 years have led to questions about the nature and adequacy of U.S. government oversight of pathogens with pandemic potential.<sup>1</sup> Moreover, these lapses have furthered concerns about the potential for a biological weapons attack. In recent years, increases in the accessibility of scientific findings and dual-use biological laboratory equipment—such as used fermenters, centrifuges, and other equipment—could increase the likelihood of such an attack. The availability of both biological laboratory equipment and protective clothing on the commercial market provides access to materials needed to conduct legitimate scientific research, but also increases the chances this equipment could be used for malicious purposes, such as biological terrorism or warfare.<sup>2</sup> Furthermore, the existence of a resale market for this type of equipment and clothing at reduced cost means terrorists have the potential for even greater access to the supplies needed to create biological weapons.

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<sup>1</sup>Government Accountability Office, PUBLIC HEALTH PREPAREDNESS: HHS COULD IMPROVE OVERSIGHT OF RESEARCH INVOLVING ENHANCED POTENTIAL PANDEMIC PATHOGENS, GAO-23-105455 (January 2023), <https://www.gao.gov/assets/gao-23-105455.pdf>

<sup>2</sup> National Research Council Committee on a New Government-University Partnership for Science and Security, SCIENCE AND SECURITY IN A POST 9/11 WORLD: A REPORT BASED ON REGIONAL DISCUSSIONS BETWEEN THE SCIENCE AND SECURITY COMMUNITIES (National Academies Press, 2007). <https://www.ncbi.nlm.nih.gov/books/NBK11499/> doi: 10.17226/12013

In 2004, GAO reported that many items needed to establish a laboratory for making biological warfare agents were being sold on the internet from the Department of Defense's (DOD) excess property inventory for pennies on the dollar, making them both easy and economical to obtain.<sup>3</sup> Although production of biological warfare agents requires a high degree of expertise, public sales of these DOD excess items increased the risk that terrorists could obtain and use them to produce and deliver biological agents within the U.S.

Government agencies, private companies, and individuals can sell used laboratory equipment and protective clothing over the internet, including popular auction sites such as eBay, ostensibly for use within the U.S. These items—both new and used—can also be exported for use outside the U.S. and then, can be resold or even exported to other countries.

To understand the extent to which these items are resold or exported and the controls in place to limit the risk they are used to create biological weapons both within and outside the U.S., we request that GAO review the following:

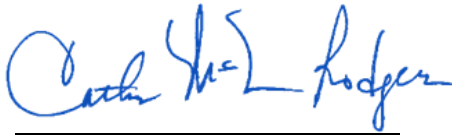
1. To what extent do federal agencies—in particular, the Department of Health and Human Services and U.S. Department of Agriculture, which oversee the possession, use, and transfer of select agents posing a threat to public, animal or plant health—sell used dual-use biological laboratory equipment and protective clothing?
2. To what extent have the federal agencies that sell used dual-use biological laboratory equipment and protective clothing performed risk and vulnerability assessments to determine the appropriate controls needed to mitigate the risk of public sales and exports?
3. What federal regulations, guidance, policies and/or procedures exist that outline actions to address the risk of public sales and exports of these items from federal, state, or private laboratories?
4. How do federal agencies oversee the sales of used dual-use biological equipment and track further sales to their final disposal within the U.S.?
5. How do federal agencies oversee exports of used dual-use biological equipment to other countries and track further sales to their final disposal?
6. To the extent federal oversight of such sales and exports exists, what challenges, if any, have federal agencies faced in overseeing these sales and exports, including subsequent re-sales or re-exports?

If you have any questions, please contact Majority Committee staff at (202) 225-3641. Thank you for your attention to this request.

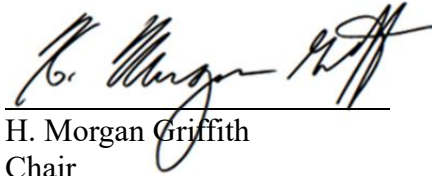
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<sup>3</sup> Government Accountability Office, DOD EXCESS PROPERTY: RISK ASSESSMENT NEEDED ON PUBLIC SALES OF EQUIPMENT THAT COULD BE USED TO MAKE BIOLOGICAL AGENTS, GAO-04-15NI (December 2003), <https://www.gao.gov/products/gao-04-15ni>

Sincerely,



Cathy McMorris Rodgers  
Chair  
Committee on Energy and  
Commerce



H. Morgan Griffith  
Chair  
Subcommittee on Oversight and  
Investigations



Brett Guthrie  
Chair  
Subcommittee on Health

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