

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

	)	
HERITAGE FOUNDATION	)	
214 Massachusetts Ave. N.E.	)	
Washington, D.C. 20002	)	
	)	
MIKE HOWELL	)	
214 Massachusetts Ave. N.E.	)	
Washington, D.C. 20002	)	
	)	
<i>Plaintiffs,</i>	)	
	)	
v.	)	
	)	
CENTRAL INTELLIGENCE AGENCY	)	
Office of General Counsel	)	
Washington, D.C. 20505	)	
	)	
<i>Defendant.</i>	)	
	)	

Case No. 23-cv-3810

**COMPLAINT AND PRAYER FOR DECLARATORY AND INJUNCTIVE RELIEF**

Plaintiffs THE HERITAGE FOUNDATION and MIKE HOWELL (collectively “Plaintiffs”) for their complaint against Defendant CENTRAL INTELLIGENCE AGENCY (“CIA”) allege on knowledge as to Plaintiffs, and on information and belief as to all other matters, as follows:

1. This is an action under the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, to compel production of CIA records relating to allegations that members of the CIA’s COVID Discovery Team, a group of employees tasked with analyzing the origins of the COVID-19 pandemic, received monetary incentives to change their position on the origins of the virus.

2. The COVID-19 global pandemic killed over 1.14 million Americans and upended many aspects of American life. The origins of the virus remain unknown. There are two leading

plausible hypotheses on the virus's origins in humans: (1) natural, zoonic transmission of the virus from animals to humans; and (2) a laboratory-associated incident. The Intelligence Community ("IC") is divided on the origins of COVID-19. Office of the Director of National Intelligence, *Declassified Assessment on COVID-19 Origins* (Oct. 29, 2021) ("ODNI COVID Origins Assessment") (Ex. 1) (summarizing that four IC elements and the National Intelligence Council believe SARS-CoV-2 infected humans as a result of a zoonic transmission, one IC element assesses with moderate confidence that the virus' jump to humans was likely the result of a laboratory-associated incident, and three IC elements were unable coalesce around either explanation without additional information). The ODNI COVID Origins Assessment did not identify which IC element ascribed to a particular origins hypothesis.

3. The House Select Subcommittee on the Coronavirus Pandemic ("COVID 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" and "Executive Branch policies, deliberations, decisions, activities, and internal and external communications related to the coronavirus pandemic." H. Res. 5, 118th Cong. On September 12, 2023, COVID Select Subcommittee Chairman Brad Wenstrup and Rep. Mike Turner, Chairman of the House Permanent Select Committee on Intelligence, wrote a letter to CIA Director William Burns requesting documents and information related to alarming allegations brought to their attention by a whistleblower about the CIA's assessment of the origins of COVID-19. Letter from Chairmen Brad Wenstrup and Mike Turner to William Burns, Director, Central Intelligence Agency (Sept. 12, 2023) ("House Letter") (Ex. 2). The letter noted in relevant part:

A multi-decade, senior-level, current Agency officer has come forward to provide information to the Committees regarding the Agency's analysis into the origins of

COVID-19. According to the whistleblower, the Agency assigned seven officers to a COVID Discovery Team (Team). The Team consisted of multi-disciplinary and experienced officers with significant scientific expertise. According to the whistleblower, at the end of its review, six of the seven members of the Team believed the intelligence and science were sufficient to make a low confidence assessment that COVID-19 originated from a laboratory in Wuhan, China. The seventh member of the Team, who also happened to be the most senior, was the lone officer to believe COVID-19 originated through zoonosis. The whistleblower further contends that to come to the eventual public determination of uncertainty, the other six members were given a significant monetary incentive to change their position.

*Id.* The House Letter sought a response by September 25, 2023. To date, it does not appear the CIA has provided a response to the House Letter that is publicly available.

4. On September 12, 2023, Senators Rand Paul, Lindsey Graham, Ron Johnson, and Rick Scott sent Director Burns a letter citing the same whistleblower disclosure and requesting similar documents. Letter from Sen. Rand Paul, et. al to Williams Burns, Director, Central Intelligence Agency (“Senate Letter”) (Ex. 3). The Senate Letter sought a response by September 25, 2023. To date, it does not appear the CIA has provided a response to the Senate Letter that is publicly available.

5. Plaintiffs’ FOIA Request No. F-2024-00005 (Sept. 20, 2023) (“Request” or “Plaintiffs’ FOIA Request”) (Ex. 4) specifically sought information relevant to inquiries made in the House Letter and Senate Letter that individuals within the CIA’s COVID Discovery Team received financial incentives to change their assessment on the origins of COVID-19. Request at 6.

### **PARTIES**

6. Plaintiff The Heritage Foundation is a Washington, D.C.-based nonpartisan public policy organization with a national and international reputation whose mission is to “formulate and promote public policies based on the principles of free enterprise, limited government,

individual freedom, traditional American values, and a strong national defense.” Heritage Foundation, *About Heritage*, found at <https://www.heritage.org/about-heritage/mission> (last visited Dec. 18, 2023). Heritage is a not-for-profit IRC Section 501(c)(3) organization which engages in substantial dissemination of information to the public. Heritage operates a national news outlet, *The Daily Signal*.

7. Plaintiff Mike Howell leads the Heritage Foundation’s Oversight Project and is an author for *The Daily Signal*. The Oversight Project is an initiative aimed at obtaining information via Freedom of Information Act requests and other means in order to best inform the public and Congress for the purposes of Congressional oversight. The requests and analyses of information are informed by Heritage’s deep policy expertise. By function, the Oversight Project is primarily engaged in disseminating information to the public. Oversight Project, found at <https://www.heritage.org/oversight> (last visited Dec. 18, 2023); X, found at @OversightPR (last visited Dec. 18, 2023). Staff for the Oversight Project routinely appear on television, radio, print, and other forms of media to provide expert commentary on salient issues in the national debate.

8. Defendant CIA is a federal agency of the United States within the meaning of 5 U.S.C. § 552(f)(1), whose mission “is to gather and share intelligence to protect our Nation from threats.” About CIA—Mission and Vision, found at <https://www.cia.gov/about/mission-vision/> (last visited Dec. 18, 2023).

### **JURISDICTION AND VENUE**

9. This Court has jurisdiction pursuant to both 5 U.S.C. § 552(a)(4)(B), because this action is brought in the District of Columbia, and pursuant to 28 U.S.C. § 1331, because the resolution of disputes under FOIA presents a federal question.

10. Venue is proper in this Court under 5 U.S.C. §552(a)(4)(B).

**PLAINTIFFS' FOIA REQUEST**

11. Plaintiffs submitted the FOIA Request on September 20, 2023 via FOIA.gov.

12. The Request set forth five succinct specifications for records seeking substantially similar information to that requested in the House and Senate Letters. *Id.* at 1. Specifically, the Request sought:

1. All records regarding the establishment of all iterations of the COVID Discovery Team(s);
2. All records between or among the members of all iterations of the COVID Discovery Team(s) regarding the origins of COVID-19;
3. All records between or among members of all iterations of the COVID Discovery Team(s) and other employees or contractors of the Agency regarding the origins of COVID-19;
4. All communications between or among members of all iterations of the COVID Discovery Team(s) and employees or contractors of other federal government agencies, including but not limited to the U.S. Department, the Federal Bureau of Investigation, the U.S. Department of Health and Human Services (to include the National Institutes of Health and the National Institute of Allergy and Infectious Diseases), and the U.S. Department of Energy regarding the origins of COVID-19; and
5. All documents and communications regarding the pay history, to include the awarding of any type of financial or performance-based incentive/financial bonus to members of all iterations of the COVID Discovery Team(s).

13. The Request sought a fee waiver because, as a 501(c)(3) nonprofit, Heritage Foundation does not have a commercial purpose for the information requested; instead, it analyzes the information requested in order to educate the public through social media, broadcast media (traditional and nontraditional) and press releases. The public interest element is satisfied because the whistleblower allegations brought forward by a “multi-decade, senior-level, current Agency officer” that the CIA provided “monetary incentives” for analysts to change their determination on the origins of the COVID-19 pandemic is a matter of immense public interest

and controversy and release of such records is likely to contribute significantly to the public's understanding in the operations of the CIA. *Id.* at 5

14. 32 C.F.R. § 1900.34(a) provides that expedited processing shall be approved “only when a compelling need is established to the satisfaction of the Agency”. A compelling need exists: (1) [w]hen the matter involves an imminent threat to the life or physical safety of an individual; or (2) [w]hen the request is made by a person primarily engaged in disseminating information and the information is relevant to a subject of public urgency concerning an actual or alleged Federal Government activity.” *Id.* The Request sought expedited processing pursuant to 32 C.F.R. § 1900.34(a) because Plaintiffs primary professional activity or occupation is information dissemination, and the information is relevant to a subject of public urgency concerning an actual or alleged Federal Government activity.

15. The Request attached three appendices totaling 85 pages of both the House and Senate Letters as well as news articles covering the whistleblower allegations and House and Senate Letters. Appendix A–C, *available at*

[https://thf\\_media.s3.amazonaws.com/2023/Oversite\\_Project/Appendix%20A.pdf](https://thf_media.s3.amazonaws.com/2023/Oversite_Project/Appendix%20A.pdf)

[https://thf\\_media.s3.amazonaws.com/2023/Oversite\\_Project/Appendix%20B.pdf](https://thf_media.s3.amazonaws.com/2023/Oversite_Project/Appendix%20B.pdf)

[https://thf\\_media.s3.amazonaws.com/2023/Oversite\\_Project/Appendix%20C.pdf](https://thf_media.s3.amazonaws.com/2023/Oversite_Project/Appendix%20C.pdf)

16. On December 14, 2023, CIA emailed a copy of a letter dated December 1, 2023 informing Plaintiffs:

CIA originally attempted to correspond with you regarding your request referenced above on 25 October 2023; however, our correspondence was returned to us on 20 November 2023 by the United States Postal Service as ‘not deliverable as addressed.’ Based on your provision of your updated address, we are now sending you a copy of our original correspondence.

Letter from Information and Privacy Coordinator Stephen Glenn to Mike Howell at 1 (December 14, 2023) (Ex. 5).

17. Attached to the December 14, 2023 letter was the initial response dated October 25, 2023, acknowledging Plaintiffs' FOIA Request, assigning it reference number F-2024-00005, granting Plaintiffs' request for fee waiver, and denying Plaintiffs' request of expedited processing. *Id.* at 4. The letter also noted that “[t]o check the status of your request, please visit: <http://www.cia.gov/readingroom/request/status> and input the reference number provided above or call this office at (703) 613-1287.” *Id.*

18. The hyperlink provided redirects to an unavailable webpage. (Ex. 6).

19. Under FOIA, CIA has twenty (20) business days to produce responsive documents or issue a determination communicating the scope of the documents it intends to produce and/or withhold, the reasons for any withholding, and notifying the requester that it may appeal any adverse determination.

20. Twenty business days from October 25, 2023 is November 20, 2023.

21. As of the date of this Complaint, CIA has failed to: (i) produce the requested records or demonstrate that the records are lawfully exempt from disclosure; (ii) notify Plaintiffs of the scope of any responsive records it intends to produce or withhold and the reasons for any withholdings; or (iii) inform Plaintiffs that they may appeal any adequately specific, adverse determination.

**FIRST CLAIM FOR RELIEF**  
**Violation of FOIA, 5 U.S.C. § 552**  
**Wrongful Denial of Expedited Processing**

22. Plaintiffs re-allege the foregoing paragraphs as if fully set out herein.
23. FOIA requires all doubts to be resolved in favor of disclosure. “Transparency in government operations is a priority of th[e Biden] . . . Administration.” Attorney General, *Memorandum for Heads of Executive Departments and Agencies: Freedom of Information Act Guidelines*, at 4 (Mar. 15, 2022).
24. Plaintiffs properly requested records within the possession, custody, or control of Defendant.
25. Plaintiffs properly asked that CIA expedite the processing of Plaintiffs’ FOIA Request because “the request is made by a person primarily engaged in disseminating information and the information is relevant to a subject of public urgency concerning an actual or alleged Federal Government activity.” 32 C.F.R. § 1900.34(a).
26. Defendant refused to expedite Plaintiffs’ FOIA Request, contrary to the factual and legal showing Plaintiffs made demonstrating their entitlement to expedition.
27. Defendant is in violation of FOIA.
28. Plaintiffs are being irreparably harmed by reason of Defendant’s violation of FOIA. Plaintiffs are being denied information to which they are statutorily entitled to on an expedited basis and that is important to carrying out Plaintiffs’ functions as a non-partisan research and educational institution and publisher of news. Plaintiffs will continue to be irreparably harmed unless Defendant is compelled to comply with the law.
29. Plaintiffs have no adequate remedy at law.



30. Plaintiffs are entitled to seek immediate judicial relief for CIA’s denial of expedited processing. *See* 5 U.S.C. § 552(a)(6)(E)(iii) (“Agency action to deny . . . a request for expedited processing pursuant to this subparagraph . . . shall be subject to judicial review.”); *ACLU v. DOJ*, 321 F.Supp.2d 24, 28–29 (D.D.C. 2004).

**SECOND CLAIM FOR RELIEF**

**Violation FOIA, 5 U.S.C. § 552**

**Failure to Conduct Adequate Searches for Responsive Records.**

31. Plaintiffs re-allege the foregoing paragraphs as if fully set out herein.

32. FOIA requires all doubts to be resolved in favor of disclosure. “Transparency in government operations is a priority of th[e Biden] . . . Administration.” Attorney General, *Memorandum for Heads of Executive Departments and Agencies: Freedom of Information Act Guidelines*, at 4 (Mar. 15, 2022).

33. Plaintiffs properly requested records within the possession, custody, and control of Defendant.

34. Defendant is subject to FOIA and therefore must make reasonable efforts to search for requested records.

35. Defendant has failed to promptly review agency records for the purpose of locating and collecting those records that are responsive to Plaintiffs’ FOIA Request.

36. Defendant’s failure to conduct searches for responsive records violates CIA regulations.

37. Plaintiffs have a statutory right to the information they seek.

38. Defendant is in violation of FOIA.

39. Plaintiffs are being irreparably harmed by reason of Defendant’s violation of FOIA. Plaintiffs are being denied information to which they are statutorily entitled and that is

important to carrying out Plaintiffs' functions as a non-partisan research and educational institution and publisher of news. Plaintiffs will continue to be irreparably harmed unless Defendant is compelled to comply with the law.

40. Plaintiffs have no adequate remedy at law.

41. Plaintiffs have constructively exhausted their administrative remedies.

**THIRD CLAIM FOR RELIEF**  
**Violation of FOIA, 5 U.S.C. § 552**  
**Wrongful Withholding of Non-Exempt Responsive Records**

42. Plaintiffs re-allege the foregoing paragraphs as if fully set out herein.

43. FOIA requires all doubts to be resolved in favor of disclosure. "Transparency in government operations is a priority of th[e Biden] . . . Administration." Attorney General, *Memorandum for Heads of Executive Departments and Agencies: Freedom of Information Act Guidelines*, at 4 (Mar. 15, 2022).

44. Plaintiffs properly requested records within the possession, custody, or control of Defendant.

45. Defendant is subject to FOIA, and therefore must release to a FOIA requester any non-exempt records and provide a lawful reason for withholding any records.

46. Defendant is wrongfully withholding non-exempt records requested by Heritage by failing to produce any records responsive to Plaintiffs' FOIA Request.

47. Defendant is wrongfully withholding non-exempt-agency records requested by Plaintiffs by failing to segregate exempt information in otherwise non-exempt records responsive to Plaintiffs' FOIA Request.

48. Defendant's failure to provide all non-exempt responsive records violates FOIA and DOJ regulations.

49. Plaintiffs have a statutory right to the information they seek.

50. Defendant is in violation of FOIA.

51. Plaintiffs are being irreparably harmed by reason of Defendant's violation of FOIA. Plaintiffs are being denied information to which they are statutorily entitled and that is important to carrying out Plaintiffs' functions as a non-partisan research and educational institution and publisher of news. Plaintiffs will continue to be irreparably harmed unless Defendant is compelled to comply with the law.

52. Plaintiffs have no adequate remedy at law.

53. Plaintiffs have constructively exhausted their administrative remedies.

**FOURTH CLAIM FOR RELIEF**  
**Violation of FOIA, 5 U.S.C. § 552**  
**Wrongful Denial of Fee Waiver**

54. Plaintiffs re-allege the foregoing paragraphs as if fully set out herein.

55. FOIA requires all doubts to be resolved in favor of disclosure. "Transparency in government operations is a priority of th[e Biden] . . . Administration." *Attorney General, Memorandum for Heads of Executive Departments and Agencies: Freedom of Information Act Guidelines*, at 4 (Mar. 15, 2022).

56. Plaintiffs properly requested records within the possession, custody, or control of Defendant.

57. Defendant has constructively denied Plaintiffs' application for a fee waiver pursuant to 5 U.S.C. § 552(a)(4)(A)(ii) & (iii) and 32 C.F.R. § 1900.13(b).

58. The Request does not have a commercial purpose because Heritage is a 501(c)(3) nonprofit, Howell acts in his capacity as a Heritage employee, and release of the information sought does not further Plaintiffs' commercial interest.

59. Plaintiffs are members of the news media as they “gather[] information of potential interest to a segment of the public, use[] . . . [their] editorial skills to turn the raw materials into a distinct work, and distribute[] that work to an audience” via Heritage’s major news outlet, *The Daily Signal*. 5 U.S.C. § 552(a)(4)(a)(ii).

60. Disclosure of the information sought by the Request also “is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government.” 5 U.S.C. § 552(a)(4)(A)(iii).

61. Defendant has “failed to comply with a[]time limit under paragraph (6)” as to the Request. 5 U.S.C. § 552(a)(4)(A)(viii)(I).

62. Plaintiffs have a statutory right to a fee waiver.

63. Defendant is in violation of FOIA by denying a fee waiver.

64. Plaintiffs are being irreparably harmed by reason of Defendant’s violation of FOIA. Plaintiffs are being denied a fee waiver to which they are statutorily entitled and that is important to carrying out Plaintiffs’ functions as a non-partisan research and educational institution and publisher of news. Plaintiffs will continue to be irreparably harmed unless Defendant is compelled to comply with the law.

65. Plaintiffs have no adequate remedy at law.

66. Plaintiffs have constructively exhausted their administrative remedies.

**FIFTH CLAIM FOR RELIEF**  
**Violation of FOIA, 5 U.S.C. § 552**  
**Statutory Bar Against Charging Fees**

67. Plaintiffs re-allege the foregoing paragraphs as if fully set out herein.

68. FOIA requires all doubts to be resolved in favor of disclosure. “Transparency in government operations is a priority of th[e Biden] . . . Administration.” Attorney General,

*Memorandum for Heads of Executive Departments and Agencies: Freedom of Information Act Guidelines*, at 4 (Mar. 15, 2022).

69. Plaintiffs properly requested records within the possession, custody, or control of Defendant.

70. The Request does not have a commercial purpose because Heritage is a 501(c)(3) nonprofit, Howell acts in his capacity as a Heritage employee, and release of the information sought does not further Plaintiffs' commercial interest.

71. Plaintiffs are members of the news media as they “gather[] information of potential interest to a segment of the public, use[] . . . [their] editorial skills to turn the raw materials into a distinct work, and distribute[] that work to an audience” via Heritage’s major news outlet, *The Daily Signal*. 5 U.S.C. § 552(a)(4)(a)(ii).

72. Disclosure of the information sought by the Request also “is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government.” 5 U.S.C. § 552(a)(4)(A)(iii).

73. Defendant has “failed to comply with a[]time limit under paragraph (6)” as to the Request. 5 U.S.C. § 552(a)(4)(A)(viii)(I).

74. Defendant is currently statutorily barred from charging fees related to Plaintiffs’ FOIA Request. Therefore, Plaintiffs have a statutory right to have their request processed without being charged any fees.

75. Plaintiffs are being irreparably harmed by reason of Defendant’s violation of FOIA. Plaintiffs will continue to be irreparably harmed unless Defendant is compelled to comply with the law.

76. Plaintiffs have no adequate remedy at law.

77. Plaintiffs have constructively exhausted their administrative remedies.

**WHEREFORE** as a result of the foregoing, Plaintiffs pray that this Court:

- A. Enter a preliminary and permanent injunction compelling Defendant to process Plaintiffs' FOIA Request on an expedited basis.
- B. Order Defendant to conduct a search or searches reasonably calculated to uncover all records responsive to Plaintiffs' FOIA Request;
- C. Order Defendants to produce, within twenty days of the Court's order, or by such other date as the Court deems appropriate, any and all non-exempt records responsive to Plaintiffs' FOIA Request and indexes justifying the withholding of any responsive records withheld in whole or in part under claim of exemption;
- D. Enjoin Defendants from continuing to withhold any and all non-exempt records responsive to Plaintiffs' FOIA Requests;
- E. Retain jurisdiction over this matter as appropriate;
- F. Award Plaintiffs their costs and reasonable attorneys' fees in this action as provided by 5 U.S.C. § 522(a)(4)(E); and
- G. Grant such other and further relief as this Court may deem just and proper.

Dated: December 21, 2023

Respectfully submitted,

/s/ Samuel Everett Dewey

SAMUEL EVERETT DEWEY

(No. 99979)

Chambers of Samuel Everett Dewey, LLC

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(No. 977757)  
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Telephone: (202) 617-6975  
Email: Dan.Mauler@heritage.org

*Counsel for Plaintiffs*

CIVIL COVER SHEET

JS-44 (Rev. 11/2020 DC)

<b>I. (a) PLAINTIFFS</b> The Heritage Foundation & Mike Howell  (b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF <u>11001</u> (EXCEPT IN U.S. PLAINTIFF CASES)	<b>DEFENDANTS</b> Central Intelligence Agency  COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT <u>11001</u> (IN U.S. PLAINTIFF CASES ONLY) <small>NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED</small>
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(c) ATTORNEYS (FIRMNAME, ADDRESS, AND TELEPHONE NUMBER) Samuel Everett Dewey (999979) Chambers of Samuel Everett Dewey, LLC 2200 12th Court North Apt. 609 Arlington, VA 22204	ATTORNEYS (IF KNOWN)
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<b>II. BASIS OF JURISDICTION</b> (PLACE AN x IN ONE BOX ONLY)	<b>III. CITIZENSHIP OF PRINCIPAL PARTIES</b> (PLACE AN x IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT) <b>FOR DIVERSITY CASES ONLY!</b>																								
<input type="radio"/> 1 U.S. Government Plaintiff <input checked="" type="radio"/> 2 U.S. Government Defendant <input type="radio"/> 3 Federal Question (U.S. Government Not a Party) <input type="radio"/> 4 Diversity (Indicate Citizenship of Parties in item III)	<table style="width:100%; border-collapse: collapse;"> <thead> <tr> <th></th> <th style="text-align: center;">PTF</th> <th style="text-align: center;">DFT</th> <th></th> <th style="text-align: center;">PTF</th> <th style="text-align: center;">DFT</th> </tr> </thead> <tbody> <tr> <td>Citizen of this State</td> <td style="text-align: center;"><input type="radio"/> 1</td> <td style="text-align: center;"><input type="radio"/> 1</td> <td>Incorporated or Principal Place of Business in This State</td> <td style="text-align: center;"><input type="radio"/> 4</td> <td style="text-align: center;"><input type="radio"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td style="text-align: center;"><input type="radio"/> 2</td> <td style="text-align: center;"><input type="radio"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td style="text-align: center;"><input type="radio"/> 5</td> <td style="text-align: center;"><input type="radio"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td style="text-align: center;"><input type="radio"/> 3</td> <td style="text-align: center;"><input type="radio"/> 3</td> <td>Foreign Nation</td> <td style="text-align: center;"><input type="radio"/> 6</td> <td style="text-align: center;"><input type="radio"/> 6</td> </tr> </tbody> </table>		PTF	DFT		PTF	DFT	Citizen of this State	<input type="radio"/> 1	<input type="radio"/> 1	Incorporated or Principal Place of Business in This State	<input type="radio"/> 4	<input type="radio"/> 4	Citizen of Another State	<input type="radio"/> 2	<input type="radio"/> 2	Incorporated and Principal Place of Business in Another State	<input type="radio"/> 5	<input type="radio"/> 5	Citizen or Subject of a Foreign Country	<input type="radio"/> 3	<input type="radio"/> 3	Foreign Nation	<input type="radio"/> 6	<input type="radio"/> 6
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**IV. CASE ASSIGNMENT AND NATURE OF SUIT**

(Place an X in one category, A-N, that best represents your Cause of Action and one in a corresponding Nature of Suit)

<input type="radio"/> <b>A. Antitrust</b>  <input type="checkbox"/> 410 Antitrust	<input type="radio"/> <b>B. Personal Injury/Malpractice</b>  <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Medical Malpractice <input type="checkbox"/> 365 Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Product Liability	<input type="radio"/> <b>C. Administrative Agency Review</b>  <input type="checkbox"/> 151 Medicare Act  <u>Social Security</u> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <u>Other Statutes</u> <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 890 Other Statutory Actions (If Administrative Agency is Involved)	<input type="radio"/> <b>D. Temporary Restraining Order/Preliminary Injunction</b>  Any nature of suit from any category may be selected for this category of case assignment.  *(If Antitrust, then A governs)*
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<input type="radio"/> <b>E. General Civil (Other)</b>		OR	<input type="radio"/> <b>F. Pro Se General Civil</b>	
<u>Real Property</u> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent, Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property  <u>Personal Property</u> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<u>Bankruptcy</u> <input type="checkbox"/> 422 Appeal 27 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157  <u>Prisoner Petitions</u> <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Conditions <input type="checkbox"/> 560 Civil Detainee – Conditions of Confinement  <u>Property Rights</u> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent – Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 (DTSA)	<u>Federal Tax Suits</u> <input type="checkbox"/> 870 Taxes (US plaintiff or defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609  <u>Forfeiture/Penalty</u> <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other  <u>Other Statutes</u> <input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 430 Banks & Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 462 Naturalization Application	<input type="checkbox"/> 465 Other Immigration Actions <input type="checkbox"/> 470 Racketeer Influenced & Corrupt Organization <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 485 Telephone Consumer Protection Act (TCPA) <input type="checkbox"/> 490 Cable/Satellite TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 890 Other Statutory Actions (if not administrative agency review or Privacy Act)	



<input type="radio"/> <b>G. Habeas Corpus/ 2255</b>  <input type="checkbox"/> 530 Habeas Corpus – General <input type="checkbox"/> 510 Motion/Vacate Sentence <input type="checkbox"/> 463 Habeas Corpus – Alien Detainee	<input type="radio"/> <b>H. Employment Discrimination</b>  <input type="checkbox"/> 442 Civil Rights – Employment (criteria: race, gender/sex, national origin, discrimination, disability, age, religion, retaliation)  *(If pro se, select this deck)*	<input checked="" type="radio"/> <b>I. FOIA/Privacy Act</b>  <input checked="" type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 890 Other Statutory Actions (if Privacy Act)  *(If pro se, select this deck)*	<input type="radio"/> <b>J. Student Loan</b>  <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (excluding veterans)
<input type="radio"/> <b>K. Labor/ERISA (non-employment)</b>  <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 740 Labor Railway Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="radio"/> <b>L. Other Civil Rights (non-employment)</b>  <input type="checkbox"/> 441 Voting (if not Voting Rights Act) <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 445 Americans w/Disabilities – Employment <input type="checkbox"/> 446 Americans w/Disabilities – Other <input type="checkbox"/> 448 Education	<input type="radio"/> <b>M. Contract</b>  <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 153 Recovery of Overpayment of Veteran’s Benefits <input type="checkbox"/> 160 Stockholder’s Suits <input type="checkbox"/> 190 Other Contracts <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<input type="radio"/> <b>N. Three-Judge Court</b>  <input type="checkbox"/> 441 Civil Rights – Voting (if Voting Rights Act)

**V. ORIGIN**  
 1 Original Proceeding  
  2 Removed from State Court  
  3 Remanded from Appellate Court  
  4 Reinstated or Reopened  
  5 Transferred from another district (specify)  
  6 Multi-district Litigation  
  7 Appeal to District Judge from Mag. Judge  
  8 Multi-district Litigation – Direct File

**VI. CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE.)**

<b>VII. REQUESTED IN COMPLAINT</b>	<input type="checkbox"/> CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23	<b>DEMAND \$</b> <b>JURY DEMAND:</b>	Check YES only if demanded in complaint YES <input type="checkbox"/> NO <input type="checkbox"/>
<b>VIII. RELATED CASE(S) IF ANY</b>	(See instruction)	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	If yes, please complete related case form

DATE: <u>December 22, 2023</u>	SIGNATURE OF ATTORNEY OF RECORD <u>/s/ Samuel Everett Dewey</u>
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**INSTRUCTIONS FOR COMPLETING CIVIL COVER SHEET JS-44**  
 Authority for Civil Cover Sheet

The JS-44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and services of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. Listed below are tips for completing the civil coversheet. These tips coincide with the Roman Numerals on the cover sheet.

- I. COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF/DEFENDANT (b) County of residence: Use 11001 to indicate plaintiff if resident of Washington, DC, 88888 if plaintiff is resident of United States but not Washington, DC, and 99999 if plaintiff is outside the United States.
- III. CITIZENSHIP OF PRINCIPAL PARTIES: This section is completed only if diversity of citizenship was selected as the Basis of Jurisdiction under Section II.
- IV. CASE ASSIGNMENT AND NATURE OF SUIT: The assignment of a judge to your case will depend on the category you select that best represents the primary cause of action found in your complaint. You may select only one category. You must also select one corresponding nature of suit found under the category of the case.
- VI. CAUSE OF ACTION: Cite the U.S. Civil Statute under which you are filing and write a brief statement of the primary cause.
- VIII. RELATED CASE(S), IF ANY: If you indicated that there is a related case, you must complete a related case form, which may be obtained from the Clerk’s Office.

Because of the need for accurate and complete information, you should ensure the accuracy of the information provided prior to signing the form.

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**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

\_\_\_\_\_)  
          *Plaintiff*          )  
                          )  
          v.                  )          Civil Action No.  
                          )  
\_\_\_\_\_)  
          *Defendant*      )

**SUMMONS IN A CIVIL ACTION**

To:     *(Defendant's name and address)*

A lawsuit has been filed against you.

Within 30 days after service of this summons on you (not counting the day you received it) you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

If you fail to respond, judgment by default may be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

*ANGELA D. CAESAR, CLERK OF COURT*

Date: \_\_\_\_\_

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*

Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
was received by me on *(date)* \_\_\_\_\_.

I personally served the summons on the individual at *(place)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
\_\_\_\_\_, a person of suitable age and discretion who resides there,  
on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* \_\_\_\_\_, who is  
designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

I returned the summons unexecuted because \_\_\_\_\_ ; or

Other *(specify):* \_\_\_\_\_

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_.

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

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**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

\_\_\_\_\_)  
          *Plaintiff*          )  
                          )  
          v.                  )          Civil Action No.  
                          )  
\_\_\_\_\_)  
          *Defendant*      )

**SUMMONS IN A CIVIL ACTION**

To:     *(Defendant's name and address)*

A lawsuit has been filed against you.

Within 30 days after service of this summons on you (not counting the day you received it) you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

If you fail to respond, judgment by default may be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

*ANGELA D. CAESAR, CLERK OF COURT*

Date: \_\_\_\_\_

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*

Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
was received by me on *(date)* \_\_\_\_\_.

I personally served the summons on the individual at *(place)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
\_\_\_\_\_, a person of suitable age and discretion who resides there,  
on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* \_\_\_\_\_, who is  
designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

I returned the summons unexecuted because \_\_\_\_\_; or

Other *(specify)*: \_\_\_\_\_

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_.

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

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**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

\_\_\_\_\_)  
          *Plaintiff*          )  
                          )  
          v.                  )          Civil Action No.  
                          )  
\_\_\_\_\_)  
          *Defendant*      )

**SUMMONS IN A CIVIL ACTION**

To:     *(Defendant's name and address)*

A lawsuit has been filed against you.

Within 30 days after service of this summons on you (not counting the day you received it) you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

If you fail to respond, judgment by default may be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

*ANGELA D. CAESAR, CLERK OF COURT*

Date: \_\_\_\_\_

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*

Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
was received by me on *(date)* \_\_\_\_\_.

I personally served the summons on the individual at *(place)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
\_\_\_\_\_, a person of suitable age and discretion who resides there,  
on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* \_\_\_\_\_, who is  
designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

I returned the summons unexecuted because \_\_\_\_\_ ; or

Other *(specify):* \_\_\_\_\_

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_.

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

# EXHIBIT 1





OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE  
NATIONAL INTELLIGENCE COUNCIL



Updated Assessment on  
**COVID-19 ORIGINS**

## Updated Assessment on COVID-19 Origins

### Key Takeaways

*Scope Note: This assessment responds to the President's request that the Intelligence Community (IC) update its previous judgments on the origins of COVID-19. It also identifies areas for possible additional research. Annexes include a lexicon, additional details on methodology, and comments from outside experts. This assessment is based on information through August 2021.*

The IC assesses that SARS-CoV-2, the virus that causes COVID-19, probably emerged and infected humans through an initial small-scale exposure that occurred no later than November 2019 with the first known cluster of COVID-19 cases arising in Wuhan, China in December 2019. In addition, the IC was able to reach broad agreement on several other key issues. We judge the virus was not developed as a biological weapon. Most agencies also assess with low confidence that SARS-CoV-2 probably was not genetically engineered; however, two agencies believe there was not sufficient evidence to make an assessment either way. Finally, the IC assesses China's officials did not have foreknowledge of the virus before the initial outbreak of COVID-19 emerged.

After examining all available intelligence reporting and other information, though, the IC remains divided on the most likely origin of COVID-19. All agencies assess that two hypotheses are plausible: natural exposure to an infected animal and a laboratory-associated incident.

- Four IC elements and the National Intelligence Council assess with low confidence that the initial SARS-CoV-2 infection was most likely caused by natural exposure to an animal infected with it or a close progenitor virus—a virus that probably would be more than 99 percent similar to SARS-CoV-2. These analysts give weight to China's officials' lack of foreknowledge, the numerous vectors for natural exposure, and other factors.
- One IC element assesses with moderate confidence that the first human infection with SARS-CoV-2 most likely was the result of a laboratory-associated incident, probably involving experimentation, animal handling, or sampling by the Wuhan Institute of Virology. These analysts give weight to the inherently risky nature of work on coronaviruses.
- Analysts at three IC elements remain unable to coalesce around either explanation without additional information, with some analysts favoring natural origin, others a laboratory origin, and some seeing the hypotheses as equally likely.
- Variations in analytic views largely stem from differences in how agencies weigh intelligence reporting and scientific publications and intelligence and scientific gaps.

The IC judges they will be unable to provide a more definitive explanation for the origin of COVID-19 unless new information allows them to determine the specific pathway for initial natural contact with an animal or to determine that a laboratory in Wuhan was handling SARS-CoV-2 or a close progenitor virus before COVID-19 emerged.

- The IC—and the global scientific community—lacks clinical samples or a complete understanding of epidemiological data from the earliest COVID-19 cases. If we obtain information on the earliest cases that identified a location of interest or occupational exposure, it may alter our evaluation of hypotheses.



China's cooperation most likely would be needed to reach a conclusive assessment of the origins of COVID-19. Beijing, however, continues to hinder the global investigation, resist sharing information, and blame other countries, including the United States. These actions reflect, in part, China's government's own uncertainty about where an investigation could lead as well as its frustration the international community is using the issue to exert political pressure on China.



## IC Assessments of COVID-19 Origins

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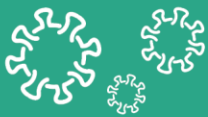
### AREAS OF BROAD AGREEMENT

- First known cluster of COVID-19 cases emerged in Wuhan, China in December 2019
- Virus not developed as a biological weapon
- Virus not genetically engineered
- China's officials unaware of virus before pandemic emerged



### TWO PLAUSIBLE HYPOTHESES ON INITIAL HUMAN EXPOSURE

- Natural transmission from animal to human
- Laboratory-associated incident
- Evidence not strongly diagnostic of either hypothesis



### CHINA'S COOPERATION KEY TO UNDERSTANDING ORIGINS

- Beijing's lack of cooperation on origins not diagnostic of either hypothesis
- Numerous information gaps, particularly related to technical data

## Introduction

The IC has prepared several assessments examining the origins of COVID-19. Analysts have focused on whether SARS-CoV-2, the causative virus of COVID-19, was genetically engineered—particularly as a biological weapon—was transmitted to humans naturally or transmitted due to a laboratory-associated incident, perhaps during sampling or experimentation. China’s reaction to and handling of the pandemic have given analysts insights into these issues, but Beijing’s actions have also impeded the global scientific community and our ability to confidently determine how the virus first infected humans.

## SARS-CoV-2 Probably Not a Biological Weapon

The IC assesses China did not develop SARS-CoV-2 as a biological weapon.

- We remain skeptical of allegations that SARS-CoV-2 was a biological weapon because they are supported by scientifically invalid claims, their proponents do not have direct access to the Wuhan Institute of Virology (WIV), or their proponents are suspected of spreading disinformation. [See *appendix B*.]

## Most Analysts Assess SARS-CoV-2 Not Genetically Engineered

Most IC analysts assess with low confidence that SARS-CoV-2 was not genetically engineered. Their assessment is based on technical analysis of SARS-CoV-2 and the IC’s growing understanding of traits and the potential for recombination in other coronaviruses. Two agencies believe there is not sufficient evidence to make an assessment either way.

- As of August 2021, we still have not observed genetic signatures in SARS-CoV-2 that would be diagnostic of genetic engineering, according to the IC’s understanding of the virus. Similarly, we have not identified any existing coronavirus strains that

could have plausibly served as a backbone if SARS-CoV-2 had been genetically engineered.

- Our growing understanding of the similarities of SARS-CoV-2 to other coronaviruses in nature and the ability of betacoronaviruses—the genus to which SARS-CoV-2 belongs—to naturally recombine suggests SARS-CoV-2 was not genetically engineered. For instance, academic literature has noted that in some instances betacoronaviruses have recombined with other viruses in nature and that furin cleavage sites (FCS)—a region in the spike protein that enhances infection—have been identified in naturally occurring coronaviruses in the same genetic location as the FCS in SARS-CoV-2. This suggests that SARS-CoV-2 or a progenitor virus could have acquired its FCS through natural recombination with another virus.













IC analysts do not have higher confidence that SARS-CoV-2 was not genetically engineered because some genetic engineering techniques can make modifications difficult to identify and we have gaps in our knowledge of naturally occurring coronaviruses.

- Some genetic engineering techniques may make genetically modified viruses indistinguishable from natural viruses, according to academic journal articles. For instance, a 2017 dissertation by a WIV student showed that reverse genetic cloning techniques—which are standard techniques used in advanced molecular laboratories—left no trace of genetic modification of SARS-like coronaviruses.
- It will be difficult to increase our confidence that the distinguishing features in SARS-CoV-2 emerged naturally without a better understanding of the diversity of coronaviruses in nature and how often recombination occurs during co-infection of multiple coronaviruses within a particular host. For example, academic literature has indicated that a FCS had previously been inserted into SARS-CoV-1, the causative agent of SARS, complicating differentiation of how such a feature may have appeared.

## Closest Known Relatives of SARS-CoV-2, as of August

As of August, the closest known whole genome match to SARS-CoV-2—around **96 percent** identical—is **RaTG13**, a coronavirus collected from a bat in 2013 by the Wuhan Institute of Virology (WIV), according to academic literature. Scientific literature examining

the genome of SARS-CoV-2 has identified at least some similarities to those of other naturally occurring coronaviruses in bats and pangolins, but an immediate precursor virus strain and animal reservoir have not been identified.

VIRUS NAME	PERCENT IDENTITY TO COVID-19 VIRUS	YEAR COLLECTED	LOCATION COLLECTED	ANIMAL COLLECTED
<b>RaTG13</b>	<b>96.2</b>	<b>2013</b>	<b>Yunnan Province, China</b>	 <b>Bat</b>
RpYN06	94.5	2020	Yunnan Province, China	 Bat
RmYN02	93.3	2019	Yunnan Province, China	 Bat
RShSTT200	92.7	2010	Cambodia	 Bat
RacCS203	91.5	2020	Thailand	 Bat
PrC31	90.7	2018	Yunnan Province, China	 Bat
Pangolin-CoV Guangdong	90.1	2019	Guangdong Province, China	 Pangolin
ZC45	88.1	2015	Zhejiang Province, China	 Bat
ZXC21	88.0	2015	Zhejiang Province, China	 Bat
Guangxi pangolin-CoV	85.5	2017, 2018	Guangxi Zhuang Autonomous Region, China	 Pangolin
Rc-o319	79.2	2013	Japan	 Bat
RaTG15	77.6	2015	Yunnan Province, China	 Bat

- The WIV previously created chimeras, or combinations, of SARS-like coronaviruses, but this information does not provide insight into whether SARS-CoV-2 was genetically engineered by the WIV.

No IC analysts assess that SARS-CoV-2 was the result of laboratory adaptation, although some analysts do not have enough information to make this determination. Repeated passage of a closely related virus through animals or cell culture—which we consider laboratory adaptation and not genetic engineering—could result in

some features of SARS-CoV-2, according to publicly available information. However, it probably would take years of laboratory adaptation using the appropriate cell types and a virus that is more closely related to SARS-CoV-2 than ones currently known to generate the number of mutations separating SARS-CoV-2 from any known coronavirus strains, judging from scientific journal articles. Such processes would require differentiation and maintenance of primary cells and the development of appropriate animal models.

## China's Lack of Foreknowledge of SARS-CoV-2

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The IC assesses China's officials probably did not have foreknowledge that SARS-CoV-2 existed before WIV researchers isolated it after public recognition of the virus in the general population. Accordingly, if the pandemic originated from a laboratory-associated incident, they probably were unaware in the initial months that such an incident had occurred.

- Early in the pandemic, the WIV identified that a new virus was responsible for the outbreak in Wuhan. It is therefore assessed that WIV researchers pivoted to COVID-19-related work to address the outbreak and characterize the virus. These activities suggest that WIV personnel were unaware of the existence of SARS-CoV-2 until the outbreak was underway.

## Two Plausible Hypotheses of Pandemic Origin

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IC analysts assess that a natural origin and a laboratory-associated incident are both plausible hypotheses for how SARS-CoV-2 first infected humans. Analysts, however, disagree on which is more likely, or whether an assessment can be made at all, given the lack of diagnosticity of the available information. Most agencies are unable to make higher than low confidence assessments for these reasons, and confidence levels are tempered by plausible arguments for the opposing hypothesis. For these hypotheses, IC analysts consider an exposure that occurs during animal sampling activity that supports biological research to be a laboratory-associated incident and not natural contact. What follows is a look at the cases that can be made for these competing hypotheses.

### The Case for the Natural Origin Hypothesis

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Some IC analysts assess with low confidence that the first human COVID-19 infection most likely was caused by natural exposure to an animal that carried SARS-CoV-2 or a close progenitor virus—a virus that would likely be more than 99 percent similar to SARS-CoV-2.

Four IC elements, the National Intelligence Council, and some analysts at elements that are unable to coalesce around either explanation are among this group. Analysts at these agencies give weight to China's officials' lack of foreknowledge and highlight the precedent of past novel infectious disease outbreaks having zoonotic origins, the wide diversity of animals that are susceptible to SARS-CoV-2 infection, and the range of scenarios—to include animal trafficking, farming, sale, and rescue—in China that enable zoonotic transmission. Although no confirmed animal source of SARS-CoV-2 has been identified, to include a reservoir or intermediate species, analysts that assess the pandemic was due to natural causes note that in many previous zoonotic outbreaks, the identification of animal sources has taken years, and in some cases, animal sources have not been identified.


















- These analysts assess that WIV's activities in early 2020 related to SARS-CoV-2 are a strong indicator that the WIV lacked foreknowledge of the virus.
- They also see the potential that a laboratory worker inadvertently was infected while collecting unknown animal specimens to be less likely than an infection occurring through numerous hunters, farmers, merchants, and others who have frequent, natural contact with animals.
- Given China's poor public health infrastructure and the potential for asymptomatic infection, some analysts that lean towards a natural origin argue that China's infectious disease surveillance system would not have been able to detect the SARS-CoV-2 exposure as quickly as a suspected exposure in a laboratory setting.

### History of Zoonotic Pathogen Emergence, Conditions in China Ripe for Zoonotic Spillover

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Analysts that find the natural zoonotic spillover hypothesis the most likely explanation for the pandemic also note the wide diversity of animals that are susceptible to SARS-CoV-2 infection, range of scenarios—to include animal trafficking, farming, sale, and rescue—in China that would enable zoonotic

## Comparing COVID-19 Pandemic to Past Select Viral Zoonotic Outbreaks

	Location of Emergence	Asymptomatic Infection Common	Reservoir Species and Year Identified	Probable Intermediate Species and Year Identified
<b>COVID-19</b> (2019–Present)	China	 Yes	 Unknown	 Unknown
<b>Ebola</b> (2014–16)	Guinea	 No (Probably)	 Bats (Probably); N/A	 Nonhuman primate (Probably); N/A
<b>MERS</b> (2012)	Saudi Arabia, Jordan	 Yes	 Bats (Probably); N/A	 Dromedary camels; 2013
<b>SARS</b> (2002–04)	China	 No (Probably)	 Horseshoe bats; 2016	 Masked palm civets and Raccoon dogs (Possibly); 2003
<b>Nipah</b> (1998–99)	Malaysia	 Yes	 Fruit bats; 1999	 Pigs; 1998
<b>HIV-1<sup>a</sup></b> (1970s–Present)	Democratic Republic of Congo (Probably)	 No (Probably)	 Chimpanzees (Probably); 1999	N/A

a. HIV is believed to have crossed from chimpanzees to humans in the 1920s; the first documented death occurred in the late 1960s.

transmission, and precedent of novel human infectious disease outbreaks originating from zoonotic transmission. Previous human coronavirus outbreaks, to include SARS-CoV-1 and Middle East Respiratory Syndrome coronavirus (MERS-CoV), occurred naturally and were linked to animal reservoirs with zoonotic transmission to humans, according to scientific literature.

- Extensive wildlife and livestock farming, wildlife trafficking, and live animal markets in China and historically lax government regulation—and even promotion—of these activities increase the probability that initial transmission occurred along one of these routes.
- Academic literature has revealed Wuhan markets sold live mammals and dozens of species—including raccoon dogs, masked palm civets, and a variety of other mammals, birds, and reptiles—often in poor conditions where viruses can jump among species, facilitating recombination events and the acquisition of novel mutations. SARS-CoV-2 can infect a range of mammals, including cats, dogs, pangolins, minks, raccoon dogs, and a variety of wild and domestic animals, according to academic literature.
- Wider Hubei Province has extensive farming and breeding of animals that are susceptible to SARS-CoV-2, including minks and raccoon dogs.



These analysts note that there is a precedent for viral vectors to travel long distances in China and cause infection elsewhere because of transportation and trade nodes, thereby widening and complicating the search for the specific zoonotic spillover incident. For instance, the bat coronavirus that is currently the closest known relative to the original SARS-CoV-1 was identified in Yunnan Province, even though the first SARS outbreak detected in humans occurred in Guangdong Province, hundreds of kilometers away.

### **The Case for the Laboratory-Associated Incident Hypothesis**

One IC element assesses with moderate confidence that COVID-19 most likely resulted from a laboratory-associated incident involving WIV or other researchers—either through exposure to the virus during experiments or through sampling. Some analysts at elements that are unable to coalesce around either explanation also assess a laboratory origin with low confidence. These analysts place emphasis on academic articles authored by WIV employees indicating that WIV scientists conducted research on other coronaviruses under what these analysts consider to be inadequate biosafety conditions that could have led to opportunities for a laboratory-associated incident. These analysts also take into account SARS-CoV-2's genetic epidemiology and that the initial recorded COVID-19 clusters occurred only in Wuhan—and that WIV researchers who conducted sampling activity throughout China provided a node for the virus to enter the city.

### **WIV Research Includes Work With Animals That Carry Relatives of SARS-CoV-2**

The analysts that find the laboratory-associated origin theory most likely assess that WIV researchers' inherently risky work with coronaviruses provided numerous opportunities for them to unwittingly become infected with SARS-CoV-2. Although the IC has no indications

### **WIV Illnesses in Fall 2019 Not Diagnostic**

The IC assesses that information indicating that several WIV researchers reported symptoms consistent with COVID-19 in autumn 2019 is not diagnostic of the pandemic's origins. Even if confirmed, hospital admission alone would not be diagnostic of COVID-19 infection.

that WIV research involved SARS-CoV-2 or a close progenitor virus, these analysts note that it is plausible that researchers may have unwittingly exposed themselves to the virus without sequencing it during experiments or sampling activities, possibly resulting in asymptomatic or mild infection. Academic literature indicates that WIV researchers conducted research with bat coronaviruses or collected samples from species that are known to carry close relatives of SARS-CoV-2.

- Based on currently available information, the closest known relatives to SARS-CoV-2 in bats have been identified in Yunnan Province, and researchers bringing samples to laboratories provide a plausible link between these habitats and the city.
- These analysts also note that China's investigations into the pandemic's origin might not uncover evidence of a laboratory-associated incident if it involved only a small number of researchers who did not acknowledge or have knowledge of a potential infection.

### **Biosafety Conditions for Specific Work Could Have Led to an Incident**

The analysts that assess COVID-19 most likely originated from a laboratory-associated incident also place emphasis on information suggesting researchers in China used biosafety practices that increased the risk of exposure to viruses. Academic publications suggest that WIV researchers did not use adequate biosafety precautions at least some of the time, increasing the risk of a laboratory-associated incident.

### **The Role of the Huanan Seafood Wholesale Market**

Some scientists and China's public health officials have shifted their view on the role of the Huanan Seafood Wholesale Market in the pandemic since early 2020. Some now view the market as a potential site of community spread rather than where the initial human infection may have occurred.

- On January 1, 2020, China's security authorities shut down the market after several workers fell ill in late December 2019. China focused early source tracing on the market and Hubei Province; association with the market was included as part of the early case definition.
- In January 2020, a scientific article that described clinical features of initial COVID-19 infections in China found that some COVID-19 patients did not have any known association with the market. Furthermore, there continues to be conflicting data with some academic articles and preprints noting that phylogenetic analysis of the available data on the earliest cases suggests that the progenitor virus may not have originated from the market.

### **China's Transparency Key to Determining COVID-19 Origin**

The IC judges that closing persistent information gaps on the origins of COVID-19 is very likely to require greater transparency and collaboration from Beijing. The scientific community lacks technical data on a reservoir species, possible intermediate species, and closer relatives to SARS-CoV-2.

**Data and Samples From Initial Cases:** The global scientific community does not know exactly where, when, or how the first human infection with SARS-CoV-2 occurred. It lacks a complete picture of

the initial cases in Wuhan—or potentially elsewhere in China—that would allow it to better understand potential sources of infection or conduct phylogenetic analysis that would help validate both hypotheses.

#### **Information That Would Confirm Natural Outbreak:**

Searching for a natural reservoir or potential intermediate host requires collecting, isolating, and sequencing viruses from samples taken from potential host species and environments to search for viruses related to SARS-CoV-2, endeavors that require international collaboration, resources, and time.

- Information that the earliest confirmed COVID-19 cases were in individuals or families who spent time in rural regions or who were involved in animal trade or environments that facilitate close human-to-animal interactions could indicate that the virus was circulating within an animal reservoir and a zoonotic spillover event caused the first COVID-19 case in humans.
- However, some transmission pathways are fleeting, meaning an animal acquires a virus and evidence of infection vanishes, particularly if the animals are reared and harvested for agricultural or commercial purposes.

#### **Information That Would Confirm Laboratory-**

**Associated Incident:** China's coronavirus research or related information from origins investigations by Beijing or international organizations could provide clear indications of a laboratory-associated incident or at least yield some new insights.

### WIV's Publicly Available Coronavirus Research

IC analysts are examining published research from China for any indicators that would inform our understanding of COVID-19's origins. The WIV and other research groups in China published coronavirus articles in 2020 and 2021, including the discovery of the closest known relative of SARS-CoV-2, but at least some relevant data on coronaviruses of interest has either been unavailable or has not been published.

Although the WIV described the sampling trip to the mineshaft in Mojiang in Yunnan Province where it collected RaTG13 in 2016, it did not explicitly state that RaTG13 was collected from that mine until 2020. Similarly, the WIV collected eight other coronaviruses from the same mine in 2015 that it did not fully disclose until 2021. In some of these instances, however, the WIV has described unpublished work in webinars and interviews prior to publishing.

saying Beijing would not allow the WHO to engage in the "conspiracy theory."

China is also pushing its narrative that the virus originated outside China.

- Public statements from China's Government have continued to claim the virus originated from imported frozen food, an extremely unlikely theory.
- China's Government continues to spread allegations that the United States created or intentionally spread SARS-CoV-2 to divert attention away from Beijing.

### China Likely To Impede Investigation

The IC judges they will be unable to provide a more definitive explanation for the origin of COVID-19 unless new information allows them to determine the specific pathway for initial natural contact with an animal or to determine that a laboratory in Wuhan was handling SARS-CoV-2 or a close progenitor virus before COVID-19 emerged.

- For instance, Beijing limited the World Health Organization (WHO) investigation team's access to sites.
- In late July, China denounced a WHO plan for future investigations into COVID-19 origins, claiming that the proposal for future investigations was politicized. China's officials publicly rebuked the WHO's plans for a future study of labs in China,

## Annex A: Definitions

**Antibody:** A protein produced during an immune response to a part of an infectious agent called an antigen.

**Backbone:** A genetic sequence used as a chassis upon which to build synthetic constructs, such as those used for cloning, protein expression, and production.

**Biological weapon:** A weapon that uses bacteria, viruses, toxins, fungi, and biochemical/biomolecule agents that can cause death or injury to humans, plants, or animals or destroy materials.

**Biosafety:** The application of knowledge, techniques, and equipment to prevent personal, laboratory, and environmental exposure to potentially infectious agents or biohazards. Four **Biosafety levels (BSL)** define the containment conditions under which biological agents can be safely manipulated. These standards range from moderate safety requirements for low-risk agents (BSL-1), to the most stringent controls for high-risk agents (BSL-4). China's standards range from P1–4.

**Biosecurity:** The protection, control of, and accountability for biological agents, toxins, and biological materials and information to prevent unauthorized possession, loss, theft, misuse, diversion, and accidental or intentional release.

**Coronavirus:** A common type of virus that can infect humans and/or animals. The human illness caused by most coronaviruses usually last a short time and presents symptoms consistent with the “common cold,” such as a runny nose, sore throat, cough, and a fever.

**COVID-19:** An infectious disease caused by the **SARS-CoV-2** virus, which is a betacoronavirus.

**Diagnostic information:** Information that allows IC analysts to distinguish between hypotheses—in this case, the laboratory origin and natural origin theories.

**DNA (deoxyribonucleic acid):** A molecule that carries an organism's genetic blueprint for growth, development, function, and reproduction.

**Epidemiology:** The study of the distribution and determinants of health-related events in specified populations, and the application of this study to prevent and control health problems.

**Furin cleavage site (FCS):** A region in the spike protein of SARS-CoV-2 that enhances infection.

**Gain-of-function:** The IC considers this as a research method that involves manipulating an organism's genetic material to impart new biological functions that could enhance virulence or transmissibility (e.g., genetically modifying a virus to expand its host range, transmissibility, or severity of illness). The IC assesses that genetic engineering, genetic modification, and laboratory-adaptation can all be used for gain-of-function experiments, but are not inherently so. We address both genetic engineering and laboratory-adaptation in the body of this assessment; the IC is unaware of an agreed, international definition.

**Genetically engineered or genetically modified viruses** are intentionally altered, created, or edited using biotechnologies, such as Clustered Regularly Interspaced Short Palindromic Repeat (CRISPR), DNA recombination, or reverse genetics. These viruses have intentional, targeted edits to the genome designed to achieve specific results, but unintentional genomic changes may also occur.

**Genome:** The genetic material of an organism. It consists of DNA (and sometimes RNA for viruses).

**Genome sequencing:** The process of determining the DNA or RNA sequence of an organism's genome, or its “genetic code.” An organism's genetic code is the order in which the four nucleotide bases—adenine, cytosine, guanine, and thymine—are arranged to direct the sequence of the 20 different amino acids in the proteins that determine inherited traits.

**Intermediate species/host:** An organism that can be infected with a pathogen from a reservoir species and

passes the pathogen to another host species; infection is not sustained in this population.

**Laboratory-adapted viruses** have undergone natural, random mutations through human-enabled processes in a laboratory—such as repeated passage through animals or cells—that put pressure on the virus to more rapidly evolve. Specific changes to the viral genome are not necessarily anticipated in these processes, though the virus can be expected to gain certain characteristics, like the ability to infect a new species. This is a common technique used in public health research of viruses. We consider directed evolution to be under laboratory adaptation.

**Laboratory-associated incidents** include incidents that happen in biological research facilities or during research-related sampling activities.

**Molecular biology:** Study of the molecular basis of activities in and between cells. This includes techniques to amplify or join genetic sequences.

**Naturally occurring viruses** have not been altered in a laboratory. Viruses commonly undergo random mutations as part of the evolutionary process and can continue to change over time; mutations may enable a virus to adapt to its environment, such as evading host immune responses and promoting viral replication.

**Outbreak:** A sudden increase in occurrences of a disease in a particular time and place. Outbreaks include **epidemics**, which is a term that is reserved for infectious diseases that occur in a confined geographical area.

**Pandemics** are near-global disease outbreaks.

**Pangolin:** An African and Asian mammal that has a body covered in overlapping scales. Pangolins are a natural reservoir of coronaviruses and researchers are investigating their potential role as an intermediate host for SARS-CoV-2.

**Pathogen:** A bacterium, virus, or other microorganism that can cause disease.

**Phylogenetics:** The study of the evolutionary relationships among groups of organisms.

**Progenitor virus:** A virus that is closely related enough—probably more than 99 percent—to SARS-CoV-2 to have been its direct ancestor or plausible immediate origin of the outbreak. The closest known relative to SARS-CoV-2 is only around 96 percent similar; to put this into context, humans and chimps are around 99 percent similar, demonstrating the significant differences even at this similarity.

**RaTG13:** A coronavirus with the closest known whole genome to SARS-CoV-2, although it is widely believed to not be a direct ancestor of SARS-CoV-2.

**Reservoir species/host:** An organism that harbors a pathogen, which is endemic within the population.

**RNA (ribonucleic acid):** A molecule essential for gene coding, decoding, regulation, and expression. Certain viruses use RNA as a genetic blueprint.

**Transmissibility:** The measure of new infections initiated by an existing infection.

**Virus:** A replicating piece of genetic material—DNA or RNA—and associated proteins that use the cellular machinery of a living cell to reproduce.

**Wet market:** A market where fresh food and live and dead animals, including wildlife, are sold.

**Zoonosis:** An infection or a disease that is transmissible from animals to humans under natural conditions. A **zoonotic pathogen** may be viral, bacterial, or parasitic, and can sometimes be transmitted through insects, such as mosquitoes.

**Zoonotic spillover:** An initial infection or disease that is caused by contact between an animal and human under natural conditions.

## Annex B: IC Examination of Open-Source Theories

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IC analysts have examined a number of open-source articles from a variety of sources that have raised theories about SARS-CoV-2 and COVID-19's origin. The IC assesses that these theories generally do not provide diagnostic information on COVID-19 origins, and in some cases, are not supported by the information available to us. However, several have drawn on insightful methods or identified potential leads.

### Theory of Abnormal Activity at the WIV in Fall 2019

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The IC assesses that an assessment about abnormal activity at the WIV in fall 2019 lacks support and does not offer diagnostic insight. The Multi-Agency Collaboration Environment (MACE) published a report assessing that the pandemic began in October 2019 because of a release at the WIV.

- Although the methodology is insightful, the IC has concerns with the small data set and analytic rigor used to derive the group's findings, and our review of information directly contradicts some of its findings.

### Theory That SARS-CoV-2 Was a Biological Weapon

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The IC assesses that public claims from a Hong Kong virologist that Beijing created SARS-CoV-2 as a biological weapon are inconsistent with available technical information on coronaviruses. We assess that the articles contain several technical inaccuracies and omit key data points.

- Since September 2020, a virologist who worked in a WHO-affiliated laboratory in Hong Kong has publicly stated that Beijing created SARS-CoV-2 from bat coronaviruses and that China's researchers intentionally released it. The scientific community did not peer review these articles and some publicly rejected the articles' claims as scientifically unsound.

### Theory That SARS-CoV-2 Was Genetically Engineered

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The IC assesses that public claims that some distinguishing features in SARS-CoV-2 are the result of genetic engineering are not diagnostic of genetic engineering. The IC has been evaluating how SARS-CoV-2 could have developed these features and notes that the furin cleavage site (FCS)—a region in the spike protein that enables infection and has been the topic of open-source debate—can also be consistent with a natural origin of the virus.

We do not fully understand the diversity of natural coronaviruses or how often they recombine, suggesting that there are plausible natural means by which these features in SARS-CoV-2 could have emerged beyond what we currently understand.

- For example, the author of an article in April notes the SARS-CoV-2's FCS is unique among known betacoronaviruses. The author argues that such features are rare and so well-adapted for human infection that they are more likely emerged from laboratory work than from natural selection.
- Although an IC review of scientific literature has indicated that no known betacoronaviruses in the same subgenus have this FCS in the same region of the spike protein as SARS-CoV-2, similar FCSs are present in the same region of the spike protein as other naturally occurring coronaviruses, according to scientific articles.

We also do not find credible a now-withdrawn preprint article from two Indian educational institutes posted in January 2020 that asserted SARS-CoV-2 was genetically engineered using sequences from the human immunodeficiency virus. We assess it is unlikely that scientists would have chosen to intentionally engineer the specific sequences that were the focus of the scientific article.

## **Theory That SARS-CoV-2 Originated Outside China**

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We are aware of scientific studies claiming to have found SARS-CoV-2 viral fragments or antibodies in samples taken before November 2019 outside China. However, technical flaws in some of these studies, uncertainties in the methodologies, and in some cases, the lack of a credible review process make us skeptical of their utility in determining the pandemic's origin.

- We assess that the first cluster of confirmed COVID-19 cases arose in Wuhan, China, in late 2019, but we lack insight—and may never have it—on where the first SARS-CoV-2 infection occurred. Although all of the earliest confirmed cases of COVID-19 were documented in China's Hubei Province, where Wuhan is located, according to Western and China's press reports, it is plausible that a traveler came in contact with the virus elsewhere and then went to Wuhan.
- We continue to monitor scientific publications and discuss these issues with experts. Even if the virus is found to have existed outside China before the Wuhan outbreak, credible evidence of human infection would also be necessary to determine if the first COVID-19 outbreak began there.

## Annex C: IC Approach to 90-Day Study

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The NIC collaborated closely with the National Counterproliferation Center (NCPC), the National Intelligence Management Council (NIMC), IC agencies, and other USG entities and departments on this assessment. The IC kicked off the 90-day study by outlining the core intelligence questions that would be addressed over lines of effort—collection and analysis. These questions included:

- Did the outbreak begin through contact with infected domestic or wild animals or was it the result of a laboratory-associated incident?
- Was the virus genetically engineered?
- Is SARS-CoV-2 a biological weapon?

**Collection:** At the kick-off meeting for the 90-day study, the IC discussed core intelligence gaps to drive collection moving forward.

**Analysis:** The NIC had two separate structured analytic exercises to discuss both the underlying reporting and to strengthen argumentation moving into the drafting phase. Analysts at individual agencies also pursued various structured analytic techniques to build their own assessments.

- During a two-day-long in-person IC-wide **Analysis of Competing Hypothesis (ACH)** analytic exercise in June, analysts determined whether existing reporting was consistent or inconsistent with information in individual reports. This exercise allowed analysts to determine that most reporting was consistent with both hypotheses and the reporting that was inconsistent was deemed to be not credible.
- Before the start of drafting, the NIC hosted an IC-wide **Team A/Team B** analytic exercise to explore how the IC could strengthen either hypothesis through a debate style format. Agencies pulled from these conversations—along with the work conducted during and before the study—to solidify their consensus positions.



## **Annex D: Outside Review**

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The NIC conducted four rounds of outside review of the draft assessment. These sessions provided valuable feedback that we incorporated into the assessment. The NIC made some organizational changes in response to comments; comments included:

- Emphasize points of agreement.
- Provide additional definitions in the lexicon and ensure technical or intelligence jargon is explicitly explained.

## Annex E: Questions

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Answers to the following questions would help us better evaluate hypotheses related to the origins of COVID-19:

What additional information—to include timing, location, relevant animal exposures, occupational information, and clinical samples—is there on the earliest cases of COVID-19?

How were early cases investigated? What questions or tools were utilized for tracing contacts and contacts of those contacts?

What direct or indirect indicators of COVID-19 clusters is China aware of from early in the outbreak? This may include things like hospital occupancy rates or efforts to triage medical care outside of hospital facilities.

What insight can China provide on the search for the reservoir and potential intermediate species of the COVID-19 virus?

What insight can China provide on the search for the identification of a progenitor virus? Have any leading candidates or regions for spillover been identified?

What information, data, and/or samples does China have on wildlife or other animals present in the following markets in Wuhan:

- Huanan Seafood Wholesale Market
- Qiyimen Live Animal Market
- Baishazhou Market
- Dijiao Outdoor Pet Market

What information, data, and/or samples does China have on wildlife present in the other markets, wildlife rescue centers, and/or farms in Wuhan, across Hubei, in neighboring provinces, or in locations where live animals in Hubei Province are sourced from?

# EXHIBIT 2

**Congress of the United States**  
**Washington, DC 20515**

September 12, 2023

The Honorable William J. Burns  
Director  
Central Intelligence Agency  
1000 Colonial Farm Rd.  
Langley, VA 22101

Dear Director Burns:

The Select Subcommittee on the Coronavirus Pandemic (Select Subcommittee) and the House Permanent Select Committee on Intelligence (HPSCI) (together “the Committees”) have received new and concerning whistleblower testimony regarding the Agency’s investigation into the origins of COVID-19.

A multi-decade, senior-level, current Agency officer has come forward to provide information to the Committees regarding the Agency’s analysis into the origins of COVID-19. According to the whistleblower, the Agency assigned seven officers to a COVID Discovery Team (Team). The Team consisted of multi-disciplinary and experienced officers with significant scientific expertise. According to the whistleblower, at the end of its review, six of the seven members of the Team believed the intelligence and science were sufficient to make a low confidence assessment that COVID-19 originated from a laboratory in Wuhan, China. The seventh member of the Team, who also happened to be the most senior, was the lone officer to believe COVID-19 originated through zoonosis. The whistleblower further contends that to come to the eventual public determination of uncertainty, the other six members were given a significant monetary incentive to change their position.

These allegations, from a seemingly credible source, requires the Committees to conduct further oversight of how the CIA handled its internal investigation into the origins of COVID-19. To assist the Committees with their investigations, we request the following documents and information as soon as possible, but no later than September 26, 2023.

1. All documents and communications regarding the establishment of all iterations of the COVID Discovery Team(s);
2. All documents and communications between or among the members of all iterations of the COVID Discovery Team(s) regarding the origins of COVID-19;
3. All documents and communications between or among members of all iterations of the COVID Discovery Team(s) and other employees or contractors of the Agency regarding the origins of COVID-19;

The Honorable William J. Burns

September 12, 2023

Page 2

4. All documents and communications between or among members of all iterations of the COVID Discovery Team(s) and employees or contractors of other federal government agencies, including but not limited to the U.S. Department of State, the Federal Bureau of Investigation, the U.S. Department of Health and Human Services (to include the National Institutes of Health and the National Institute of Allergy and Infectious Diseases), and the U.S. Department of Energy regarding the origins of COVID-19; and
5. All documents and communications regarding the pay history, to include the awarding of any type of financial or performance-based incentive/financial bonus to members of all iterations of the COVID Discovery Team(s).

The Select Subcommittee on the Coronavirus Pandemic 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” and “executive branch policies, deliberations, decisions, activities, and internal and external communications related to the coronavirus pandemic” under H. Res. 5. Under House Rule X, the Permanent Select Committee on Intelligence has jurisdiction over all intelligence and intelligence-related activities of the departments and agencies of the U.S. government.

Further, House Rule XI clause 2(m)(1)(B) grants Committees of the House of Representatives with the authority “to require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents as it considers necessary.” Should the required information not be produced in an expeditious and satisfactory manner, you should expect the Committee, or Committees, to use its additional tools and authorities to satisfy our legislative and oversight requirements.

Thank you for your attention to this important matter.

Sincerely,



Brad Wenstrup, D.P.M.  
Chairman  
Select Subcommittee on the  
Coronavirus Pandemic



Mike Turner  
Chairman  
Permanent Select Committee on  
Intelligence

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

The Honorable Jim Himes, Ranking Member  
Permanent Select Committee on Intelligence

# EXHIBIT 3

United States Senate

WASHINGTON, DC 20510

September 12, 2023

The Honorable William J. Burns  
Director  
Central Intelligence Agency  
1000 Colonial Farm Rd.  
Langley, VA 22101

Director Burns:

We write in response to the whistleblower allegations recently disclosed by the House Select Subcommittee on the Coronavirus Pandemic (Select Subcommittee) and House Permanent Select Committee on Intelligence (HPSCI) related to the Central Intelligence Agency's investigation into the origins of COVID-19.<sup>1</sup> According to Chariman Wenstrup and Chairman Turner:

A multi-decade, senior-level, current Agency officer has come forward to provide information to the [Select Subcommittee and HPSCI] regarding the Agency's analysis into the origins of COVID-19. According to the whistleblower, the Agency assigned seven officers to a COVID Discovery Team (Team). The Team consisted of multi-disciplinary and experienced officers with significant scientific expertise. According to the whistleblower, at the end of its review, six of the seven members of the Team believed the intelligence and science were sufficient to make a low confidence assessment that COVID-19 originated from a laboratory in Wuhan, China. The seventh member of the Team, who also happened to be the most senior, was the lone officer to believe COVID-19 originated through zoonosis. The whistleblower further contends that to come to the eventual public determination of uncertainty, the other six members were given a significant monetary incentive to change their position.<sup>2</sup>

These allegations are deeply concerning and raise serious questions about the Agency's investigation into the origins of the COVID-19 pandemic. For this reason, we request you provide our offices with the following information no later than September 25, 2023:

1. All documents and communications regarding the establishment of all iterations of the COVID Discovery Team(s);
2. All documents and communications between or among the members of all iterations of the COVID Discovery Team(s) regarding the origins of COVID-19;

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<sup>1</sup> Press Release, House Select Subcommittee on the Coronavirus Pandemic, Testimony from CIA Whistleblower Alleges New Information on COVID-19 Origins (Sept. 12, 2023), <https://oversight.house.gov/release/testimony-from-cia-whistleblower-alleges-new-information-on-covid-19-origins/>.

<sup>2</sup> Letter from Chairman Brad Wenstrup and Chairman Mike Turner to CIA Director William J. Burns (Sept. 12, 2023), <https://oversight.house.gov/wp-content/uploads/2023/09/2023.09.12-SSCP-HPSCI-Letter-to-CIA-Re.-Origins-of-COVID.pdf>.

3. All documents and communications between or among members of all iterations of the COVID Discovery Team(s) and other employees or contractors of the Agency regarding the origins of COVID-19;
4. All documents and communications between or among members of all iterations of the COVID Discovery Team(s) and employees or contractors of other federal government agencies, including but not limited to the U.S. Department of State, the Federal Bureau of Investigation, the U.S. Department of Health and Human Services (to include the National Institutes of Health and the National Institute of Allergy and Infectious Diseases), and the U.S. Department of Energy regarding the origins of COVID-19; and
5. All documents and communications regarding the pay history, to include the awarding of any type of financial or performance-based incentive/financial bonus to members of all iterations of the COVID Discovery Team(s).

Sincerely,



Rand Paul, M.D.  
Ranking Member  
Committee on Homeland Security  
& Governmental Affairs



Lindsey Graham  
Ranking Member  
Committee on the Judiciary



Ron Johnson  
Ranking Member  
Permanent Subcommittee  
on Investigations



Rick Scott  
United States Senator

cc: The Honorable Robin Ashton  
Inspector General  
Central Intelligence Agency

The Honorable Thomas A. Monheim  
Inspector General of the Intelligence Community  
Office of the Intelligence Community Inspector General



# EXHIBIT 4



214 Massachusetts Avenue, NE  
Washington, DC 20002  
(202) 546-4400  
heritage.org

**SENT VIA: FOIA.GOV**

September 20, 2023

Information and Privacy Coordinator  
Central Intelligence Agency  
Washington, DC 20530

Re: Covid Discovery Team(s)

Dear Information and Privacy Coordinator:

Pursuant to the Freedom of Information Act, 5 U.S.C. § 552, and the implementing FOIA regulations of the Central Intelligence Agency (“CIA” or “the Agency”), 32 CFR Part 1900, I respectfully request the following:

1. All records regarding the establishment of all iterations of the COVID Discovery Team(s);
2. All records between or among the members of all iterations of the COVID Discovery Team(s) regarding the origins of COVID-19;
3. All records between or among members of all iterations of the COVID Discovery Team(s) and other employees or contractors of the Agency regarding the origins of COVID-19;
4. All communications between or among members of all iterations of the COVID Discovery Team(s) and employees or contractors of other federal government agencies, including but not limited to the U.S. Department, the Federal Bureau of Investigation, the U.S. Department of Health and Human Services (to include the National Institutes of Health and the National Institute of Allergy and Infectious Diseases), and the U.S. Department of Energy regarding the origins of COVID-19; and
5. All documents and communications regarding the pay history, to include the awarding of any type of financial or performance-based incentive/financial bonus to members of all iterations of the COVID Discovery Team(s).



214 Massachusetts Avenue, NE  
Washington, DC 20002  
(202) 546-4400  
heritage.org

Please limit the search for this request to the following time period: December 1, 2019 to the present.

The requested records have been declassified by the Covid–19 Origin Act of 2023, Pub. L. 118-2, Mar. 20, 2023, 137 Stat. 4<sup>1</sup>, and per 32 CFR 1900.22, the requested records are not exempted from search, review, and disclosure under the FOIA by the CIA Information Act of 1984, Pub. L. 98-618, Nov. 8, 1984, 98 Stat. 3298.<sup>2</sup>

The terms “pertaining to,” “referring,” “relating,” or “concerning” with respect to any given subject means anything that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with, or is in any manner whatsoever pertinent to that subject.

The term “record” means any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, inter-office and intra-office communications, electronic mail (emails), MMS or SMS text messages, instant messages, messaging systems (such as iMessage, Microsoft Teams, WhatsApp, Telegram, Signal, Google Chat, Twitter direct messages, Lync, Slack, and Facebook Messenger), contracts, cables, telexes, notations of any type of conversation, telephone call, voicemail, meeting or other communication, bulletins, printed matter, computer printouts, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electronic records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature,

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<sup>1</sup> Pub. L. 118-2, Mar. 20, 2023, found at <https://www.congress.gov/118/plaws/publ2/PLAW-118publ2.pdf>.

<sup>2</sup> 32 C.F. R. Part 1900 *et. seq.*, found at <https://www.ecfr.gov/current/title-32/subtitle-B/chapter-XIX/part-1900>.



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however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape or otherwise. By definition, a “communication” (as that term is defined herein) is also a “record” if the means of communication is any written, recorded, or graphic matter of any sort whatsoever, regardless of how recorded, and whether original or copy.

The terms “and” and “or” should be construed broadly and either conjunctively or disjunctively to bring within the scope of this request any information which might otherwise be construed to be outside its scope. The terms “all,” “any,” and “each” should each be construed as encompassing any and all. The singular includes the plural number, and vice versa. The present tense includes the past and vice versa. The masculine includes the feminine and neuter genders.

The term “communication” means each manner or means of disclosure or exchange of information (in the form of facts, ideas, inquiries, or otherwise), regardless of means utilized, whether oral, electronic, by document or otherwise, and whether in an in-person meeting, by telephone, facsimile, e-mail (desktop or mobile device), text message, MMS or SMS message, regular mail, telexes, releases, or otherwise.

“Communications with,” “communications from,” and “communications between” means any communication involving the related parties, regardless of whether other persons were involved in the communication, and includes, but is not limited to, communications where one party is cc’d or bcc’d, both parties are cc’d or bcc’d, or some combination thereof.

The term “person” is defined as any natural person or any legal entity, including, without limitation, any business or governmental entity or association, and all subsidiaries, divisions, partnerships, properties, affiliates, branches, groups, special purpose entities, joint ventures, predecessors, successors, or any other entity in which they have or had a controlling interest, and any employee, and any other units thereof.

The term “employee” means a current or former: officer, director, shareholder, partner, member, consultant, senior manager, manager, senior associate, permanent employee, staff employee, attorney, agent (whether de jure, de facto, or apparent without limitation), advisor, representative, attorney (in law or in fact), lobbyist (registered or unregistered), borrowed employee, casual employee, consultant, contractor, de facto employee, independent contractor, joint adventurer, loaned employee, part-time employee, provisional employee, or subcontractor.



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A record bearing any notation not a part of the original text is to be considered a separate record. A draft or non-identical copy is a separate record within the meaning of this term.

Please consider all members of a document “family” to be responsive to the request if any single “member” of that “family” is responsive, regardless of whether the “family member” in question is “parent” or “child.”

This request for records includes any attachments to those records or other materials enclosed with those records when they were previously transmitted. To the extent that an email is responsive to our request, our request includes all prior messages sent or received in that email chain, as well as any attachments to the email.

In the interest of expediency and to minimize the research and/or duplication burden on your staff, please send records electronically if possible. If this is not possible, please notify me before sending to the mailing address listed below. If access to this request will take longer than twenty business days, please let me know when I might receive records or be able to inspect the requested records. Please produce responsive documents as soon as they become available. In all cases, please communicate with me at the below email address.

Please comply fully with 5 U.S.C. § 552(b). Accordingly, without limitation to the foregoing, if any portion of this request is denied for any reason, please provide written notice of the records or portions of records that are being withheld and cite each specific exemption of the Freedom of Information Act on which the agency relies. Moreover, to the extent that responsive records may be withheld in part, produce all reasonably segregable portions of those records. Additionally, please provide all responsive documents even if they are redacted in full.

### **Fee Waiver Request**

This request is primarily and fundamentally for non-commercial purposes. As a 501(c)(3) nonprofit, Heritage Foundation does not have a commercial purpose and the release of the information requested is not in Heritage Foundation’s commercial interest. Heritage Foundation’s mission is to formulate and promote public policies based on the principles of free enterprise, limited government, individual freedom, traditional American values, and a strong national defense. Heritage Foundation uses the information requested and analyzes it in order to educate the



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public through social media,<sup>3</sup> broadcast media<sup>4</sup> (traditional and nontraditional) and press releases.<sup>5</sup> The requested information is in the public interest because whistleblower allegations brought forward by a “multi-decade, senior-level, current Agency officer” that the CIA provided “monetary incentives” for analysts to change their determination on the origins of the COVID-19 pandemic is a matter of immense public interest and controversy.<sup>6</sup>

Because this is a request by a member of the news media for information of public interest, made in my capacity as an author for the Daily Signal<sup>7</sup> (a major news outlet<sup>8</sup>), I actively gather information of potential interest to our Daily Signal audience, and I use my editorial skills to turn raw materials into a distinct work, and I distribute that work to our Daily Signal audience through podcasts<sup>9</sup> or articles. I also post our distinct work on our Oversight Project social media page.<sup>10</sup> By function, the Oversight Project is primarily engaged in disseminating information to the public. Staff members for the Oversight Project regularly appear in television, radio, print, and other forms of media to provide expert commentary on salient issues in the national debate. I request that you waive all applicable fees associated with this request.

If you deny this request for a fee waiver, please advise me in advance of the estimated charges if they are to exceed \$50. Please send me a detailed and itemized explanation of those charges.

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<sup>3</sup> Heritage Foundation on X. [@Heritage] (Accessed: 2023, September 18). 676.3K Followers on X. <https://twitter.com/Heritage>

<sup>4</sup> Fox News. (Accessed: 2023, September 18). Heritage Foundation launches Conservative Oversight Project aimed at 'exposing' Biden admin, leftist policies. <https://www.foxnews.com/politics/heritage-conservative-oversight-project-biden-admin-leftist-policies>

<sup>5</sup> Heritage Foundation. (Accessed: 2023, September 18). Press. <https://www.heritage.org/press>.

<sup>6</sup> Letter from Hon. Brad Wenstrup, Chairman, H. Select Subcomm. on the Coronavirus Pandemic, H. Comm. on Oversight & Accountability, to Hon. William J. Burns, Director, Central Intelligence Agency, Sept. 12, 2023, found at <https://oversight.house.gov/wp-content/uploads/2023/09/2023.09.12-SSCP-HPSCI-Letter-to-CIA-Re.-Origins-of-COVID.pdf> (herein after “COVID Subcommittee Sept. 12 Letter”).

<sup>7</sup> Daily Signal. (Accessed: 2023, September 18). Mike Howell. <https://www.dailysignal.com/author/mike-howell/>

<sup>8</sup> Daily Signal on X. [@DailySignal] (Accessed: 2023, September 18). 84.1K Followers on X. <https://twitter.com/DailySignal>

<sup>9</sup> Apple. (Accessed: 2023, September 14). The Daily Signal Podcast. <https://podcasts.apple.com/us/podcast/the-daily-signal-podcast/id1313611947>

<sup>10</sup> Oversight Project on X. [@OversightPR] (Accessed: 2023, September 18). 8,046 Followers on X. <https://twitter.com/oversightpr>



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**Request for Expedited Processing:**

Pursuant to 32 C.F.R. 1900.34, I request expedited processing for this request.

**Background:**

The issue of the origins of whether individuals within the CIA’s COVID Discovery Team(s) received financial incentives to change their assessment of the Pandemic’s origins were brought to light by a September 12, 2023 letter to Director William Burns from Chairman Brad Wenstrup and Chairman Mike Turner (“House Letter”). The Letter received widespread media coverage and sought much of the information sought here by September 26, 2023. The Letter was followed by a Letter from Senators Rand Paul, Lindsey Graham, Ron Johnson, and Rick Scott on the same day (“Senate Letter”). The Senate Letter sought the same material as the House Letter.

Requesters expressly incorporate and rely upon the following factual Appendices.

- **Appendix A.** Letter from the Hon. Brad Wenstrup & the Hon. Mike Turner to Director William Burns (September 12, 2023).<sup>11</sup>
- **Appendix B.** Letter from the Hon. Rand Paul, Hon. Lindsey Graham, Hon. Ron Johnson & Hon. Rick Scott to Director Williams Burns (September 12, 2023).<sup>12</sup>
- **Appendix C.** Compilation of news articles relating to the Letter from Hon. Brad Wenstrup and the Hon. Mike Turner to Director William Burns.<sup>13</sup>

**Expedited Processing is Warranted under 32 C.F.R. Part 1900.34(a).**

1. This provision provides that expedited processing shall be approved: “only when a compelling need is established to the satisfaction of the Agency.” A compelling need exists: “(1) [w]hen the matter involves an imminent threat to the life or physical safety of an individual; or (2) [w]hen the request is made by a person primarily engaged in disseminating information and the information is relevant to a

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<sup>11</sup> [https://thf\\_media.s3.amazonaws.com/2023/Oversite\\_Project/Appendix%20A.pdf](https://thf_media.s3.amazonaws.com/2023/Oversite_Project/Appendix%20A.pdf)

<sup>12</sup> [https://thf\\_media.s3.amazonaws.com/2023/Oversite\\_Project/Appendix%20B.pdf](https://thf_media.s3.amazonaws.com/2023/Oversite_Project/Appendix%20B.pdf)

<sup>13</sup> [https://thf\\_media.s3.amazonaws.com/2023/Oversite\\_Project/Appendix%20C.pdf](https://thf_media.s3.amazonaws.com/2023/Oversite_Project/Appendix%20C.pdf)



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subject of public urgency concerning an actual or alleged Federal Government activity.”

First, regarding the requirement that the requester be “a person whose primary professional activity or occupation is information dissemination,” courts maintain that it is sufficient for a FOIA request to stipulate that the requester “intend[ed] to disseminate the information obtained,” and that its “core mission ... is to inform public understanding on operations and activities of government.” *Protect Democracy Project, Inc. v. U.S. Dep’t of Def.*, 263 F. Supp. 3d 293, 298 (D.D.C. 2017).

Second, courts generally recognize three main factors for determining whether a request demonstrates an urgency to inform the public: “(1) whether the request concerns a matter of current exigency to the American public; (2) whether the consequences of delaying a response would compromise a significant recognized interest; and (3) whether the request concerns federal government activity.” *Id.* At 299. These factors must be applied such that the “public’s right to know,” while important, is not sufficient to satisfy this standard. *Long v. Dep’t of Homeland Sec.*, 436 F. Supp. 2d 38, 42 (D.D.C. 2006). Present news reports on the matter of a FOIA request may demonstrate that it concerns a matter of current exigency. *Protect Democracy Project, Inc.* at 299. “Recognized interests” include the protection of free and open debate on issues of vital national importance and the prevention of illegal acts by the government. *Id.* at 300. Additionally, the court in *Am. C.L. Union of N. California v. U.S. Dep’t of Def.*, No. C 06-01698 WHA, 2006 WL 1469418, \*6 (N.D. Cal. May 25, 2006), held that a story which “conveys information the public wants quickly” or “would lose value if it were delayed” is a “breaking news story” which fulfills the requirement for a “particular urgency to inform the public.” The court also held that the “potential impact of the news” and the importance of it to “public policy and public protests” both demonstrate urgency to inform the public. *Id.* at 7.

2. The facts amply support expedition here. First, I am making this request as Director of The Heritage Foundation’s Oversight Project and in my capacity as an investigative columnist for the *Daily Signal*, a major news outlet. In my position, I actively gather information of potential interest to our *Daily Signal* audience, use my editorial skills to turn raw materials into a distinct work, and distribute that work to our Daily Signal audience through podcasts or articles. The Oversight Project is an initiative aimed at obtaining information via Freedom of Information Act requests and other means in order to best inform the public and Congress for the purposes of Congressional oversight. Staff members of the Oversight Project routinely appear on television, radio, print, and other forms of media to inform





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the public on salient issues in the national debate. The requests and analysis of information are informed by Heritage’s deep policy expertise.

In addition, all three factors support an urgency to inform the public in favor of expedited processing.

*First.* The United States was under a Public Health Emergency because of the COVID-19 global pandemic from January 2020 through May 11, 2023. Over 1 million Americans died of COVID-19 during the pandemic. The whistleblower allegations contained in the House Letter are serious. The whistleblower alleges that six of the seven members of the CIA COVID Discovery Team concluded after its review that “the intelligence and science were sufficient to make a low confidence assessment that COVID-10 originated from a laboratory in Wuhan, China.”<sup>14</sup> App. A at 1. The whistleblower further alleges, “that to come to the eventual public determination of uncertainty, the other six members were given a significant monetary incentive to change their position.” *Id.* If the whistleblower allegations are true, the CIA’s actions would represent a significant breach of public trust. The American public deserves to know whether the CIA has been politicized and whether the Agency has taken improper actions to alter the public’s understanding of the origins of a pandemic that claimed the lives of over one million of their countrymen.

*Second.* There is extensive media and Congressional interest on the origins of COVID-19. *See* App. C. For two consecutive Congresses, the House of Representatives—under the leadership of both Democrats and Republicans—established Select Subcommittees to conduct oversight of the pandemic and the government’s response to it. Investigating the origins of the COVID-19 pandemic has been a congressional priority for years. A free and open debate on the origins of COVID-19 is vital for enacting informed policies that will prevent future pandemics and to hold wrongdoers accountable if malfeasance is discovered through these investigations.

*Third.* This FOIA request concerns the activities of your Department and how it has assessed the origins of COVID-19 and how those initial assessments may have been influenced by financial incentives.

It is beyond contention that there is massive controversy over the origins of the COVID-19 Pandemic. This issue has been the subject of substantial press coverage. *See* App. C. The House Letter and Senate Letter seek much of the same information

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<sup>14</sup> COVID Subcommittee Sept. 12 Letter, *supra* note 6.



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sought here. App. A at 1-2; App. B. at 1-2 It also sets out why the whistleblower's allegations are concerning, and the publication of this information is vital. App. A at 1; App. B. at 1. These matters have been extensively covered in the press. *See* App. C at 001-3; 004-7; 008-010; 011-015; 016-020; 021-028; 029-031; 032-035; 036-040; 041-043; 044-048; 049-051; 052-055; 056-074; 075-078.

Thank you in advance for considering my request. If you have any questions, or feel you need clarification of this request please contact me at [oversightproject@heritage.org](mailto:oversightproject@heritage.org).

Sincerely,

Mike Howell  
Senior Advisor and Author at The Daily  
Signal  
The Heritage Foundation  
214 Massachusetts Ave, NE  
Washington, D.C. 20002

# EXHIBIT 5

**Jankowski, Roman**

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**From:** Public\_Access\_Request\_Branch@ucia.gov <PARB-NSE@ucia.gov>  
**Sent:** Thursday, December 14, 2023 10:28 AM  
**To:** OversightProject  
**Subject:** ATTN -- Initial Response F-2024-00005  
**Attachments:** F-2024-00005-ACK.pdf

Dear Requester:

Attached is an initial response to your Freedom of Information Act (FOIA) query of 25 October 2023. Please review the attachment, and should you have any questions, please call the CIA FOIA Hotline at +1 (703) 613-1287.

Regards,  
Public Access Requests Branch  
Central Intelligence Agency

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***Warning – Please DO NOT REPLY to this e-mail. This e-mail is used solely to provide a response to your Freedom of Information Act (FOIA) request of the Central Intelligence Agency (CIA), and is not a means of communicating with CIA regarding your request. As a result, the account from which this message originated is not routinely monitored. Should you have any questions or concerns about our response, please call the CIA FOIA Hotline at +1 (703) 613-1287.***

Central Intelligence Agency



Washington, D.C. 20505

1 December 2023

Michael Howell  
Heritage Foundation Oversight Project  
214 Massachusetts Avenue NE  
Washington, DC 20002  
oversightproject@heritage.org

Reference: F-2024-00005

Dear Requester:

This letter serves to inform you that CIA originally attempted to correspond with you regarding your request referenced above on 25 October 2023; however, our correspondence was returned to us on 20 November 2023 by the United States Postal Service as “not deliverable as addressed.” Based on your provision of your updated address, we are now sending you a copy of our original correspondence.

If you have any questions regarding this response, please call this office at (703) 613-1287.

Sincerely,

A handwritten signature in blue ink, appearing to read "Stephen Glenn".

Stephen Glenn  
Information and Privacy Coordinator



Central Intelligence Agency



Washington, D.C. 20505

25 October 2023

Mike Howell  
The Heritage Foundation  
214 Massachusetts Avenue NE  
Washington, DC 20002  
[oversightproject@heritage.org](mailto:oversightproject@heritage.org)

Reference: F-2024-00005

Dear Requester:

On 20 September 2023, the Office of the Information and Privacy Coordinator received your same-day correspondence, submitted on behalf of the Heritage Foundation seeking, under the Freedom of Information Act, the following:

- 1. All records regarding the establishment of all iterations of the COVID Discovery Team(s).**
- 2. All records between or among the member of all iterations of the COVID Discovery Teams(s) regarding the origins of COVID-19.**
- 3. All records between or among members of all iterations of the COVID Discovery Teams(s) and other employees or contractors of the Agency regarding the origins of COVID-19.**
- 4. All communications between or among members of all iterations of the COVID Discovery Teams(s) and employees or contractors of other federal government agencies, including but not limited to the U.S. Department, the Federal Bureau of Investigation, the U.S. Department of Health and Human Services (to include the National Institutes of Health and the National Institute of Allergy and Infectious Diseases), and the U.S. Department of Energy regarding the Origins of COVID-19.**
- 5. All documents and communications regarding the pay history, to include the awarding of any type of financial or performance-based incentive/financial bonus to members of all iterations of the COVID Discovery Team(s).**

**Time period: December 1, 2019 to the present.**

This letter serves to acknowledge that CIA received your request, and to further let you know that this office assigned your request the reference number provided above. Citing this number in future correspondence will allow us to more efficiently locate your case information.

In the event that we have questions or require additional information or clarification from you to proceed with processing your request, a representative will contact you. Unless you object, this office will search for CIA-originated records only up to and including the date that the Agency begins its search. As a matter of administrative discretion, this office is waiving fees associated with your query.

You have requested expedited processing. Generally, we handle all requests in the order we receive them; that is "first-in, first out." We make exceptions to this rule when a requester establishes a compelling need in accordance with our regulations. We have reviewed your request and determined it does not meet the criteria for expedited processing. Specifically, the request does not involve an imminent threat to the life or physical safety of an individual, nor is it made "by a person primarily engaged in disseminating information, and the information is relevant to a subject of public urgency concerning an actual or alleged or Federal activity." Therefore, we have determined that you have not established a "compelling need" for the information as set forth in 32 CFR § 1900.34. Your request for expedited processing is hereby denied. You may appeal this decision, in my care, within 90 days from the date of this letter. Should you choose to appeal the denial of your request for expedited processing, you are encouraged to provide an explanation supporting your appeal.

To check the status of your request, please visit: <https://www.cia.gov/readingroom/request/status> and input the reference number provided above or call this office at (703) 613-1287.

Sincerely,



Anthony J. Capitos  
Information and Privacy Coordinator



# EXHIBIT 6

Redirects —

# CIA.gov FOIA Reading Room

The CIA.gov FOIA Reading Room is temporarily unavailable. We apologize for the inconvenience. Please try again later.