OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE WASHINGTON, DC

24 June 2024

Hana Mensendiek US Right to Know 4096 Piedmont Avenue, #963 Oakland, CA 94611-5221

Re: Litigation 23-cv-01055 | ODNI FOIA Case DF-2023-00241

Ms. Mensendiek,

This letter is the second interim response to your Freedom of Information Act (FOIA) request, dated 26 June 2023 and received by the Information Management Office (IMO) on 27 June 2023 (Enclosure 1), in which you requested four (4) explicitly segregated items of information concerning the Wuhan Institute of Virology.

Your request is being processed in accordance with the FOIA, 5 U.S.C. § 552, as amended. This response addresses the processing of 59 documents responsive to your aforementioned request (Bates Pages: 23-cv-01055 (DF-2023-00241) 000036 – 001116). We have determined that three (3) documents (Bates Pages: 23-cv-01055 (DF-2023-00241) 000088 – 000090 and 000099 – 000120) are being released to you in full and one (1) document (Bates Pages: 23-cv-01055 (DF-2023-00241) 000091 – 000098) is being released to you in part, pursuant to FOIA exemptions:

- (b)(3), which applies to information exempt from disclosure by statute, and, in this case, specifically the National Security Act of 1947, as amended, sections 50 U.S.C. § 3024(i) and 50 U.S.C. § 3024(m), which protect information pertaining to intelligence sources and methods and the names and identifying information of ODNI personnel, respectively;
- (b)(5), which applies to information that concerns communications within or between agencies which are protected by legal privileges; and
- (b)(6), which applies to information which, if released, would clearly constitute an unwarranted invasion of personal privacy.

Additionally, 47 documents (Bates Pages: 23-cv-01055 (DF-2023-00241) 000121 – 001116) are being withheld in full, pursuant to the FOIA exemptions cited above as well as FOIA exemption:

• (b)(1), which applies to information that is currently and properly classified pursuant to Executive Order 13526, Section 1.4(c).

Finally, we have determined that eight (8) documents (Bates Pages: 23-cv-01055 (DF-2023-00241) 000036-000087) fall under the purview of another government agency. We have referred those documents to their respective agencies for their review and direct response to you.

If you have any questions, your attorney may contact Attorney Rebecca Levenson of the Department of Justice at (703) 299-3760 or via e-mail at rebecca.s.levenson@usdoj.gov.

Gregory M. Koch

Chief, Information Management Office FOIA Public Liaison

Enclosures

From: Hana Mensendiek <hana@usrtk.org>

Sent: Friday, July 7, 2023 1:28 PM

To: DNI-FOIA Cc: Gary Ruskin

Subject: Re: Freedom of Information Act request

Attachments: Revised request 7.7.23.pdf

Dear FOIA officer:

Thank you for reviewing our FOIA request. We have revised our request to include time frames for Part I, III, and IV, as well as a beginning date for the time frame of Part II. We have also indicated that we are seeking non COVID-19-related coronavirus research for Part II. Thank you for confirming.

Please see attached for the revised request, and do tell us if there is any more we can do to assist in processing the request.

Thank you for your work in filing our request.

Sincerely,

Hana Mensendiek U.S. Right to Know

On Fri, Jul 7, 2023 at 11:14 AM DNI-FOIA < DNI-FOIA @dni.gov > wrote:

Good afternoon,

Upon review, please provide a time frame for Parts I, III, and IV of the request.

Separately, we are interpreting Part II to be seeking *non COVID-19-related* coronavirus research – please let us know if this is incorrect.

Additionally, the requested timeframe for Part II covers a 15 year period – searching over such a long time frame would likely greatly increase the processing time necessary for any records responsive to your request.

Thank you,

DNI-FOIA

Sent: Monday, June 26, 2023 5:18 PM
To: DNI-FOIA <dni-foia@dni.gov></dni-foia@dni.gov>
Cc: Gary Ruskin <gary@usrtk.org></gary@usrtk.org>
Subject: Freedom of Information Act request
Dear Mr. Koch:
Please see the attached Freedom of Information Act request.
Please contact me with any questions or concerns.
Thanks so much for your help in filling this request.
Sincerely,
Hana Mensendiek
U.S. Right to Know



Pursuing truth and transparency for public health

July 7, 2023

Gregory Koch
Director, Information Management Office
ATTN: FOIA/PA
Office of the Director of National Intelligence
Washington, D.C. 20511

Via email: dni-foia@dni.gov

RE: Freedom of Information Act request

Dear Mr. Koch:

This is a four-part request under the Freedom of Information Act, 5 U.S.C. § 552, et seq., to the Office of the Director of National Intelligence (ODNI) related to intelligence about the origins of COVID-19. This request supersedes U.S. Right to Know's Freedom of Information Act request filed on June 26, 2023 to the ODNI.

Public Law No. 118-2 (COVID—19 Origin Act of 2023) requires ODNI to "declassify any and all information relating to potential links between the Wuhan Institute of Virology and the origin of the Coronavirus Disease 2019 (COVID-19)." The deadline for such was June 18, 2023. Accordingly, we interpret all records requested below (except for those necessary to protect ODNI's sources and methods) as declassified, and not subject to exemption under 5 U.S.C. § 552 (b)(1).

Part I. We seek the production of all records showing activities performed by the Wuhan Institute of Virology with or on behalf of the People's Liberation Army.

The time frame covered by Part I of this request is January 1, 2017 to January 1, 2020.

Part II. We seek all records that refer to coronavirus research (non-COVID 19) or other related activities performed at the Wuhan Institute of Virology between January 1, 2017 and January 1, 2020.

Part III. We seek records of intelligence referring to researchers at the Wuhan Institute of Virology who fell ill in autumn 2019. This includes, of any such researcher: (i) the researcher's name; (ii) the researcher's symptoms; (iii) the date of the onset of the researcher's symptoms; (iv) the researcher's role at the Wuhan Institute of Virology; (v) whether the researcher was involved with or exposed to coronavirus research at the Wuhan Institute of Virology; (vi) whether the researcher visited a hospital while they were ill; and (vii) a description of any other

actions taken by the researcher that may suggest they were experiencing a serious illness at the time.

The time frame covered by Part III of this request is August 1, 2019 to the present.

Part IV. We seek all other records of intelligence not captured in Parts 1-3 of this FOIA, which are properly declassified under Public Law No. 118-2, relating to potential links between the Wuhan Institute of Virology and the origin of the Coronavirus Disease 2019 (COVID-19).

The time frame covered by Part IV of this request is January 1, 2017 to the present.

We request that you disclose these documents and materials as they become available to you, without waiting until all the documents have been assembled. If documents are denied in whole or in part, please specify which exemption(s) is (are) claimed for each passage or whole document denied. Give the number of pages in each document and the total number of pages pertaining to this request and the dates of documents withheld. We request that excised material be "blacked out" rather than "whited out" or cut out and that the remaining non-exempt portions of documents be released as provided under the Freedom of Information Act.

Please advise of any destruction of records and include the date of and authority for such destruction. As we expect to appeal any denials, please specify the office and address to which an appeal should be directed.

REQUEST FOR FEE WAIVER

FOIA was designed to provide citizens a broad right to access government records. FOIA's basic purpose is to "open agency action to the light of public scrutiny," with a focus on the public's "right to be informed about what their government is up to." NARA v. Favish, 541 U.S. 157, 171 (2004) quoting U.S. Dep't of Justice v. Reporters Comm. for Freedom of Press, 489 U.S. 749, 773-74 (1989) (internal quotation and citations omitted). In order to provide public access to this information, FOIA's fee waiver provision requires that "[d]ocuments shall be furnished without any charge or at a [reduced] charge," if the request satisfies the standard. 5 U.S.C. § 552(a)(4)(A)(iii). FOIA's fee waiver requirement is "liberally construed." Judicial Watch, Inc. v. Rossotti, 326 F.3d 1309, 1310 (D.C. Cir. 2003); Forest Guardians v. U.S. Dept. of Interior, 416 F.3d 1173, 1178 (10th Cir. 2005).

The 1986 fee waiver amendments were designed specifically to provide non-profit organizations such as U.S. Right to Know access to government records without the payment of fees. Indeed, FOIA's fee waiver provision was intended "to prevent government agencies from using high fees to discourage certain types of requesters and requests," which are "consistently associated with requests from journalists, scholars, and *non-profit public interest groups*." *Ettlinger v. FBI*, 596 F. Supp. 867, 872 (D. Mass. 1984) (emphasis added). As one Senator stated,

"[a]gencies should not be allowed to use fees as an offensive weapon against requesters seeking access to Government information" 132 Cong. Rec. S. 14298 (statement of Senator Patrick Leahy).

I. U.S. Right to Know Qualifies for a Fee Waiver.

Under FOIA, a party is entitled to a fee waiver when "disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the [Federal] government and is not primarily in the commercial interest of the requester." 5 U.S.C. § 552(a)(4)(A)(iii).

Thus, the ODNI must consider six factors to determine whether a request is in the public interest: (1) whether the subject of the requested records concerns "the operations or activities of the Federal government," (2) whether the disclosure is "likely to contribute" to an understanding of government operations or activities, (3) whether the disclosure "will contribute to public understanding" of a reasonably broad audience of persons interested in the subject, (4) whether the disclosure is likely to contribute "significantly" to public understanding of government operations or activities. *Id.* § 2.107(1)(2), (5) whether a commercial interest exists and its magnitude, and (6) the primary interest in disclosure. As shown below, U.S. Right to Know meets each of these factors.

A. The Subject of This Request Concerns "The Operations and Activities of the Government."

The subject matter of this request concerns the operations and activities of the United States Intelligence Community (IC), which the ODNI oversees. This request is about potential links between the Wuhan Institute of Virology and the origin of the COVID-19, which Congress required ODNI to declassify.

This FOIA will provide U.S. Right to Know and the public with crucial insight into the activities of the ODNI in relation to the US Government's efforts to understand the origins of the COVID-19 pandemic. It is clear that a federal agency's oversight of health, safety and security threats, both foreign and in the U.S. is a specific and identifiable activity of the government, and in this case it is the executive branch agency of the ODNI. *Judicial Watch*, 326 F.3d at 1313 ("[R]easonable specificity is all that FOIA requires with regard to this factor") (internal quotations omitted). Thus, U.S. Right to Know meets this factor.

B. Disclosure is "Likely to Contribute" to an Understanding of Government Operations or Activities.

The requested records are meaningfully informative about government operations or activities and will contribute to an increased understanding of those operations and activities by the public.

Disclosure of the requested records will allow U.S. Right to Know to convey to the public information about the ODNI's activities in relation to the Intelligence Community's investigations into the origins of COVID-19, as well the extent of its compliance with federal law. Once the information is made available, U.S. Right to Know will analyze it and present it to the general public in a manner that will meaningfully enhance the public's understanding of this topic.

Thus, the requested records are likely to contribute to an understanding of the ODNI's operations and activities.

C. Disclosure of the Requested Records Will Contribute to a Reasonably Broad Audience of Interested Persons' Understanding of the origins of the COVID-19 Pandemic

The requested records will contribute to public understanding of whether the ODNI's actions relating to concerns about origins of COVID-19 were consistent with its mission to "lead the IC in intelligence integration, forging a community that delivers the most insightful intelligence possible". As explained above, the records will contribute to public understanding of this topic.

Activities of the ODNI generally, and specifically its activities to investigate the origins of the COVID-19 pandemic are areas of interest to a reasonably broad segment of the public. U.S. Right to Know will use the information it obtains from the disclosed records to educate the public at large about this topic. See W. Watersheds Proj. v. Brown, 318 F. Supp.2d 1036, 1040 (D. Idaho 2004) (finding that "WWP adequately specified the public interest to be served, that is, educating the public about the ecological conditions of the land managed by the BLM and also how ... management strategies employed by the BLM may adversely affect the environment").

Through U.S. Right to Know's synthesis and dissemination (by means discussed in Section II, below), disclosure of information contained in and gleaned from the requested records will contribute to a broad audience of persons who are interested in the subject matter. Ettlinger v. FBI, 596 F. Supp. at 876 (benefit to a population group of some size distinct from the requester alone is sufficient); Carney v. Dept. of Justice, 19 F.3d 807, 815 (2d Cir. 1994), cert. denied, 513 U.S. 823 (1994) (applying "public" to require a sufficient "breadth of benefit" beyond the requester's own interests); Cmty. Legal Servs. v. Dep't of Hous. & Urban Dev., 405 F. Supp.2d 553, 557 (E.D. Pa. 2005) (in granting fee waiver to community legal group, court noted that

while the requester's "work by its nature is unlikely to reach a very general audience," "there is a segment of the public that is interested in its work").

Indeed, the public does not currently have an ability to easily evaluate the requested records, which are not currently in the public domain because information contained in the ODNI report titled "The Potential Links Between the Wuhan Institute of Virology and the Origin of the COVID-19 Pandemic", released June 23, 2023, was incomplete and failed to comply with requirements set forth by Congress to release "any and all" information on the topic. See Cmty. Legal Servs., 405 F. Supp.2d at 560 (because requested records "clarify important facts" about agency policy, "the CLS request would likely shed light on information that is new to the interested public."). As the Ninth Circuit observed in McClellan Ecological Seepage Situation v. Carlucci, 835 F.2d 1282, 1286 (9th Cir. 1987), "[FOIA] legislative history suggests that information [has more potential to contribute to public understanding] to the degree that the information is new and supports public oversight of agency operations... ."1[1]

Disclosure of these records is not only "likely to contribute," but is certain to contribute, to public understanding of ODNI's activities toward finding the origins of the COVID-19 pandemic. The public is always well served when it knows how the government conducts its activities, particularly matters touching on legal questions. Hence, there can be no dispute that disclosure of the requested records to the public will educate the public about this pressing issue.

II. Disclosure is Likely to Contribute Significantly to Public Understanding of Government Operations or Activities.

U.S. Right to Know is not requesting these records merely for their intrinsic informational value. Disclosure of the requested records will significantly enhance the public's understanding of what the ODNI knows about the origins of SARS-CoV-2 and of institutions that conducted coronavirus research in Wuhan, China. The records are also certain to shed light on the ODNI's compliance with its own mission and purpose, as well as its compliance with federal law. Such public oversight of agency action is vital to our democratic system and clearly envisioned by the drafters of the FOIA. Thus, U.S. Right to Know meets this factor as well.

III. Obtaining the Requested Records is of No Commercial Interest to U.S. Right to Know

Access to government records, disclosure forms, and similar materials through FOIA requests is essential to U.S. Right to Know's role of educating the general public. Founded in 2014, U.S. Right to Know is a 501(c)(3) nonprofit public interest, public health organization (EIN: 46-5676616). U.S. Right to Know has no commercial interest and will realize no commercial benefit from the release of the requested records.

IV. U.S. Right to Know's Primary Interest in Disclosure is the Public Interest.

As stated above, U.S. Right to Know has no commercial interest that would be furthered by disclosure. Although even if it did have an interest, the public interest would far outweigh any pecuniary interest¹.

U.S. Right to Know is a non-profit organization that informs, educates, and counsels the public regarding corporate wrongdoing and government failures that threaten the integrity of our food system, our environment and our health. U.S. Right to Know has been substantially involved in the activities of numerous government agencies for over eight years, and has consistently displayed its ability to disseminate information granted to it through FOIA.

In granting U.S. Right to Know's fee waivers, agencies have recognized: (1) that the information requested by U.S. Right to Know contributes significantly to the public's understanding of the government's operations or activities; (2) that the information enhances the public's understanding to a greater degree than currently exists; (3) that U.S. Right to Know possesses the expertise to explain the requested information to the public; (4) that U.S. Right to Know possesses the ability to disseminate the requested information to the general public; (5) and that the news media recognizes U.S. Right to Know as an established expert in the field of public health. U.S. Right to Know's track record of active participation in oversight of governmental activities and decision making, and its consistent contribution to the public's understanding of those activities as compared to the level of public understanding prior to disclosure are well established.

U.S. Right to Know intends to use the records requested here similarly. U.S. Right to Know's work appears frequently in news stories online and in print, radio and TV, including reporting in outlets such as *The New York Times* and *The Guardian*, as well as medical and public health journals such as the *BMJ*. Many media outlets have reported about the food and chemical industries using information obtained by U.S. Right to Know from federal agencies. In 2022, more than 725,000 people visited U.S. Right to Know's extensive website, and viewed pages more than one million times. U.S. Right to Know and its staff regularly tweet to a combined following of nearly 50,000 on Twitter, and more than 9,600 people follow U.S. Right to Know on Facebook, U.S. Right to Know intends to use any or all of these media outlets to share with the public information obtained as a result of this request.

Public oversight and enhanced understanding of the ODNI's duties is absolutely necessary. In determining whether disclosure of requested information will contribute significantly to public understanding, a guiding test is whether the requester will disseminate the information to a reasonably broad audience of persons interested in the subject. *Carney*, 19 F.3d 807. U.S. Right to Know need not show how it intends to distribute the information, because "[n]othing in FOIA, the [agency] regulation, or our case law require[s] such pointless specificity." *Judicial*

¹ In this connection, it is immaterial whether any portion of U.S. Right to Know's request may currently be in the public domain because U.S. Right to Know requests considerably more than any piece of information that may currently be available to other individuals. *See Judicial Watch*, 326 F.3d at 1315.

Watch, 326 F.3d at 1314. It is sufficient for U.S. Right to Know to show how it distributes information to the public generally. *Id.*

Please send the documents electronically in PDF format to hana@usrtk.org. If you need additional information please write Hana at the email address above.

Thank you so much for your help in filling this request.

Sincerely,

Hana Mensendiek

Investigator

Gary Ruskin

Executive Director

United States Senate WASHINGTON, DC 20510

July 27, 2021

President Joseph R. Biden The White House 1600 Pennsylvania Avenue, N.W. Washington, D.C. 20500

Dear Mr. President:

The threat to international health and security posed by the Chinese Communist Party's (CCP) repressive and opaque governance of the People's Republic of China (PRC) has become glaringly apparent over the past eighteen months, particularly given the PRC's efforts to conceal the severity and scope of the outbreak of the SARS-CoV-2 virus that caused the COVID-19 pandemic. The PRC's refusal to cooperate with the World Health Organization (WHO) investigation into COVID-19 origins, the gag order it imposed on Chinese scientists and medical personnel, and its ongoing obfuscation and disinformation campaign regarding the pandemic have caused severe hardship worldwide.

We were therefore glad to see your May 26, 2021, statement directing the intelligence community to "redouble their efforts to collect and analyze information that could bring us closer to a definitive conclusion" with regard to the pandemic's origin. As the United States emerges from the pandemic, we believe that, in addition to addressing gaps in international pandemic prevention, preparedness, and response, including within our own government, three crucial steps are necessary to prevent a similar calamity in the future.

First, we agree that the intelligence community must lead a thorough investigation into the origins of COVID-19. Identifying where the virus originated and how it first spread will be critical to preventing future pandemics. If the 90-day effort you have announced does not yield conclusions in which the United States has a high degree of confidence, we urge you to direct the intelligence community to continue prioritizing this inquiry until such conclusions are possible.

A full and impartial investigation that carefully considers all credible theories, backed by all available evidence, is critical. This includes theories suggested in an open letter by 18 distinguished experts to *Science Magazine* on May 14, 2021, which argued that "theories of accidental release from a lab and zoonotic spillover both remain viable."

We believe the intelligence community should examine relevant research at the Wuhan Institute of Virology (WIV) and associated facilities, such as the Wuhan Center for Disease Prevention and Control and the Wuhan Institute of Biological Products. This investigation must evaluate evidence regarding WIV researchers who fell ill in the fall of 2019. It should identify other details of any researchers at the WIV who were working on coronavirus projects, and attempts by the PRC government to silence or disappear them; details of any WIV gain-of-function research specific to

President Joseph R. Biden July 27, 2021 Page 2

coronaviruses or other potential human pathogens; laboratory safety standards and practices for such research; and details of any research in synthetic biology and biotechnology connected to the Military-Civil Fusion strategy, and other military work or funding at the WIV.

Additionally, this investigation must examine any evidence pointing to the possible transmission of SARS-CoV-2 from animals to humans, including specific zoonotic transmission chains, and the most probable timing, location, and contributing factors of any zoonotic spillover events.

We also believe that the investigation should address PRC efforts to prevent international inquiries into the origins of SARS-CoV-2, and other actions PRC authorities have taken to obscure the nature of the virus and its transmission. The U.S. government should examine the international agreements to which the PRC is a party that require disclosure and cooperation in the event of a viral outbreak like SARS-CoV-2, assess whether the PRC violated any of these agreements, and analyze its motivations for doing so.

The investigation should also include details on the collection and analytic guidance the Intelligence Community used from the start of the SARS-CoV-2 pandemic to the present to support policy and programmatic requirements.

Second, the U.S. government should lead efforts by the international community and the WHO to seek a transparent forensic investigation in the PRC. The PRC has an obligation to the international community to allow a full, unfettered, impartial, and scientific investigation into COVID-19 origins. In light of the PRC's continued stonewalling of WHO efforts, the U.S. government should work with our allies and partners to use all available resources and tools to pressure Beijing to permit a serious investigation.

Third, the United States must complete a thorough review of existing and prior U.S. government support or funding for research collaboration with the PRC related to gain-of-function, synthetic biology, biotechnology, or other research areas that pose dual-use concerns. U.S. taxpayer funding should not support any collaboration with PRC entities that pose health, economic or security risks for the United States. The PRC has demonstrated lax biosecurity standards, violated the International Health Regulations (2005), attempted to steal intellectual property related to COVID-19 vaccines, and may be in violation of the Biological Weapons Convention. The United States should not be partnering with or funding any country that exhibits these risk factors.

As part of a formal review, we therefore urge you to analyze the following: any direct or indirect U.S. taxpayer funding or engagement with entities in China, including the WIV, regarding gain-of-function research or other forms of research related to viruses, pathogens, and toxins; whether any such research for civilian purposes was diverted for military research; any U.S. taxpayer funding that was used to support gain-of-function research in China during the U.S. moratorium on such research from 2014-2017; and steps taken, if any, to apply additional scrutiny to direct or indirect U.S. government funding, including sub-grants, to support gain-of-function studies in China, including at WIV, after the U.S. government lifted the moratorium on gain-of-function research in 2017.

President Joseph R. Biden July 27, 2021 Page 3

We expect that Congress will remain fully informed of and consulted on your efforts to reach definitive conclusions regarding the origins of this pandemic, as well as any concrete policy recommendations. *The U.S. Innovation and Competition Act* (S. 1260), which recently passed the U.S. Senate, requires a report to Congress on many of the matters described in this letter. We stand ready to work with your administration in a bipartisan manner to seek answers to these important questions.

Thank you for your attention to and cooperation on these important issues.

JAMES E. RISCH Ranking Member

Senate Foreign Relations Committee

MARCO RUBIO

Vice Chairman

Senate Intelligence Committee

Sincerely,

ROBERT MENENDEZ

Chairman

Senate Foreign Relations Committee

MARK R. WARNER

Chairman

Senate Intelligence Committee

From: (b)(3), (b)(6)

To: (b)(3), (b)(6) Morgan Muir-DNI-(b)(3), (b)(6)

Cc: (b)(3), (b) <u>Timothy L. Barrett-DNI-</u>(b)(3), (b)(6)

Subject: RE: WSJ request on COVID origins

Date: Wednesday, June 14, 2023 12:17:34 PM

Attachments: First People Sickened By COVID-19 Were Chinese Scientists At Wuhan Institute Of Virology, Say US Government

Sources.docx

Classification: TOP SECRET (b)(3) /NOFORN

Classified By Derived From: Declassify On

Hello everyone,

Just wanted to flag that Warren Strobel (WSJ) and a few other reporters have reached out regarding the COVID-19 origins declassification report and timeline, which they are forecasting is early next week. (b)(5)

Specifically, WSJ has been working for several weeks on a story about the three researchers at the Wuhan Institute of Virology who became sick in the fall of 2019 with flu-like symptoms, just prior to the known outbreak of the COVID pandemic. Yesterday afternoon, Public published a story, attached, on the three individuals—Ben Hu, Yu Ping and Yan Zhu—at least the first of whom were doing advanced research on coronaviruses using chimeric viruses. WSJ plans to report on those same individuals and inquired about the following:

- Can you confirm that these are the three individuals who became sick, as noted in a January 2021 State Department fact sheet? Any other comment?
- Will these identities of the three be declassified as part of the forthcoming declassification of Covid origins intelligence mandated by law?

(b)(5) Thanks!

Best,

(b)(3), (b)(6)

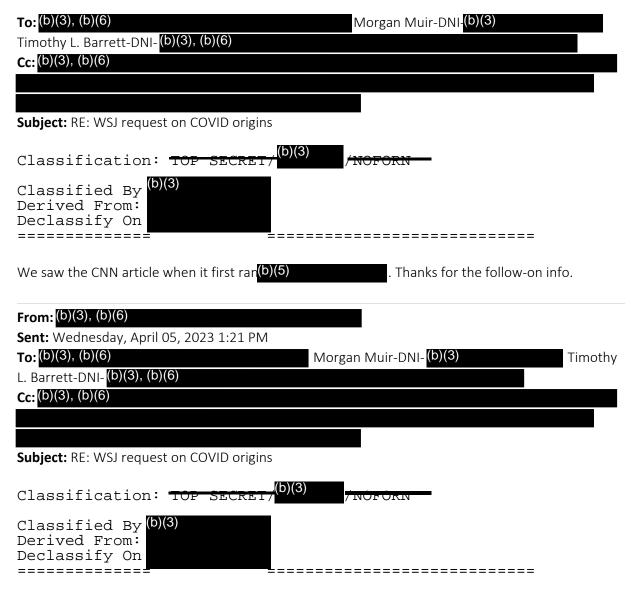
Spokesperson, Media Relations Group

Office of the Director of National Intelligence

(b)(3), (b)(6)

From: (b)(3), (b)(6)

Sent: Wednesday, April 5, 2023 1:33 PM



Good afternoon,

I talked to the reporters and let them know that I didn't have any guidance to provide on their reporting. They did ask to reflect that they reached out to ODNI and I let them know that if needed, they can note that an ODNI Spokesperson declined to comment. Separately, I wanted to flag the attached CNN article I came across from late February regarding the DOE assessment change due to activity at the Wuhan CDC (attached)— not sure if this also led to WSJ's hypothesis.

Additional information/points I received based on phone call with reporter:

• They received the second lab information during a breakfast (media in attendance) where Senator Warner said on the record that FBI and DOE both focus on a lab leak, but that it's on two different labs. So, based on public reporting, they filled in the blanks (especially since FBI has confirmed publicly their assessment on the WIV lab leak). He will also note that the two agencies came to different conclusions for different reasons.

- In addition to their planned reporting on the intelligence agencies that assess with low confidence that the virus is a case of zoonotic transfer (b)(3)
- Lastly, they will reference that DNI Haines and Jake Sullivan have both publicly said that the IC assessments on COVID origins are not of one mind.

I will flag the article for this group as soon as they publish (they aim for tomorrow morning).

Please let me know if there are any concerns to the additional points above.

Thank you!

(b)(3), (b)(6)

Strategic Communications, Spokesperson Office of Director of National Intelligence

(b)(3), (b)(6)

From: (b)(3), (b)(6)	
Sent: Wednesday, April 5, 2023 10:07 AM	
To:(b)(3), (b)(6)	Morgan Muir-DNI-(b)(3) Timothy L.
Barrett-DNI-(b)(3), (b)(6)	
Cc: (b)(3), (b)(6)	
Subject: RE: WSJ request on COVID origins	
Classification: TOP SECRET, (b)(3	(NOFORN-
Classified By Derived From: Declassify On	

Thank you both for this information!

It doesn't sound like they plan to reflect a "no comment" from us, but I will jump on the phone with them and just let them know that we do not have guidance to provide on this.

But thank you again—this is very helpful for my own understanding.

Best,

(b)(3), (b)(6)

Strategic Communications, Spokesperson

Office of Director of National Intelligence
(b)(3), (b)(6)

From: (b)(3), (b)(6)	
Sent: Wednesday, April 5, 2023 10:03 AM	
To: Morgan Muir-DNI-(b)(3)	; Timothy L. Barrett-DNI- <mark>(b)(3), (b)(6)</mark>
(h)(2) (h)(6)	
Cc: (b)(3), (b)(6)	
Subject: RE: WSJ request on COVID origins	
Classification: TOP SECRET/	(b)(3) /NOTORN
Classified By: (b)(3) Derived From: Declassify On:	
(b)(3), (b)(5)	
From: Morgan Muir-DNI-(b)(3)	
Sent: Wednesday, April 05, 2023 9:58 AM	
To:(b)(3), (b)(6)	Timothy L. Barrett-DNI-(b)(3);
(b)(3), (b)(6)	<u>ov</u> >
Cc: (b)(3), (b)(6)	
Subject: RE: WSJ request on COVID origins	
Classification: TOP SECRETA	b)(3)
Classified By (b)(3) Derived From: Declassify On	
Hi,	
See below.	

From: (b)(3), (b)(6)Sent: Wednesday, April 5, 2023 9:53 AM To: Timothy L. Barrett-DNI-(b)(3), (b)(6) Morgan Muir-DNI-(b)(3) Cc:(b)(3), (b)(6)Subject: RE: WSJ request on COVID origins Classification: TOP SECRET Classified By (b)(3) Derived From: Declassify On Hey See below in your original email for specific comments. Happy to answer any other questions. Thanks $-\frac{^{(b)(3)}, (b)(6)}{}$ From: Timothy L. Barrett-DNI-(b)(3) Sent: Tuesday, April 04, 2023 5:06 PM $T_0: (b)(3), (b)(6)$ Morgan Muir-DNI-(b)(3)Cc:(b)(3), (b)(6)Subject: RE: WSJ request on COVID origins Classification: UNCLASSIFIED//FO Thanks so much, (b)(3), (b)(6) This can wait until tomorrow morning. Have a great evening everyone! Best, tlb From: (b)(3), (b)(6) Sent: Tuesday, April 04, 2023 4:41 PM To:(b)(3), (b)(6)Morgan Muir-DNI- (b)(3) Cc:(b)(3), (b)(6)Timothy L. Barrett-DNI-(b)(3), (b)(6) Subject: RE: WSJ request on COVID origins

Classification: UNCLASSIFIED//FOUO-

Hi (b)(3), (b)(6) and our Covid expert (b)(3), (b)(6) just left. I'm cc'ing the rest of the team. If this has to be today, you also could probably talk to (b)(3), (b)(6) on his cell. I'll send it to you in Skype.

From: (b)(3), (b)(6)

Sent: Tuesday, April 4, 2023 4:15 PM

To: (b)(3), (b)(6) Morgan Muir-DNI-(b)(3)

Cc: (b)(3), (b)(6)

Timothy L. Barrett-DNI-(b)(3)

Subject: WSJ request on COVID origins

Good afternoon,

I am a spokesperson with Strategic Communications— great to connect!

We have a request from two WSJ national security reporters (Warren Strobel and Michael Gordon) who are finishing a COVID origins story and plan to file the story tomorrow. Below are several points that WSJ plans to report (likely from Hill sources) and I wanted to make sure there are no major inaccuracies or causes for concern. Let me know if there is any off-the-record steer necessary to provide the reporters to help foster accurate reporting.

I plan to give them a call sometime tomorrow morning. Thank you so much!



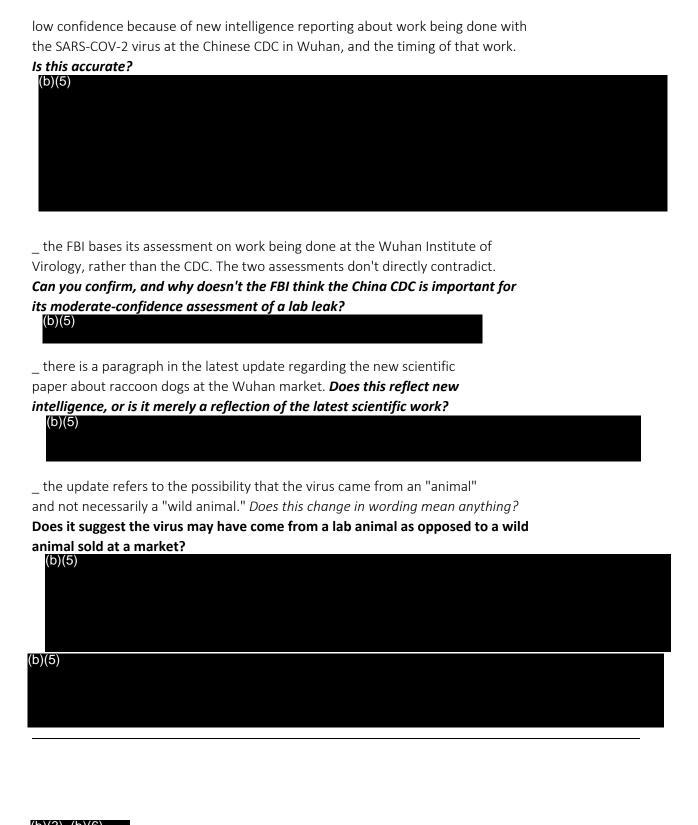
Specific request from WSJ:

This is what we plan to report, and want to engage with you and your folks on:

_ There's a new update that has been provided to policymakers and Congress within the last week or so. It doesn't reflect significant new intelligence, so much as expand upon the last update we wrote about it in early March.



_ The Department of Energy shifted its assessment to a laboratory origin with



(b)(3), (b)(6)

Strategic Communications, Spokesperson *Office of Director of National Intelligence*

(b)(3), (b)(6)

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Public: First People Sickened By COVID-19 Were Chinese Scientists At Wuhan Institute Of Virology, Say US Government Sources

The three scientists were engaged in "gain-of-function" research on SARS-like coronaviruses when they fell ill

By: MICHAEL SHELLENBERGER, MATT TAIBBI, AND ALEX GUTENTAG 13 June 2023

Ben Hu, one of threee "patients zero," and a researcher who led the Wuhan Institute of Virology's "gain-of-function" research on SARS-like coronaviruses, which increases the infectiousness of viruses.

After years of official pronouncements to the contrary, significant new evidence has emerged that strengthens the case that the SARS-CoV-2 virus accidentally escaped from the Wuhan Institute of Virology (WIV).

According to multiple U.S. government officials interviewed as part of a lengthy investigation by Public and Racket, the first people infected by the virus, "patients zero," included Ben Hu, a researcher who led the WIV's "gain-of-function" research on SARS-like coronaviruses, which increases the infectiousness of viruses.

More than three years after the pandemic's outbreak, many around the world had given up on learning the origin of SARS-CoV-2, the highly infectious respiratory virus that has <u>killed millions</u>, and the response to which shut down businesses and schools, upended societies, and caused enormous collateral damage.

Public officials in the U.S. and other countries have repeatedly suggested that uncovering the pandemic's origin may not be possible. "We may never know," <u>said Anthony Fauci</u>, the former director of the National Institute of Allergy and Infectious Diseases, who oversaw pandemic response for two administrations.

Now, answers increasingly look within reach. Sources within the US government say that three of the earliest people to become infected with SARS-CoV-2 were Ben Hu, Yu Ping, and Yan Zhu. All were members of the Wuhan lab suspected to have leaked the pandemic virus.

As such, not only do we know there were WIV scientists who had developed COVID-19-like illnesses in November 2019, but also that they were working with the closest relatives of SARS-CoV-2, and inserting gain-of-function features unique to it.

When a source was asked how certain they were that these were the identities of the three WIV scientists who developed symptoms consistent with COVID-19 in the fall of 2019, we were told, "100%"

"Ben Hu is essentially the next Shi Zhengli," said Alina Chan, a molecular biologist at the Broad Institute of MIT and Harvard, and coauthor with Matt Ridley of Viral: The Search for the Origin of Covid19. Shi is known as "the bat woman of China," and led the gain-of-function research at the WIV. "He was her star pupil. He had been making chimeric SARS-like viruses and testing these in humanized mice. If I had to guess who

would be doing this risky virus research and most at risk of getting accidentally infected, it would be him."

Hu and Yu researched the novel lineage of SARS-like viruses from which SARS-CoV-2 hails, and in 2019 <u>coauthored a paper with Shi Zhengli</u> that described SARS-like lineages they had studied over the years.

Jamie Metzl, a former member of the World Health Organization expert advisory committee on human genome editing who <u>raised questions</u> starting in early 2020 about a possible research-related pandemic origin, said, "It's a game changer if it can be proven that Hu got sick with COVID-19 before anyone else. That would be the 'smoking gun.' Hu was the lead hands-on researcher in Shi's lab."

Sources tell Public and Racket that other news organizations are chasing aspects of this story. On Saturday, The Times of London <u>quoted</u> an anonymous U.S. State Department investigator saying, "It has become increasingly clear that the Wuhan Institute of Virology was involved in the creation, promulgation, and cover-up of the Covid-19 pandemic."

Public and Racket are the first publications to reveal the names of the three sick WIV workers and place them directly in the lab that collected and experimented with SARS-like viruses poised for human emergence.

Next week, the Directorate of National Intelligence is expected to release previously classified material, which may include the names of the three WIV scientists who were the likely among the first to be sickened by SARS-CoV-2.

A <u>bill</u> signed by President Biden earlier this year specifically called for the release of the names and roles of the sick researchers at the WIV, their symptoms and date of symptom onset, and whether these researchers had been involved with or exposed to coronavirus research.

On Dec. 29, 2017, two years before the pandemic began, Chinese state-run television <u>aired a video</u> that includes a scene of Ben Hu watching a lab worker handle specimens. Neither are wearing protective gear. The same video shows WIV scientists hunting for bat viruses with little protective gear. "If they were worried about being infected in the field, they would need full body suits with no gaps" to be safe, said Chan. "That's the only way."

The WIV research with live SARS-like viruses was performed at too low of a safety level, "BSL-2," explains Chan, "When we now know that the pandemic virus is even capable of escaping from a BSL-3 lab and infecting fully vaccinated young lab workers."

While scientists justify such research as necessary for developing vaccines, President Barack Obama banned federal funding for gain-of-function research of concern in 2014, because experts had come to the consensus that it was too dangerous. However, the National Institute of Health and NIAID headed by Francis Collins and Fauci, and a major U.S. government grantee, EcoHealth Alliance, deemed their work on SARS-like viruses as not falling under the gain-of-function research of concern definitions and funded this project in China and Southeast Asia.

In March 2018, the WIV, the EcoHealth Alliance, and the University of North Carolina applied for a \$14 million grant from the U.S. Defense Advanced Research Project Agency DARPA to engineer "furin cleavage sites" into SARS-like coronaviruses to study how this affected their ability to grow and cause disease.

Scientists say the key piece of the COVID-19 virus, which made it so transmissible compared to its closest relatives, was its unique furin cleavage site.

DARPA rejected the grant, but it now appears the WIV went forward with the research anyway. The Times of London <u>reported</u> that US collaborators of the WIV had come forward and said the Wuhan scientists had put furin cleavage sites into SARS-like viruses in 2019.

Hu co-authored multiple papers on coronavirus research, including a <u>2017 paper on chimeric bat coronaviruses</u> with Peter Daszak, the head of EcoHealth Alliance, which was funded in part by the NIH and the USAID Emerging Pandemic Threats PREDICT Program. Data privately shared with the NIH revealed that these chimeric SARS-like viruses grew far more quickly and caused more severe disease in humanized mice in the lab.

When the WIV put out their <u>first paper</u> about the pandemic virus, they failed to point out the novel furin cleavage site despite having had plans to and allegedly putting such gain-of-function features into SARS-like viruses in their lab. "It's as if these scientists proposed putting horns on horses, but when a unicorn shows up in their city a year later they write a paper describing every part of it except its horn," said Chan.

Public sent emails and made phone calls to the NIH, WIV, EcoHealth Alliance, Daszak, Hu, and Shi over the last several days and did not hear back.

It is unclear who in the U.S. government had access to the intelligence about the sick WIV workers, how long they had it, and why it was not shared with the public. "You would expect the country of origin to be defensive," said Chan, "but you wouldn't expect a country receiving the virus to be withholding key evidence."

On January 15, 2021, five days before President Joe Biden took office, the U.S. State Department <u>published a fact sheet</u> that pointed to the likelihood of a lab leak as the cause of a pandemic.

Already, the State Department in 2021 suspected that the WIV had lied to the public. "The U.S. government has reason to believe that several researchers inside the WIV became sick in autumn 2019, before the first identified case of the outbreak, with symptoms consistent with both COVID-19 and common seasonal illnesses. That raises questions about the credibility of WIV senior researcher Shi Zhengli's public claim that there was 'zero infection' among the WIV's staff and students by SARS-CoV-2 or SARS-related viruses."

In February of this year, the Director of the FBI, Christopher Wray, told a reporter that "the FBI has for quite some time now assessed that the origins of the pandemic are most likely a potential lab incident in Wuhan."

The Times of London <u>reported</u> that State Department investigators "found evidence that researchers working on these experiments were taken to hospital with Covid-like symptoms in November 2019." As previously reported in <u>Vanity Fair</u>, some of the information State Department investigators found in 2021 was "sitting in the U.S. intelligence community's own files, unanalyzed."

"Ever since I put out my [May 2020] preprint [research paper] saying that an accidental lab origin was possible, I was criticized as a conspiracy theorist," said Chan. "If this info had been made public in May of 2020, I doubt that many in the scientific community and the media would have spent the last three years raving about a raccoon dog or pangolin in a wet market."

Identifying the first COVID-19 case as a Wuhan Institute scientist overseeing gain-offunction research has significant ramifications for investigators in search of a motive for a cover-up.

Politicians, scientists, journalists, and amateur researchers for years now have zeroed in on the possibility that Covid-19 may have resulted from U.S.-funded gain-of-function research conducted in China.

Publications ranging from the Washington Post to the Intercept to the Wall Street Journal have uncovered suggestive details, including the fact that the NIH awarded funding for at least 18 gain-of-function research projects between 2012 and 2020, and NIH scientists in 2016 expressing concern about supposedly paused hybrid "chimera" virus research.

Had the information come out earlier, governments may have responded to the pandemic differently. After Public shared the information with Chan, she said, "I feel vindicated, but I'm frustrated. If you knew that this was likely a lab-enhanced pathogen, there are so many things you could have done differently. This whole pandemic could have been reshaped."

Said Metzl, "Had US government officials including Dr. Fauci stated from day one that a COVID-19 research-related origin was a very real possibility, and made clear that we had little idea what viruses were being held at the Wuhan Institute of Virology, what work was being done there, and who was doing that work, our national and global conversations would have been dramatically different. The time has come for a full accounting."



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.

NATIONAL INTELLIGENCE COUNCIL

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



- · 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



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



- · 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
RaTG13	96.2	2013	Yunnan Province, China	Bat
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

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

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

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

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
COVID-19 (2019 - Present)	China	Yes	Unknown	Unknown
Ebola (2014-16)	Guinea	No (Probably)	Bats (Probably); N/A	Nonhuman primate (Probably); N/A
MERS (2012)	Saudi Arabia, Jordan	Yes Yes	Bats (Probably); N/A	Dromedary camels; 2013
SARS (2002-04)	China	No (Probably)	Horseshoe bats 2016	Masked palm civets and Raccoon dogs (Possibly); 2003
Nipah (1998-99)	Malaysia	Yes	Fruit bats; 1999	Pigs; 1998
HIV-1ª (1970s- Present)	Democratic Republic of Congo (<i>Probably</i>)	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 laboratoryassociated 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.

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,

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.



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 resevoir 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 signficant 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.

Resevoir 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

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

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

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

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

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

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

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

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?