

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

LEONARD G. HOROWITZ,
Plaintiff,

vs.

Case No. 2:20-cv-00955-JLB-NPM

PFIZER INC., et al.,
Defendants.

**PLAINTIFF'S MOTION FOR JUDICIAL NOTICE OF NEW
GOVERNMENTAL RECORD EVIDENCING THE CHANGE IN "GENERAL
AGREEMENT" ON THE LAB VIRUS ORIGIN OF COVID-19 MOOTING
DEFENDANT PFIZER'S MINORITY VIEW, AND SUPPLEMENTING
PLAINTIFF'S OPPOSITION TO DEFENDANTS' MOTIONS TO DISMISS
(WITH INCORPORATED MEMORANDUM OF LAW)**

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Pursuant to Federal Rule of Evidence 201, Plaintiff Horowitz (hereafter “Plaintiff”), respectfully requests this Court take Judicial Notice of a new public record material to these proceedings issued by the United States Congress’s House Permanent Select Committee on Intelligence (Republicans) titled “IN FOCUS: COVID-19 and the Wuhan Institute of Virology, filed May 19, 2021 (hereafter, “IN FOCUS”). This easily verifiable IN FOCUS record (attached hereto as **Exhibit 1**) controverts and moots Defendant Pfizer’s opening and primary opposition to Plaintiff’s Complaint as allegedly “based on allegations of wild conspiracy theories.” (Doc. No. 54, p. 1, ¶ 1), The Plaintiff’s civil conspiracy claim recognizes that Defendants Pfizer and Moderna had foreknowledge of their alleged complicity in a commercial conspiracy to commit unfair and deceptive trade concealing and leveraging the lab virus origin of the pandemic. By this wrongdoing, these Defendants risked and damaged society’s health

and safety in their alleged scheme to gain unjust enrichment from the public health emergency, and from anti-competitive damage wrought upon the Plaintiff's competing anti-viral product, "OxySilver™ with 528" (hereafter, "OxySilver.")

INTRODUCTION

As stated in Pfizer's Motion to Dismiss (Doc. No. 54, p. 5, ¶ 2), Plaintiff claims the Defendants' enterprise conspired with "a series of scammers, including but not limited to media influencers Google, Facebook, MSNBC, NBC, ABC News, CNN, the McChrystal Group, the Poynter Institute ["fact checkers"], and others known and unknown in the medical and public health communities." Pfizer added, "all with the supposed common goal of 'mislead[ing] citizens' about the origins of COVID-19. (Id. ¶ 288.)"

Now, as the scheme is unwinding in the press, with the 'scammers' recanting previous lies, the IN FOCUS public record corroborates the Plaintiff's allegations and claims. At the same time, this public record upends Pfizer's main defense—that Plaintiff Horowitz asserts "unhinged allegations" regarding the pandemic's origin, and the Defendants' culpability therein. (Doc. No. 54, p. 5, ¶ 3)

BACKGROUND

On December 3, 2020, Plaintiff filed a Complaint against Defendants Moderna, Pfizer, Henry Schein, and Hearst, claiming unfair and deceptive trade practices damaging the Plaintiff's reputability and sales of OxySilver that competes

against Defendants' interests in vaccines, antibiotics, and their enterprise's secular healthcare narrative, versus Plaintiff's Christian Science, natural healing, and religious paradigm.

Plaintiff's civil conspiracy claim was framed thusly: "297. The Defendants, complicit scammers, and allied insiders in government thereby discouraged consumers and government officials from relying on competing products, such as the anti-oxidants hydroxychloroquine and the Plaintiff's OxySilver™. 298. The aforementioned overt acts damaged the Plaintiff and society."

The Plaintiff also pleaded for Injunctive Relief stating: "323. Plaintiff is also a Levitical priest who recognizes the religious implications of forced vaccinations and lockdowns violating Constitutional freedoms of religious assembly and Bible laws requiring blood purity for the protection of genetic integrity. . . . 334. The injunction should require Defendants to cease and desist disparaging and defaming the Plaintiff/whistleblower on the aforementioned forums and elsewhere."

On March 25, 2021, Pfizer filed its "Motion to Dismiss Plaintiff's Complaint and Incorporated Memorandum of Law." Thereby Pfizer filed to dismiss this action before discovery commences. Pfizer did so by falsely alleging the Plaintiff is simply a "conspiracy theorist" making "wild accusations" pursuant to the lab origin of the COVID pandemic. Thereby, Pfizer diverted from:

(1) Pfizer's advertising that the company is "actively engaged across all sectors to support R&D including partnerships with the U.S. Government (e.g., BARDA) . . . to foster the development of medicines to treat and prevent multi-drug resistant

infections that pose an increasing global threat to public health, in partnership with several other companies;”¹ in direct competition with Plaintiff’s OxySilver product.

(2) “Early in 2017 Pfizer Inc. (NYSE: PFE) committed funding in the amount of \$4 million to enable NCBiotech to establish and administer the multi-year academic fellowship program to accelerate North Carolina’s fast-growing expertise in gene therapy [including that provided by Pfizer’s and Moderna’s mRNA SARS/coronavirus vaccines.]” Businesswire.com November 29, 2017.²

(3) As early as 2008, the National Institute of Health’s grant AI23946-08 was issued to Pfizer “partner” in “anti-infective efforts,”³ Dr. Ralph Baric at the University of North Carolina at Chapel Hill (officially classified as affiliated with Dr. Anthony Fauci’s NIAID by 2003). These interlocking agents and agencies in the public/private enterprise began work on synthetically-altering coronaviruses for the express purpose of general research, pathogenic enhancement, detection, mutation, and potential therapeutic interventions. As early as May 21, 2000, Dr. Baric and UNC sought to patent critical sections of the coronavirus family for commercial gain.⁴ In one of the several papers derived from this work, Dr. Baric published what

¹ Pfizer website (last accessed March 2020), “Our Science” page captioned “Our Commitment as a Global Anti-Infective Leader,” advertises “partnerships with the U.S. Government (e.g., BARDA) . . .”

² Online source: <https://www.businesswire.com/news/home/20171129005719/en/Six-Researchers-Chosen-for-New-Pfizer-NCBiotech-Distinguished-Postdoctoral-Fellowships-in-Gene-Therapy>

³ “Partnerships and Anti-Infective Efforts” advertised by Pfizer include UNC SARS-CoV-2 researcher, “Dr. Ralph Baric” “screening Pfizer’s lead compound and additional compounds for antiviral activity in a primary human airway epithelial cell assay.” <https://www.pfizer.com/science/coronavirus/partnerships>

⁴ U.S. Provisional Application No. 60/206,537, filed May 21, 2000.

he reported to be the full length cDNA of SARS CoV in which it was clearly stated that SARS CoV was based on a composite of recombinant DNA segments. On April 19, 2002 – the Spring before the first SARS outbreak in Asia – Dr. Baric with others filed an application for U.S. Patent 7,279,327 B2 (granted in 2007) for a method of producing recombinant coronaviruses. In the first public record of the claims, Pfizer/Moderna agent Baric sought to patent a means of producing, “an infectious, replication defective, coronavirus.” This work was supported by the NIH grant referenced above and GM63228.⁵

⁵ U.S. Patent 7,279,327 B2 “STATEMENT OF FEDERAL SUPPORT” states: “This invention was made possible with government Support under grant numbers AI23946 and GM63228 from the National Institutes of Health. The United States government has certain rights to this invention.” Pursuant to the commercial applicability and inherent risks in this invention for anticipated outbreaks and disease transmissions, this patent also states:

“The antigen or antigenic protein or peptide encoded by the heterologous RNA and expressed in the host can be an antigen of a vertebrate pathogen, e.g., a mammalian pathogen or a Swine pathogen, Such as a rabies G antigen, gp51, 30 envelope antigen of bovine leukemia virus, FeLV [feline leukemia virus] envelope antigen of feline leukemia virus, glycoprotein D antigen of herpes simplex virus, a fusion protein antigen of the Newcastle disease virus, an RAV-1 envelope antigen of rous [sarcoma] associated virus, nucleoprotein antigen of avian or mammalian influenza virus, a fusion protein antigen of porcine reproductive and respiratory disease virus (PRRSV), a matrix antigen of the infectious bronchitis virus, a glycoprotein species of PRRSV or a peplomer antigen of the infectious brochitis virus. In another aspect, the present invention is directed to synthetic recombinant coronavirus modified by the insertion therein of DNA or RNA from any source, and particularly from a non-coronavirus or non-TGEV Source, into a non-essential region of the TGEV genome. Synthetically modified TGEV virus recombinants carrying exogenous (i.e. non-coronavirus) nucleic acids or genes encoding for and expressing an antigen, which recombinants elicit the production by a vertebrate host of immunological responses to the antigen, and therefore to the exogenous pathogen, are used according to the invention to create novel vaccines which avoid the drawbacks of conventional vaccines employing killed or attenuated live organisms, particularly when used to inoculate vertebrates.”

The expert Plaintiff whistleblower contends the risks and intimacy between HIV/AIDS and the COVID industry sources from the vaccine industry, and most importantly, the hepatitis B vaccine-transmitted lab virus imposition of AIDS that demanded massive funding for subsequent research. The SARS/CoV mutagen invention is one result. This fact is revealed in the contemporaneously filed (2003) international patent “Application filed by the Government of the United States of America as Represented by the Secretary of The Department of Health and Human Services National Institutes of Health.” This patent, WO2005010034A1, is titled “Soluble fragments of the SARS-CoV Spike Glycoprotein.” This patent states in relevant part:

The results provided herein not only offer new tools to study entry of the SARS virus into cells, confirm that ACE2 is a receptor for the SARS-CoV SI glycoprotein and localize the RBD [receptor binding domain of the spike protein] but also facilitate development of novel vaccine immunogens and therapeutics for prevention and treatment of SARS. . . . Site directed mutagenesis was used to create the consensus cleavage sites corresponding to that of the HIV-1 [AIDS virus] envelope glycoprotein (Env) and some coronaviruses within the full length SARS-CoV S glycoprotein gene in pCDNA3.

In short, the U.S. Government, Dr. Baric, Dr. Fauci, and their corporate partners and sponsors, especially Pfizer and Moderna, financed and administered a successor to the AIDS enterprise that involved amplifying coronavirus infectivity, even before SARS presumably outbreaked from Asia.

(4) With Dr. Baric’s U.S. Patent 6,593,111 (Claims 1 and 5) and CDC’s ‘852 patent (Claim 1), no research in the United States could be conducted on SARS-CoV without permission or infringement on Pfizer and Moderna’s privies-in-interest.

Accordingly, it is unreasonable, actually unconscionable, that Pfizer denies knowledge, involvement, and/or financing of the laboratory engineering of the precise kinds of SARS-coronavirus recombinants outbreaking in 2019 and expanding in transmissibility and pathogenicity today.

It is additionally incriminating for Pfizer to argue for dismissing this case, by disparaging the Plaintiff as a “conspiracy theorist,” in lieu of his proven predictive accuracy derived from his expertise in these fields of virology, molecular biology, and vaccinology. Pfizer’s transparent effort to hide evidence in plain sight, and disparage the Plaintiff rather than refute the Plaintiff’s messages by trial on the merits, is egregious, especially considering the damage these actions have caused the Plaintiff and society.

THE ‘IN FOCUS’ PUBLIC RECORD

On May 19, 2021, Republicans in the House Permanent Select Committee on Intelligence released their interim report on the Origin of COVID, titled: "IN FOCUS: COVID-19 and the Wuhan Institute of Virology." (**Exhibit 1**) This material readily-verifiable publication lends support to those grasping the un-natural, man-made, lab origin of COVID. The legislators conducted their investigation “[t]o prevent or quickly mitigate future pandemics.” Plaintiff Horowitz has been acting similarly for more than a quarter century.

The authors justified their actions writing, “it’s crucial for health experts and the U.S. Government to understand how the [AIDS, SARS and] COVID-19 virus

originated. International efforts to discover the true source of the virus[es], however, have been stymied by a lack of cooperation from the People's Republic of China (PRC)." The Plaintiff charges the Defendants with the same lacking cooperation, as evidenced by the Court granting Pfizer et. al.'s stay of discovery.

"Nevertheless," intelligence committee members continued, "significant circumstantial evidence raises serious concerns that the COVID-19 outbreak may have been a leak from the Wuhan Institute of Virology. This evidence includes:

- China's history of research lab leaks resulting in infections.
- Warnings from U.S. diplomats in China as early as 2017 that the Wuhan lab was conducting dangerous research on coronaviruses without following necessary safety protocols, risking the accidental outbreak of a pandemic.
- Gain of Function research being conducted at the Wuhan lab that made coronaviruses more infectious in humans.
- Several researchers at Wuhan lab were sickened with COVID-19-like symptoms in fall 2019.
- The involvement in the Wuhan lab of the Chinese military, which has a documented biological weapons program.
- Multiple indications of attempts by Beijing to cover up the true circumstances of the COVID-19 outbreak. By contrast, little circumstantial evidence has emerged to support the PRC's claim that COVID-19 was a natural occurrence, having jumped from some other species to humans. For example, Chinese authorities have failed to identify the original species that allegedly spread the virus to humans, which is critical to their zoonotic transfer theory.

"There are also clear signs that U.S. Government agencies and academic institutions may have funded or collaborated in Gain of Function research at the Wuhan lab. At least some of this research was published even after the U.S. Government had paused these kinds of studies in the United States due to ethical concerns over their biowarfare applicability and their potential to accidentally unleash a pandemic." *Id.*

MEMORANDUM OF LAW

“Federal courts may take judicial notice of any fact ‘not subject to reasonable dispute because it ... can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned.’” Fed. R. Evid. 201(b)(2).

In the Eleventh Circuit, courts routinely find that the public records of federal agencies satisfy Rule 201 and consider those records at the motion to dismiss stage. *E.g., Rounds v. Genzyme Corp.*, 440 F. App’x 753, 754–56 (11th Cir. 2011) Other courts have taken judicial notice of federal agency documents. *E.g., Goico v. U.S. Food & Drug Admin.*, 2020 WL 7078731 (D. Kan. Dec. 3, 2020). “SEC documents [may be treated] as public records capable of being judicially noticed at the motion to dismiss stage.” *Bryant v. Avado Brands, Inc.*, 187 F.3d 1271, 1280 (11th Cir.1999).

Likewise, taking judicial notice of the IN FOCUS document is appropriate under Rule 201, as this public record is readily available on the U.S. Congress’s websites. The U.S. Congress constitutes “a source that cannot reasonably be questioned.” *Dixon v. Allergan USA, Inc.*, 2015 WL 13777064, at *2 (S.D. 2 The Fla. Apr. 2, 2015) (stating “FDA’s public records merit judicial notice” because they are “readily accessible on the FDA’s website, a source that cannot reasonably be questioned”); *accord Leroy*, 2015 WL 4600880, at *5.”

In *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 US 579 - Supreme Court 1993, the “role for the judge” did not exclude evidence, even of questionable veracity. Nor would the court favor “a stifling and repressive scientific orthodoxy.”

The Supreme Court ruled that "General acceptance" in society, like the scientific community, is not a necessary precondition to the admissibility of scientific evidence under the Federal Rules of Evidence, but the Rules of Evidence— especially Rule 702—do assign to the trial judge the task of ensuring that an expert's testimony both rests on a reliable foundation and is relevant to the task at hand." *Id.*

In the case at bar, the Plaintiff is an expert in this field whose conclusion and position on the laboratory creation, mutation, and emergence of COVID-19 has become "General acceptance," as well as the "Scientific consensus". The Plaintiff's expertise in the field of emerging viruses and communicable diseases has enabled his confidence in his claim of "civil conspiracy". This claim "rests on a reliable foundation" "relevant to the task at hand". *Id.* That is, determining Pfizer and Moderna's culpability for damages and deprivations imposed upon the Plaintiff and public.

The lab virus origin of COVID-19 and the Defendants' evasion and concealment of this man-made source of the pandemic is relevant to the "task at hand." *Id.* Clearly, Defendants' Pfizer and Moderna knew: (1) what their agents in science and government were doing mutating SARS-CoV viruses using advanced technologies the companies and government financed; and (2) their scheme to commercialize this man-made plague employed unfair and deceptive methods of trade and advertising, respectively. These actions damaged the Plaintiff and consumers.

The IN FOCUS record certifies the Plaintiff's contentions adding to the overwhelming "General agreement" in science and society lamenting the Defendants' wrongdoings. The fact that less than 40 percent of Americans have chosen (to date) to get vaccinated against COVID-19 despite massive deceptive advertising during the course of seventeen months, evidences generally perceived distrust. The Plaintiff further contests imposing on society Defendants DNA-poisoning vaccines as an affront against the "General acceptance" of alternative preventatives, such as the Plaintiff's OxySilver product. Overwhelming evidence affirms 'vaccination hesitancy' is and should be the norm, not the "wild" "conspiracy theory" exception.

CONCLUSION

Defendant Pfizer et. al., should be ashamed of abusing this Court as a venue to smear the Plaintiff for his claims that Pfizer prejudicially and recklessly dismisses as "wild" "unhinged" "conspiracy theories."

New evidence presented here for Judicial Notice in the IN FOCUS publication (**Exhibit 1**) corroborates major elements in Plaintiff's Complaint. Plaintiff alleges that Defendant(s) Pfizer, Moderna, and others, along with agents and agencies within the U.S. Government, partnered in the manufacture and testing of lab viruses virtually identical to the COVID-19 respiratory pathogen that emerged from, presumably, the Wuhan bioweapons complex. This activity was largely financed by the U.S./Chinese military-industrial complex in which Defendants participate as a pharmaceutical enterprise.

It is unreasonable, irresponsible, and reckless, for Defendants to dismiss the general consensus conclusion and presumption that COVID-19 is attributable to the Defendants' public/private enterprise. If that presumption of collusion is not material enough to withstand Defendants' motions to dismiss, Defendants' engagement in a 'conspiracy of silence' and censorship is additional evidence most persuasive to deny summary judgments. "Conduct which forms a basis for inference is evidence. Silence is often evidence of the most persuasive character." *United States ex rel. Bilokumsky v. Tod*, 263 US 149, 154 - Supreme Court 1923.

The Plaintiff alleges the Defendants schemed to commercialize this plague using unfair and deceptive methods of trade and advertising, respectively. Thereafter, the co-conspirators acted to divert investigators from discovering the Defendants' complicity and liability. Pfizer and Moderna did the same before eyes of this Court. Pfizer filed ad hominem attacks against the reputability of the Plaintiff, precisely like their media partners did to damage the Plaintiff and his commercial interests repeatedly since 2008. Thereby, Defendants' actions damaged the Plaintiff and society.

Having been officially vindicated by the IN FOCUS record, Plaintiff respectfully requests this Court take Judicial Notice of this new intelligence, and the Defendants' resistance to this "General acceptance." The lab virus origin of this devastating pandemic was, or should have been, known to the Defendants' scientists and officials. Yet this truth has been denied and derided nonetheless.

LOCAL RULE 3.01(g) CERTIFICATION

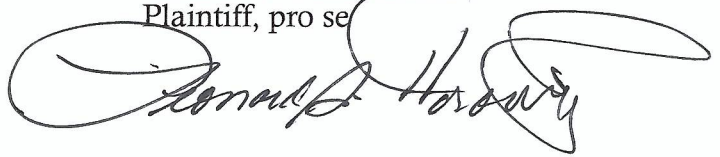
Pursuant to Local Rule 3.01(g), the undersigned pro se Plaintiff conferred with Pfizer counsel about this Judicial Notice request. Defendant Pfizer opposes this Motion.

Respectfully submitted.

DATED: May 27, 2021

/s Leonard G. Horowitz

Plaintiff, pro se

A handwritten signature in black ink, appearing to read "Leonard G. Horowitz", written over a horizontal line.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 27th day of May 2021, I filed a true and correct copy of the foregoing "Motion for Judicial Notice" including Exhibit 1, with the Court's Clerk for customary E-filing. I further certify that I served by E-Mail a copy of the filed document to the following participant(s):

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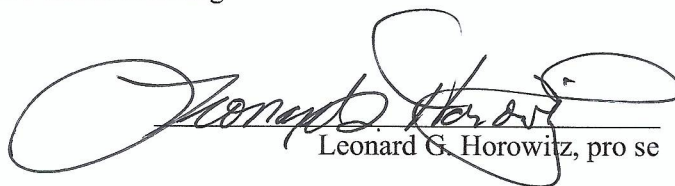
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Leonard G. Horowitz, pro se



IN FOCUS

COVID-19 and the Wuhan Institute of Virology

19 May 2021

Exhibit 1

Since 2012, Republican Members of the House Permanent Select Committee on Intelligence have been examining the growing threat to America posed by the Communist Chinese government and the People's Liberation Army.

This unclassified interim report is part of our ongoing efforts to ensure the American people are well-informed of this danger.

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Executive Summary

To prevent or quickly mitigate future pandemics, it's crucial for health experts and the U.S. Government to understand how the COVID-19 virus originated. International efforts to discover the true source of the virus, however, have been stymied by a lack of cooperation from the People's Republic of China (PRC).

Nevertheless, significant circumstantial evidence raises serious concerns that the COVID-19 outbreak may have been a leak from the Wuhan Institute of Virology. This evidence includes:

- China's history of research lab leaks resulting in infections.
- Warnings from U.S. diplomats in China as early as 2017 that the Wuhan lab was conducting dangerous research on coronaviruses without following necessary safety protocols, risking the accidental outbreak of a pandemic.
- Gain of Function research being conducted at the Wuhan lab that made coronaviruses more infectious in humans.
- Several researchers at Wuhan lab were sickened with COVID-19-like symptoms in fall 2019.
- The involvement in the Wuhan lab of the Chinese military, which has a documented biological weapons program.
- Multiple indications of attempts by Beijing to cover up the true circumstances of the COVID-19 outbreak.

By contrast, little circumstantial evidence has emerged to support the PRC's claim that COVID-19 was a natural occurrence, having jumped from some other species to humans. For example, Chinese authorities have failed to identify the original species that allegedly spread the virus to humans, which is critical to their zoonotic transfer theory.

There are also clear signs that U.S. Government agencies and academic institutions may have funded or collaborated in Gain of Function research at the Wuhan lab. At least some of this research was published even after the U.S. Government had paused these kinds of studies in the United States due to ethical concerns over their biowarfare applicability and their potential to accidentally unleash a pandemic.

To protect American citizens from future pandemics, the U.S. Government must place more pressure on China to allow full, credible investigations of the source of the COVID-19 pandemic and to allow probes of the likelihood that it resulted from a lab leak. The U.S. Government must also provide a full accounting of any American cooperation with the Wuhan lab's coronavirus research, including the support of these projects through U.S. Government funds.

Introduction

In late December 2019, the Wuhan Municipal Health Commission first reported that a small cluster of patients was infected with an unexplained pneumonia in Wuhan, China. Just days later, the number of infected patients nearly doubled, and by the middle of January, China shared the genetic makeup of a novel coronavirus with the World Health Organization.¹ That virus, known as SARS-CoV-2, causes COVID-19, which, as of May 19, 2021, has resulted in over 163 million confirmed cases and the deaths of more than 3.3 million people worldwide.²

As part of House Republicans’ investigations into the threats posed by China, Republican Members of the House Permanent Select Committee on Intelligence are investigating the origins of COVID-19. It is crucial that we discover the true source of the outbreak—whether it was due to an accidental laboratory exposure or contact with infected animals—to ensure the United States is prepared for a future pandemic.

As early as 2016, Wuhan Institute of Virology (WIV) researchers were conducting experiments involving RaTG13, the bat coronavirus identified by the WIV in January 2020 as the closest sample to the SARS-CoV-2 virus—the virus that causes COVID-19.³ The WIV has lacked transparency and consistency about its research on viruses similar to COVID-19, including RaTG13, which was sampled from a cave in the Yunnan Province after several miners died of COVID-like symptoms.⁴ Furthermore, the presence of the Chinese military at the laboratory raises concerns about potential dual-use research.⁵

Based on publicly available information, the possibility that the outbreak originated from an accidental exposure at the WIV has not been disproven. The WIV was the site of China’s only Biosafety Level-4 laboratory where experiments are conducted on dangerous pathogens. On January 15, 2021, the Department of State publicly revealed that several WIV researchers became sick in the fall of 2019 with COVID-like symptoms prior to the first confirmed case.⁶ Additionally, uncorroborated media reports indicate there was no cellphone activity at the WIV

¹ “Cases spike in Wuhan mystery pneumonia cluster,” January 3, 2020, <https://www.cidrap.umn.edu/news-perspective/2020/01/cases-spike-wuhan-mystery-pneumonia-cluster>, and “Novel Coronavirus – China,” January 12, 2020, <https://www.who.int/csr/don/12-january-2020-novel-coronavirus-china/en/>

² WHO Coronavirus (COVID-19) Dashboard, <https://covid19.who.int/>

³ “Fact Sheet: Activity at the Wuhan Institute of Virology,” January 15, 2021, <https://2017-2021.state.gov/fact-sheet-activity-at-the-wuhan-institute-of-virology/index.html>

⁴ *Id.*

⁵ “Fact Sheet: Activity at the Wuhan Institute of Virology,” January 15, 2021, <https://2017-2021.state.gov/fact-sheet-activity-at-the-wuhan-institute-of-virology/index.html>. The term dual-use research of concern (DURC) is a research label in the life sciences for “research that, based on current understanding, can be reasonably anticipated to provide knowledge, information, products, or technologies that could be directly misapplied to pose a significant threat with broad potential consequences to public health and safety, agricultural crops and other plants, animals, the environment, materiel, or national security.” “Dual-Use Research of Concern,” <https://osp.od.nih.gov/biotechnology/dual-use-research-of-concern/>

⁶ “Fact Sheet: Activity at the Wuhan Institute of Virology,” January 15, 2021, <https://2017-2021.state.gov/fact-sheet-activity-at-the-wuhan-institute-of-virology/index.html>

between October 7, 2019 and October 24, 2019.⁷ China has prevented independent investigators and global health agencies from interviewing any of the WIV researchers, including those who became sick in the fall of 2019.⁸ China owes the world full transparency and greater cooperation in the search for the true origins of COVID-19.

COVID-19 Origination Theories

Chinese authorities first reported that many cases of COVID-19 occurred in people visiting a Wuhan wet market—a place for selling wild animals for meat.⁹ However, Chinese government scientists publicly ruled out this origin theory in May 2020 while also casting doubt on allegations that the virus came from the WIV.¹⁰ Other theories, as suggested in the findings of the World Health Organization’s (WHO) tightly controlled review into the origins of COVID-19, include direct human contact with a horseshoe bat or human contact with an intermediary species such as pangolins.¹¹ Additionally, the WHO suggests that COVID-19 could have been transmitted through the handling of imported frozen food.¹² While Committee Republicans acknowledge there are differing theories on the origins of COVID-19, this review focuses on the WIV as a possible origin source.

What We Know

Founded in 1956, the Wuhan Institute of Virology is a Chinese Academy of Sciences research institution. Its laboratory was the first in China to be certified as meeting the standards and criteria of a Biosafety Level-4 lab (the highest level of biosafety precautions) by the China National Accreditation Service for Conformity Assessment.¹³ More importantly, the WIV is reported to have significant military participation in the laboratory’s operations and has been conducting secret and classified scientific research.¹⁴ In fact, the Chinese government appointed

⁷ “Analysis of cellphone location data in high-security area of Wuhan virology lab that studied coronavirus in bats indicates it shutdown in October after a ‘hazardous event’,” May 5, 2021, <https://www.dailymail.co.uk/news/article-8302739/Cellphone-location-data-analysis-Wuhan-virology-lab-suggests-hazardous-event-October-shutdown.html>

⁸ “Fact Sheet: Activity at the Wuhan Institute of Virology,” January 15, 2021, <https://2017-2021.state.gov/fact-sheet-activity-at-the-wuhan-institute-of-virology/index.html>

⁹ “Novel Coronavirus – China,” January 12, 2020, <https://www.who.int/csr/don/12-january-2020-novel-coronavirus-china/en/>

¹⁰ James T. Areddy, “China Rules Out Animal Market and Lab as Coronavirus Origin,” May 26, 2020, <https://www.wsj.com/articles/china-rules-out-animal-market-and-lab-as-coronavirus-origin-11590517508>.

¹¹ “Explainer: The WHO’s theories about the origins of COVID-19 after Wuhan probe,” February 10, 2021, <https://www.reuters.com/article/us-health-coronavirus-who-china-explaine/explainer-the-whos-theories-about-the-origins-of-covid-19-after-wuhan-probe-idUSKBN2AA0QK>

¹² *Id.*

¹³ “Inside the Chinese lab poised to study world’s most dangerous pathogens,” Feb 22, 2017, <https://www.nature.com/news/inside-the-chinese-lab-poised-to-study-world-s-most-dangerous-pathogens-1.21487>

¹⁴ “Fact Sheet: Activity at the Wuhan Institute of Virology,” January 15, 2021, <https://2017-2021.state.gov/fact-sheet-activity-at-the-wuhan-institute-of-virology/index.html>

Major General Chen Wei, China's top biowarfare expert, as the head of the WIV lab in February 2020.¹⁵

Safety concerns regarding the WIV lab's practices were identified by U.S. Embassy officials in late 2017.¹⁶ From late 2017 to March 2018, health and science experts from the U.S. Embassy in Beijing made multiple visits to the WIV.¹⁷ The diplomats warned Washington that the lab's work to make bat coronaviruses infectious for humans, coupled with grave safety concerns, could result in the accidental unleashing of a new SARS-like pandemic.¹⁸

Possible U.S. Funding of Gain of Function Research in China

Under the leadership of Dr. Anthony Fauci,¹⁹ between Fiscal Years 2014 and 2019, the National Institute of Allergy and Infectious Diseases (NIAID) awarded more than \$3.7 million in grants to EcoHealth Alliance to examine the "risk of future coronavirus (CoV) emergence[s]...in China."²⁰ EcoHealth Alliance has also reportedly received funding from the U.S. Agency for International Development (USAID).²¹ The President of EcoHealth Alliance, Dr. Peter Daszak, has been an outspoken opponent of the lab leak hypothesis since the outbreak of the pandemic.²² Dr. Daszak was the only American scientist to participate in the WHO's 28-day investigation into the origins of COVID-19.²³

EcoHealth Alliance subcontracts with researchers at laboratories, including the WIV, to conduct its coronavirus research. One of the projects that was partially funded by U.S. Government grants received by EcoHealth Alliance, as well as funding received from the Chinese government, was a 2015 study conducted in partnership with the WIV.²⁴ This study conducted research into creating a hybrid virus that combined elements from two bat-borne

¹⁵ Filippa Lentzos, "Natural spillover or research lab leak? Why a credible investigation is needed to determine the origin of the coronavirus pandemic," May 1, 2020, <https://thebulletin.org/2020/05/natural-spillover-or-research-lab-leak-why-a-credible-investigation-is-needed-to-determine-the-origin-of-the-coronavirus-pandemic/>.

¹⁶ Josh Rogin, "In 2018, Diplomats Warned of Risky Coronavirus Experiments in a Wuhan Lab. No One Listened." March 8, 2021, <https://www.politico.com/news/magazine/2021/03/08/josh-rogin-chaos-under-heaven-wuhan-lab-book-excerpt-474322>.

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ Dr. Anthony S. Fauci has served as the Director of NIAID since 1984. <https://www.niaid.nih.gov/about/director>

²⁰ "Understanding the Risk of Bat Coronavirus Emergence" (Project Number 1R01AI110964-01), Awarded May 27, 2014, <https://reporter.nih.gov/project-details/8674931#similar-Projects>

²¹ "A SARS-like cluster of circulating bat coronaviruses shows potential for human emergence – Acknowledgements," November 9, 2015, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4797993/>.

²² *See, e.g.*, "Statement in support of the scientists, public health professionals, and medical professionals of China combatting COVID-19," [https://www.thelancet.com/journals/lancet/article/PIIS0140-6736\(20\)30418-9/fulltext](https://www.thelancet.com/journals/lancet/article/PIIS0140-6736(20)30418-9/fulltext).

²³ James Gorman, "A W.H.O. Researcher on His Trip to China Seeking Origins of the Virus," Feb. 14, 2021, <https://www.nytimes.com/2021/02/14/health/WHO-covid-daszak-china-virus.html>.

²⁴ "A SARS-like cluster of circulating bat coronaviruses shows potential for human emergence – Acknowledgements," November 9, 2015, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4797993/>. The National Natural Science Foundation of China is an entity controlled by the Chinese government. *See* "Analysis of projects funded by the National Natural Science Foundation of China during the years of 2014-2018," <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6614322/>.

coronaviruses, including the one that caused SARS in 2002.²⁵ The mutated virus created by the researchers could more easily infect human cells, which was a noteworthy and unnatural modification because “almost all coronaviruses from bats have not been able to bind to the key human receptor.”²⁶ This study is an example of a Gain of Function research experiment, which enhance a pathogen’s natural traits. Because these experiments involve creating a new, more dangerous virus without a corresponding vaccine, they have been controversial in the West due to the pandemic-related potential if an altered strain escapes the lab.²⁷

Gain of Function Research

Gain of Function viral modifications clearly have the potential to cause significant harm to mankind, including deaths. Since 1977, knowledge related to genetic code has risen as a result of DNA sequencing, the human genome project, the 2012 discovery of clustered regularly interspaced short palindromic repeats (CRISPR), and the ability to edit this foundational genetic feature.²⁸ These discoveries could potentially lead to cures for genetically transmitted diseases in humans and could have numerous positive agricultural applications.

These discoveries enabled Gain of Function experiments, which are designed to either accelerate or force viral modifications that may or may not be found in nature to make a pathogen more contagious and potentially more deadly. Such research, when conducted by responsible scientists, usually aims to improve understanding of disease-causing agents, their interaction with human hosts, and their potential to cause pandemics.²⁹ The theoretical objective of Gain of Function research is to better inform public health, preparedness efforts, and the development of medical countermeasures.³⁰

Gain of Function, however, could potentially have a more dangerous result— for example, the intentional weaponization of genetic modifications or an unintentional leak that

²⁵ “A SARS-like cluster of circulating bat coronaviruses shows potential for human emergence,” November 9, 2015, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4797993/>, and “Engineered bat virus stirs debate over risky research,” November 12, 2015, <https://www.nature.com/news/engineered-bat-virus-stirs-debate-over-risky-research-1.18787>

²⁶ “Engineered bat virus stirs debate over risky research,” November 12, 2015, <https://www.nature.com/news/engineered-bat-virus-stirs-debate-over-risky-research-1.18787>

²⁷ “A “gain-of-function” experiment introduces or amplifies a gene product. This type of research is intended to increase the transmissibility, host range, or virulence of pathogens. The gene products of the majority of these experiments result in cellular death or with phenotypes that are difficult or impossible to interpret. It is hoped that enhancing and analyzing the transmissibility of the pathogen could provide new information that could lead to improved vaccines to prevent an outbreak that may arise in the future. However, there is also risk that it could lead to an inadvertent release of a virus with enhanced transmissibility.^[1] Due to inherent dangers, gain of function research is often described as Dual Use Research of Concern (DURC). Biosafety risks include laboratory-acquired infections or accidental release of the virus, which are major threats for public health.

Federation of American Scientists, 3.7.13 Science and Security: The Moratorium on H5N1 “Gain-of-Function” Experiments

²⁸ “Timeline of scientific discovery: gene editing,” <https://www.raconteur.net/healthcare/healthcare-technology/timeline-of-scientific-discovery-gene-editing/>

²⁹ Michael J. Selgelid, Gain of Function Research: Ethical Analysis, Sci. Eng. Ethics (2016), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4996883>

³⁰ Michael J. Selgelid, Gain of Function Research: Ethical Analysis, Sci. Eng. Ethics (2016), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4996883>

results in a pandemic.³¹ Many of the warnings of these dangers resulted from research into the dangerous H5N1 avian influenza virus. According to the Federation of American Scientists, “Similar to other research, experiments involving infectious pathogens, some H5N1 studies, due to their inherent dangers, are described as Dual-Use Research of Concern (DURC). Biosafety risks include laboratory-acquired infections or accidental release of the virus, which are major threats for public health.”³²

Given the Chinese government’s documented biological weapons program,³³ it is difficult to understand why the U.S. Government permitted collaborative research at the WIV, which had a known Chinese military presence.³⁴ As early as 2010, Chinese professors within the Third Military Medical Unit were publishing academic papers emphasizing the impact of biology on future warfare.³⁵ Even as recently as 2017, biology was included among “seven new domains of warfare,” according to Zhang Shibo, a retired general and former president at the PLA National Defense University.³⁶

Laboratory Safety

The Chinese government has been conducting dangerous and controversial research on bat coronaviruses ever since the original SARS outbreak in 2002.³⁷ Some of this research resulted in lab leaks including a 2004 incident in Beijing that caused an outbreak.³⁸ After the SARS epidemic, and likely as a result of the publicly known lab leaks, the government of China initiated a plan to construct a national high-level biosafety laboratory system to prepare for and respond to future infectious disease outbreaks.³⁹ The Biosafety Level-4 (BSL-4) laboratory at the WIV was the first in China’s plan to build between five and seven BSL-4 labs across the Chinese mainland by 2025.⁴⁰ However, just because the lab has BSL-4 certification does not mean that research and experiments conducted on bat coronaviruses were done under the strictest safety procedures. The lead scientist at the WIV publicly acknowledged that coronavirus

³¹ Michael J. Imperiale & Arturo Casadevall, “A New Approach to Evaluating the Risk-Benefit Equation for Dual-Use and Gain-of-Function Research of Concern,” March 8, 2018, <https://doi.org/10.3389/fbioe.2018.00021>.

³² Science and Security: The Moratorium on H5N1 “Gain-of-Function” Experiments, Federation of American Scientists, March 7, 2013.

³³ See, e.g., U.S. Department of State, “Executive Summary of Findings on Adherence to and Compliance With Arms Control, Nonproliferation, and Disarmament Agreements and Commitments” at 10, April 2020, <https://2017-2021.state.gov/wp-content/uploads/2020/04/Tab-1.-EXECUTIVE-SUMMARY-OF-2020-CR-FINDINGS-04.14.2020-003-003.pdf>.

³⁴ “Fact Sheet: Activity at the Wuhan Institute of Virology,” January 15, 2021, <https://2017-2021.state.gov/fact-sheet-activity-at-the-wuhan-institute-of-virology/index.html>

³⁵ Weaponizing Biotech: How China’s Military Is Preparing for a ‘New Domain of Warfare’, August 14, 2019, <https://www.cnas.org/publications/commentary/weaponizing-biotech-how-chinas-military-is-preparing-for-a-new-domain-of-warfare>

³⁶ *Id.*

³⁷ SARS escaped Beijing lab twice”, Apr 25, 2004, <https://www.the-scientist.com/news-analysis/sars-escaped-beijing-lab-twice-50137>

³⁸ *Id.*

³⁹ “Wuhan coronavirus: China was warned in 2017 that a deadly virus could escape its level 4 biohazard lab”, <https://meaww.com/wuhan-coronavirus-warned-2017-lab-wuhan-deadly-diseases-escape-lab-level-4-safety-scientists>, Jan 24, 2020.

⁴⁰ *Id.*

research was being conducted at that lab in BSL-2 or BSL-3 laboratories.⁴¹ BSL-2 laboratories only require that researchers wear lab coats and gloves, while BSL-4 labs require strict decontamination procedures and wearing a full body positive pressure suit.⁴²

Additionally, as discussed above, U.S. diplomats as well as health and science experts in China warned about safety concerns at the WIV in 2017 and 2018.

Virus Modification Detectability

Central to finding the true cause of COVID-19 is the belief that certain combinations of Gain of Function viral modification techniques can be identified through forensic investigation. However, Dr. Ralph Baric—a leading expert in the field who worked on a 2015 study with Zheng-li Shi,⁴³ described as “Bat Woman”⁴⁴ in a Scientific American profile—said such modifications could be undetectable. He stated:

In the chimera we made in America in 2015 with the SARS virus, together with Professor Zheng-li Shi of the Wuhan Institute of Virology, we had left signature mutations, so it was clear that it was the result of genetic engineering. But otherwise there is no way to distinguish a natural virus from one made in the laboratory.⁴⁵

This hinders the ability to determine if a virus modification emerged as a natural mutation or was released from a lab. Dr. Baric further asserted, “You can engineer a virus without leaving any trace. The answers you are looking for, however, can only be found in the archives of the Wuhan laboratory.”⁴⁶ This makes laboratory-made modifications at least as probable an explanation for the COVID-19 outbreak as a natural emergence via zoonotic transfer. Critics of the lab leak hypothesis point to the lack of detectable alterations in the virus code, but Dr. Baric, the premier expert in this field, clearly states that modern techniques do not leave “any trace,” thus undermining the critique.⁴⁷

Doubts about Natural Emergence

While the PRC insists the COVID-19 outbreak was a natural occurrence, there are many reasons to doubt this claim. First and foremost, Beijing has presented no evidence to support this

⁴¹ Statement of Dr. Shi for Science Magazine, <https://www.sciencemag.org/sites/default/files/Shi%20Zhengli%20Q%26A.pdf>.

⁴² CDC: Recognizing the Biosafety Levels, <https://www.cdc.gov/training/quicklearns/biosafety/>.

⁴³ Professor Zheng-li Shi, a Chinese virologist from the Wuhan Institute of Virology, has spent her career studying SARS-like coronaviruses of bat origin.

⁴⁴ “How China’s ‘Bat Woman’ Hunted Down Viruses from SARS to the New Coronavirus,” June 1, 2020, <https://www.scientificamerican.com/article/how-chinas-bat-woman-hunted-down-viruses-from-sars-to-the-new-coronavirus1/>

⁴⁵ “Is it possible to create a virus in the laboratory without a trace? The expert’s answer” [Translated from Italian], Sep 14, 2020, https://www.huffingtonpost.it/entry/e-possibile-creare-un-virus-in-laboratorio-senza-lasciare-traccia-la-risposta-dellesperto_it_5f5f3993c5b62874bc1f7339

⁴⁶ *Id.*

⁴⁷ *Id.*

theory.⁴⁸ Chinese researchers have failed to find the original bat population or species from which SARS-CoV-2 might have jumped, despite an intensive search and testing more than 80,000 animals.⁴⁹ This failure is in stark contrast to past coronavirus outbreaks, when it took four months to identify the animal host of SARS and nine months to find the host of MERS.⁵⁰ As noted in a May 5, 2021 letter to Dr. Anthony Fauci, Congressman Mike Gallagher notes that if the origins of COVID-19 was truly zoonotic then it would be “expect[ed] to be most infectious in the host species, i.e. bats...and least [infectious] in humans.”⁵¹

Chinese Cover Up

Since the initial COVID-19 outbreak, the Chinese government has lied, obfuscated, covered up, and blocked the flow of information about the origins of the pandemic.⁵² It took Beijing nearly three weeks to even acknowledge there was human-to-human transfer of the virus.⁵³ The WIV and the Chinese government stymied and manipulated the World Health Organization’s 28-day review of COVID-19’s origins, and they silenced medical workers and journalists trying to report on the outbreak.⁵⁴ Chinese National Health Commission officials confirmed that guidelines were issued to destroy samples of the coronavirus from the WIV because “laboratory conditions [could not] meet the requirements for the safe preservation of samples.”⁵⁵ Lastly, Chinese authorities suppressed all records at the WIV, even closing down the virus database.⁵⁶ The world deserves unrestricted access to all this information, without Chinese meddling, in order to come to an informed scientific conclusion about the origins of COVID-19.

⁴⁸ “The origin of COVID: Did people or nature open Pandora’s box at Wuhan?,” May 5, 2021, <https://thebulletin.org/2021/05/the-origin-of-covid-did-people-or-nature-open-pandoras-box-at-wuhan/>

⁴⁹ *Id.*

⁵⁰ Dr. Steven Quay, “A Bayesian analysis concludes beyond a reasonable doubt that SARS-CoV-2 is not a natural zoonosis but instead is laboratory derived (Version 3),” March 29, 2021, <http://doi.org/10.5281/zenodo.4642956>.

⁵¹ Letter from Representative Mike Gallagher to Dr. Anthony Fauci, May 5, 2021, https://gallagher.house.gov/sites/gallagher.house.gov/files/Gallagher%20Letter_COVID%20Origins_5.5.21.pdf.

⁵² “Call for a Full and Unrestricted, International Forensic Investigation into the Origins of COVID-19,” March 4, 2021 <https://int.nyt.com/data/documenttools/covid-origins-letter/5c9743168205f926/full.pdf>

⁵³ “Chinese scientists destroyed proof of virus in December,” March 1, 2020,

<https://www.thetimes.co.uk/article/chinese-scientists-destroyed-proof-of-virus-in-december-rz055qjnj>

⁵⁴ “COVID BOMBSHELL WHO chief orders new probe into Wuhan lab leak theory as he rubbishes his own team’s whitewash Covid report,” Henry Holloway, *The Sun*, March 30, 2021; “Call for a Full and Unrestricted, International Forensic Investigation into the Origins of COVID-19,” Colin D. Butler, Henri Cap, et al, April 7, 2021; “Chinese scientists destroyed proof of virus in December,” *The Times*, March 1, 2020; “China Told Labs to Destroy Coronavirus Samples to Reduce Biosafety Risks,” *Wall Street Journal*, May 16, 2020; and “What happened in Wuhan? Why questions still linger on the origin of the coronavirus,” Lesley Stahl, CBS News, March 28, 2021.

“Confirmation: Chinese Officials Told Labs to Destroy Coronavirus Samples,” May 17, 2020, <https://townhall.com/tipsheet/bethbaumann/2020/05/17/chinese-official-confirms-suspicions-that-wuhan-labs-were-told-to-destroy-coronavirus-samples-n2568962>

⁵⁵ “China Told Labs to Destroy Coronavirus Samples to Reduce Biosafety Risks,” May 16, 2020, <https://www.wsj.com/articles/china-told-labs-to-destroy-coronavirus-samples-to-reduce-biosafety-risks-11589684291>

⁵⁶ “The origin of COVID: Did people or nature open Pandora’s box at Wuhan?,” May 5, 2021, <https://thebulletin.org/2021/05/the-origin-of-covid-did-people-or-nature-open-pandoras-box-at-wuhan/>

Key Events

2012 – The WIV, alongside Chinese military officials, begin research to find new viruses and detect “dark matter” of biology involved in spreading disease.⁵⁷

2014 – The U.S. Government institutes a pause on Gain of Function research.⁵⁸

2015 – In partnership with the WIV and the Chinese government, a U.S. Government funded study conducts gain of function research by creating a hybrid or chimeric virus that combined elements expressing the spike of bat coronavirus in mouse-adapted SARS-CoV backbone.⁵⁹

2017 - The Obama Administration’s Office of Science and Technology Policy (OSTP) recommends policy changes for Potentially Pandemic Pathogen Care and Oversight.

2017 – The U.S. Government lifts the pause on Gain of Function research.⁶⁰

2018 – From late 2017 to March 2018, U.S. diplomats make multiple visits to the Wuhan Institute of Virology to investigate safety concerns.

2018 - In its Annual Threat Assessment, the Intelligence Community includes a general statement regarding the threat of pandemics:

“A novel strain of a virulent microbe that is easily transmissible between humans continues to be a major threat, with pathogens such as H5N1 and H7N9 influenza and Middle East Respiratory Syndrome Coronavirus having pandemic potential if they were to acquire efficient human-to-human transmissibility.”⁶¹

2019 - Between October 7, 2019, and October 24, 2019, uncorroborated media reports indicate there was no cellphone activity at the Wuhan Institute of Virology.⁶²

⁵⁷ “Worrying new clues about the origins of Covid: How scientists at Wuhan lab helped Chinese army in secret project to find animal viruses”, April 24, 2021, <https://www.dailymail.co.uk/news/article-9507749/How-scientists-Wuhan-lab-helped-Chinese-army-secret-project-animal-viruses.html>

⁵⁸ Science and Security: The Moratorium on H5N1 “Gain-of-Function” Experiments, Federation of American Scientists, March 7, 2013. It remains unclear as to what department/agency instituted the pause on GoF research, the authority cited to pause such research, and the rationale cited.

⁵⁹ “A SARS-like cluster of circulating bat coronaviruses shows potential for human emergence”, November 9, 2015, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4797993/>

⁶⁰ It remains unclear as to what department/agency authorized the US Government to restart GoF research again, the authority cited to continue such research, and the rationale cited.

⁶¹ Worldwide Threat Assessment of the Intelligence Community, Statement for the Record, Daniel R. Coats, Director of the National Intelligence, February 13, 2018.

⁶² “Analysis of cellphone location data in high-security area of Wuhan virology lab that studied coronavirus in bats indicates it shutdown in October after a 'hazardous event'”, May 5, 2021, <https://www.dailymail.co.uk/news/article-8302739/Cellphone-location-data-analysis-Wuhan-virology-lab-suggests-hazardous-event-October-shutdown.html>

Autumn 2019 – Researchers inside the WIV become sick.⁶³

2020 – Chinese National Health officials order the destruction of coronavirus samples from the WIV laboratory and suppress WIV records.⁶⁴

2020 – The Office of the Director of National Intelligence issues a public statement asserting, “The Intelligence Community also concurs with the wide scientific consensus that the COVID-19 virus was not manmade or genetically modified.”⁶⁵

2021 – A publicly released State Department fact sheet acknowledges that WIV researchers began conducting experiments involving Bat Corona Virus RaTG13 in 2016.⁶⁶

2021 – Director of National Intelligence Avril Haines testifies that the Intelligence Community remains focused on two primary theories: “that it [COVID-19] emerged naturally from human contact with infected animals or it was the result of an accident at a laboratory in Wuhan.”⁶⁷

Next Steps

Based on the information above, the threads of circumstantial information suggest the outbreak of SARS-CoV-2 and resulting COVID-19 pandemic could have been the result of an accidental leak from the WIV, particularly given the absence of credible information that supports a zoonotic transmission. A recent scientific paper indicates that the virus has several characteristics that, when taken together, are not easily explained by a natural zoonotic origin hypothesis.⁶⁸

Unfortunately, Beijing has hindered the conduct of a full, credible investigation. There is overwhelming circumstantial evidence, however, to support a lab leak as the origination of COVID-19, while there is no substantive evidence supporting the natural zoonosis hypothesis.

⁶³ “Fact Sheet: Activity at the Wuhan Institute of Virology,” January 15, 2021, <https://2017-2021.state.gov/fact-sheet-activity-at-the-wuhan-institute-of-virology/index.html>

⁶⁴ “China Told Labs to Destroy Coronavirus Samples to Reduce Biosafety Risks,” May 16, 2020, <https://www.wsj.com/articles/china-told-labs-to-destroy-coronavirus-samples-to-reduce-biosafety-risks-11589684291>, “The origin of COVID: Did people or nature open Pandora’s box at Wuhan?,” May 5, 2021, <https://thebulletin.org/2021/05/the-origin-of-covid-did-people-or-nature-open-pandoras-box-at-wuhan/>

⁶⁵ Intelligence Community Statement on Origins of COVID-19, April 30, 2020, <https://www.dni.gov/index.php/newsroom/press-releases/item/2112-intelligence-community-statement-on-origins-of-covid-19>

⁶⁶ “Bat Coronavirus RaTG13,” <https://www.news-medical.net/health/Bat-Coronavirus-RaTG13.aspx>

⁶⁷ Director of National Intelligence testimony during the worldwide threat assessment briefing, Apr 15, 2021

⁶⁸ Segreto, R., Deigin, Y., McCairn, K. et al., “Should we discount the laboratory origin of COVID-19?” Environ. Chem. Lett. (2021), <https://doi.org/10.1007/s10311-021-01211-0>.

Committee Republicans are concerned that the U.S. Government directly or indirectly engaged in dangerous scientific research with China despite knowing of the Chinese military's participation.⁶⁹ The Committee must determine what role, if any, the Intelligence Community (IC) had in monitoring or evaluating U.S. policy risks related to these efforts. Crucially, the Committee needs to determine what IC elements, if any, participated or provided input to the policy formulation process. We must also understand the IC's collection posture and whether resources were properly focused on the threat, as highlighted in the 2018 IC threat assessment.

Additionally, we must further investigate the partial moratorium on Gain of Function research in 2014 and the 2017 reversal of that policy. Furthermore, the Intelligence Community's participation in this policy review remains opaque, and the Committee must determine what role, if any, intelligence elements played.

As Committee Republicans continue to investigate the origins of COVID-19, including the full scope of Gain of Function research that the U.S. Government was conducting with China, we will work with the appropriate Executive Branch agencies to seek further information as detailed in the attached letter to the Director of National Intelligence.

⁶⁹ "Fact Sheet: Activity at the Wuhan Institute of Virology," January 15, 2021, <https://2017-2021.state.gov/fact-sheet-activity-at-the-wuhan-institute-of-virology/index.html>; "Worrying new clues about the origins of Covid: How scientists at Wuhan lab helped Chinese army in secret project to find animal viruses," April 24, 2021, <https://www.dailymail.co.uk/news/article-9507749/How-scientists-Wuhan-lab-helped-Chinese-army-secret-project-animal-viruses.html>; and "Identifying with a high risk of human infection with the avian influenza A (H7N9) virus in East Asia," Aug 2014. This academic study, which included participants from NIH also included members of the PLA.

Appendix 1: May 16, 2021 Letter from Ranking Member Nunes to the Intelligence Community

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

May 16, 2021

The Honorable Avril Haines
Director of National Intelligence
Office of the Director of National Intelligence
Washington, D.C. 20515

Dear Director Haines:

During your April 15, 2021 World Wide Threats briefing before the House Permanent Select Committee on Intelligence, you indicated that Intelligence Community (IC) components have coalesced around “two plausible theories” related to the origins of COVID-19 with “one of them a laboratory accident.”

It is critical that we understand the origin of COVID-19 so that the United States Government and the global community can take appropriate measures to reduce the likelihood of another pandemic. Our prevention, preparedness, and surveillance activities must be informed by such an understanding. Moreover, if human error contributed to the outbreak or its spread, we must look hard at the root causes and implement the necessary public and international mechanisms to prevent a reoccurrence.

In short, we need to understand what occurred in the Chinese province of Wuhan—the origin of COVID-19—and what research was being conducted at the Wuhan Institute of Virology (WIV). However, the People’s Republic of China (PRC) has denied access to independent investigators and taken other actions that hinder international probes of the COVID-19 breakout. It is also telling that the PRC has engaged in a global disinformation campaign on this topic, including the outrageous allegation that the virus was created by the United States. These facts place significant responsibility on the IC to discover the truth of these matters.

As Members of Congress responsible for overseeing U.S. intelligence agencies, we believe the IC failed to properly support policymakers with timely products and analysis. Further, the IC has not been forthcoming about what processes it undertook to make seemingly authoritative statements early in the pandemic about the origins of the virus—conclusions that

are now in question. This casts doubt on the validity of early judgments as well as the analytic integrity of COVID-19-related intelligence reporting.

Moreover, evidence shows that the IC's failures continued in the pandemic's aftermath. Specifically, Republican Members are aware of allegations that the IC suppressed dissenting views related to the origins of the pandemic and that the community relied upon "outside" experts with concerning yet undisclosed entanglements.

Given your role in governing the IC, including the critical requirement of ensuring the analytic integrity of intelligence reporting as documented by Intelligence Community Directive 203, I request that you address the following:

1. Please provide all IC reporting and products regarding the origins of COVID-19 not already produced to the House Intelligence Committee. This should include any analytic products produced by federally funded research and development centers or outside experts. Should information be restricted and subject to limited dissemination, please make arrangements to enable appropriately cleared staff to review the information.
2. Please provide all intelligence underlying the January 15, 2021 State Department Fact Sheet (Activity of the Wuhan Institute of Virology) to include intelligence related to 1) illnesses at the WIV; 2) WIV research on "RaTG13" and "Gain of Function"; and 3) secret WIV links to military research.
3. Please provide the Committee any IC reporting concerning collaboration between the WIV and the Chinese military.
4. Does the IC have any evidence, circumstantial or otherwise, that COVID-19 occurred naturally and spilled over directly from an intermediate host to humans in the fall of 2019?
5. Has the IC assessed the PRC's compliance with Article X of the Biological Weapons Convention? If so, please provide the committee that assessment.
6. Is the IC aware of collaboration between the WIV and its related entities or scientists and foreign scientists? Has the IC produced threat assessments or other reports concerning such activity?
7. Is the IC aware of any collaboration between the WIV and U.S. government entities or persons, including any potential ties to the Chinese military? If so, did the IC produce counterintelligence threat assessments or any other reports concerning such activity?

8. Was the IC involved in any interagency reviews concerning the appropriateness of U.S. government funding of research conducted at the WIV and its related facilities?
9. Was the IC involved in any interagency reviews concerning Gain of Function research and, specifically, the appropriateness of funding this research outside the United States or in collaboration with foreign adversaries such as China? If so, was this involvement documented and were any findings produced?
10. Has the IC assessed the risks associated with Gain of Function research by nation states that are known to possess biological weapons capabilities?
11. Does the IC assess that Gain of Function research collaboration with China represents a threat to U.S. national security? If not, what is the basis for such a view?
12. It is publicly documented that the National Institutes of Health and USAID have provided funding to Chinese laboratories conducting dangerous dual-use research. Was the IC consulted prior to approval of funding for this activity, and does the IC maintain an ongoing review of the activity?
13. Has the IC produced an analysis on China's adherence to international health regulations in the wake of the COVID-19? If so, please provide it to the Committee.
14. Did the IC support the development of HHS guidelines that outline the risk assessment and mitigation steps associated with Enhanced Potential Pandemic Pathogens (Department of Health and Human Services Framework for Guiding Funding Decisions about Proposed Research Involving Enhanced Potential Pandemic Pathogens)?
15. Please provide the Committee any IC reporting concerning PRC reactions to the January 15, 2021 Department of State Fact Sheet regarding activity at the Wuhan Institute of Virology.
16. According to press reports, the French General Directorate for External Security expressed repeated concerns over French participation in the construction and development of the Wuhan Institute of Virology. Does the IC have any reporting to corroborate these reports? If the General Directorate did express such concerns, was the IC made aware of them, and did the IC concur?
17. Does the IC understand the full scope of dangerous research conducted at the WIV? What are the IC's knowledge gaps?
18. Did the IC seek participation from other U.S. federal departments or agencies in the production of COVID-19 reporting and, if so, how was this accomplished?

19. Please provide the names of any outside infectious disease experts referenced in any IC report related to origins of COVID-19, their curriculum vitae or resume, and the criterion used to pick these particular experts.
20. How were outside experts vetted, including for potential conflicts of interest—such as prior involvement with the Wuhan Institute of Virology—and what was the selection process?
21. Who specifically was responsible for the selection of outside experts?
22. Has the IC organized or participated in any forums with outside experts on this topic? If so, please describe the engagement(s).
23. Who are the members of the Biological Sciences Experts group?
24. NBC News reported on May 8, 2020, “Report says cellphone data suggests October shutdown at Wuhan lab, but experts are skeptical.” What is the IC’s assessment concerning an “October shutdown at the WIV”?
25. Given the fact that cooperation with China is not attainable, and if offered would be unreliable, what investigative steps are planned to determine the cause of the COVID-19 outbreak?

I appreciate your assistance with this important matter. Given the scope of the request, I understand the IC’s response may need to be provided in tranches. To facilitate the work of Republican Members of the Committee, I request that you provide information beginning no later than May 31, 2021. Please do not hesitate to contact Committee staff at (202) 225-4121 with any questions regarding this request.

Sincerely,

Devin Nunes
Ranking Member

CC: Mr. David M. Taylor

Performing the Duties of the Under Secretary of Defense for Intelligence & Security
The Honorable William J. Burns
Director, Central Intelligence Agency

General Paul M. Nakasone

Director, National Security Agency

Lieutenant General Scott D. Berrier

Director, Defense Intelligence Agency

The Honorable Steven K. Black

Director of the Office of Intelligence and Counterintelligence, Department of Energy

The Honorable Melissa Smislova

Acting Under Secretary for Intelligence and Analysis, Department of Homeland Security

The Honorable Kin Moy

Acting Assistant Secretary of State

The Honorable Michael Neufeld

Acting Assistant Secretary, Department of Treasury, Office of Intelligence and Analysis

Vice Admiral Robert Sharp

Director, National Geospatial-Intelligence Agency

Dr. Christopher Scolese

Director, National Reconnaissance Office

The Honorable Christopher Wray

Director, Federal Bureau of Investigation

Appendix 2: Key Players/Activities

EcoHealth Alliance - EcoHealth Alliance is an international nonprofit dedicated to a “One Health” approach to protecting the health of people, animals and the environment from emerging infectious diseases.⁷⁰ The group has received more than \$100 million in funding from U.S. Government agencies for various virus surveillance projects and coronavirus research—including Gain of Function work.

Dr. Peter Daszak – Dr. Daszak is President of EcoHealth Alliance. He petitioned 27 prominent scientists to sign a letter to *The Lancet* (a peer-reviewed general medical journal) supporting Chinese “scientists, public health professionals and medical professionals who have worked diligently and effectively to rapidly identify the pathogen behind this outbreak” and criticizing theories about a lab leak as a “conspiracy.”⁷¹ Dr. Daszak was the only American scientist to participate in the WHO’s 28-day investigation into the origins of COVID-19.⁷²

Dr. Ralph Baric – Dr. Baric is a Distinguished Professor in the Department of Epidemiology and Professor in the Department of Microbiology and Immunology at the University of North Carolina Gillings School of Global Public Health.⁷³ Dr. Baric has spent much of the past three decades performing coronavirus research and is a leading expert in Gain of Function research. He and Dr. Zheng-li Shi (a WIV researcher) cooperated on controversial Gain of Function research in 2015 modifying the SARS virus.⁷⁴ On May 14, 2021, Dr. Baric called for an investigation to determine the origin of the pandemic, stating “[t]heories of accidental release from a lab and zoonotic spillover both remain viable.”⁷⁵

The National Institute of Allergy and Infectious Diseases (NIAID) – With an estimated \$6.1 billion budget, NIAID conducts and supports basic and applied research to understand, treat, and prevent infectious, immunologic, and allergic diseases.⁷⁶

The National Institutes of Health (NIH) – NIH provides policy oversight and funding via contracts and grants to organizations working on Gain of Function research.

⁷⁰ EcoHealth Alliance, <https://www.ecohealthalliance.org/about>

⁷¹ “Statement in support of the scientists, public health professionals, and medical professionals of China combatting COVID-19,” [https://www.thelancet.com/journals/lancet/article/PIIS0140-6736\(20\)30418-9/fulltext](https://www.thelancet.com/journals/lancet/article/PIIS0140-6736(20)30418-9/fulltext).

⁷² James Gorman, “A W.H.O. Researcher on His Trip to China Seeking Origins of the Virus,” Feb. 14, 2021, <https://www.nytimes.com/2021/02/14/health/WHO-covid-daszak-china-virus.html>.

⁷³ Ralph S. Baric, PhD, https://sph.unc.edu/adv_profile/ralph-s-baric-phd/

⁷⁴ “A SARS-like cluster of circulating bat coronaviruses shows potential for human emergence” *Nature Medicine*, Nov 9, 2015. <https://www.nature.com/articles/nm.3985#change-history>

⁷⁵ Ralph S. Baric et al., “Investigate the origins of COVID-19,” May 14, 2021, <https://science.sciencemag.org/content/372/6543/694.1>.

⁷⁶ NIAID Mission, <https://www.niaid.nih.gov/about/mission-planning-overview>

University of North Carolina – The University of North Carolina and the WIV have been beneficiaries of multiple contracts and grants from NIAID, as well as funding from EcoHealth Alliance.

The United State Agency for International Development (USAID) – USAID funds a project known as PREDICT, whose mission is to strengthen global capacity for detection and discovery of zoonotic (moving from animals to humans) viruses.

World Health Organization (WHO) – Comprising more than 7,000 people from over 150 countries, the WHO is dedicated to promoting and improving worldwide health. The organization has been widely criticized for not demanding more transparency from China after the outbreak of COVID-19.

Wuhan Institute of Virology (WIV) – The WIV has received funding from the U.S. Government for more than a decade. Many of these funds have been provided by the NIH and NIAID. NIH has confirmed that the WIV remains eligible to receive funding for animal research through 2024.⁷⁷ WIV virologist Dr Zheng-li Shi is a highly accomplished author and co-author on bat-viruses and Gain of Function research with international teams of researchers. She cooperated with Dr. Ralph Baric on work regarding bat coronaviruses.⁷⁸

⁷⁷ “Wuhan Lab Eligible To Receive US Taxpayer Funding Through 2024, NIH Confirms”, February 16, 2021, <https://dailycaller.com/2021/02/16/wuhan-lab-eligible-taxpayer-funding/>

⁷⁸ “A SARS-like cluster of circulating bat coronaviruses shows potential for human emergence” Nature Medicine, Nov 9, 2015. <https://www.nature.com/articles/nm.3985#change-history>