



May 27, 2021

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RE: FOIA Request to the U.S. Department of State, National Institutes of Health, and the Office of the Director of National Intelligence Regarding Investigation Into COVID-19 Origins

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To Whom it May Concern:

This letter is a request (“Request”) in accordance with the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, and the corresponding department/agency implementing regulations.

The Request is made by the American Center for Law and Justice (“ACLJ”)¹ on behalf of its members. The ACLJ respectfully seeks expedited processing and a waiver of fees related to this Request as set forth in an accompanying memorandum.

To summarize, this Request seeks records pertaining to communications, knowledge and efforts surrounding the breaking story that the Biden Administration shut down, froze, delayed, paused, or repurposed an investigation into the origins of COVID-19 initiated by the previous Administration; Anthony Fauci’s admission to Congress of U.S. funds benefiting the Wuhan Institute of Virology; and ODNI knowledge of and actions in investigating the origin of COVID-19.

Background

Pursuant to State Department FOIA regulation 22 C.F.R. § 171.4(b), this Background addresses “the subject, timeframe, names of any individuals involved, a contract number (if applicable), and reasons why the requester believes the Department may have records on the subject of the request.” 22 C.F.R. § 171.4(b).

Pursuant to Department of Health and Human Services (“HHS”) FOIA regulation 45 C.F.R. § 5.21(3), this Background “provide[s] details that will help . . . identify and find the records” requested to the extent known.

CNN broke the story that “President Joe Biden’s team shut down a closely-held State Department effort launched late in the Trump administration to prove the coronavirus originated in a Chinese lab over concerns about the quality of its work, according to three sources familiar with the decision.”² The story continued:

The existence of the State Department inquiry and its termination this spring by the Biden administration -- neither of which has been previously reported -- comes to light amid renewed interest in whether the virus could have leaked out of a Wuhan lab with links to the Chinese military. The Biden administration is also facing

¹The ACLJ is a not-for-profit 501(c)(3) organization dedicated to the defense of constitutional liberties secured by law. The ACLJ regularly monitors governmental activity and works to inform the public of such affairs. The ACLJ and its global affiliated organizations are committed to ensuring governmental accountability and the ongoing viability of freedom and liberty in the United States and around the world.

² Kylie Atwood, *Pompeo-led effort to hunt down Covid lab theory shut down by Biden administration over concerns about quality of evidence*, CNN.com (May 25, 2021), <https://www.cnn.com/2021/05/25/politics/biden-shut-down-trump-effort-coronavirus-chinese-lab/index.html>.

scrutiny of its own efforts to determine if the Chinese government was responsible for the virus.³

And:

Those involved in the previously undisclosed inquiry, which was launched last fall by allies of then-Secretary of State Mike Pompeo, say it was an honest effort to probe what many initially dismissed: that China's biological weapons program could have had a greater role in the pandemic's origin in Wuhan, according to two additional sources.⁴

As CNN reported, "One US intelligence report, which CNN and the Wall Street Journal recently reported on, found that several researchers at China's Wuhan Institute of Virology fell ill in November 2019 and had to be hospitalized, a new detail which has fueled the continued debate about the virus's origin. The exact nature of their symptoms remain unclear."⁵

According to CNN, "A State Department spokesperson confirmed work on the inquiry had stopped, saying, 'Even though this discrete project has concluded, the State Department continues to work with the interagency to look into the COVID origins issue.'"⁶

The State Department project began in late 2020, months after Pompeo and President Donald Trump first claimed that the virus could have originated from the Wuhan Institute of Virology. In May 2020, Pompeo claimed there was "enormous evidence" and a "significant amount of evidence" to support the claim -- despite the US intelligence community saying there was no definitive answer as to precisely where and how the virus began transmitting.⁷

Further,

Dr. Anthony Fauci recently said he is not convinced that Covid-19 developed naturally but last spring he said the US strongly leaned toward the idea that the virus could not have been artificially or deliberately manipulated. Officials involved in the State Department inquiry believed Fauci's initial comments last year were "baseless."⁸

Adding to the news stories snowballing on these issues, "The National Institutes of Health earmarked \$600,000 for the Wuhan Institute of Virology over a five-year period to study whether

³ *Id.*

⁴ *Id.*

⁵ *Id.*

⁶ *Id.*

⁷ *Id.*

⁸ *Id.*

bat coronaviruses could be transmitted to humans, White House chief medical adviser Dr. Anthony Fauci told lawmakers Tuesday.”⁹ According to the reports:

Fauci, the head of the National Institute of Allergy and Infectious Diseases (NIAID), told a House Appropriations subcommittee that the money was funneled to the Chinese lab through the non-profit EcoHealth Alliance to fund “a modest collaboration with very respectable Chinese scientists who were world experts on coronavirus.”

But Fauci emphatically denied that the money went toward so-called “gain of function” research, which he described as “taking a virus that could infect humans and making it either more transmissible and/or pathogenic for humans.”

“That categorically was not done,” he insisted.¹⁰

These stories are receiving widespread national and international media attention.¹¹

Records Requested

For purposes of this Request, the term “record” means “any information” that qualifies under 5 U.S.C. § 552(f), and includes, but is not limited to, the original or any full, complete and unedited copy of any log, chart, list, memorandum, note, correspondence, writing of any kind, policy, procedure, guideline, agenda, handout, report, transcript, set of minutes or notes, video, photo, audio recordings, or other material. The term “record” also includes, but is not limited to, all relevant information created, stored, received or delivered in any electronic or digital format, e.g., electronic mail, instant messaging or Facebook Messenger, iMessage, text messages or any other means of communication, and any information generated, sent, received, reviewed, stored or located on a government or private account or server, consistent with the holdings of *Competitive Enter. Inst. v. Office of Sci. & Tech. Policy*, 827 F.3d 145 (D.C. Cir. 2016) (rejecting agency

⁹ Samuel Chamberlain, *Fauci admits ‘modest’ NIH funding of Wuhan lab but denies ‘gain of function’*, N.Y. Post (May 25, 2021), <https://nypost.com/2021/05/25/fauci-admits-nih-funding-of-wuhan-lab-denies-gain-of-function/>.

¹⁰ *Id.*

¹¹ See Brooke Singman & Jennifer Griffin, *Biden State Department quietly shut down team probing COVID origin*, FoxNews.com (May 26, 2021), <https://www.foxnews.com/politics/biden-state-department-shut-down-team-covid-origin-investigation>; Mark Lungariello, *Biden team shut down State Dept. inquiry probing possible lab link to COVID: report*, N.Y. Post (May 25, 2021), <https://nypost.com/2021/05/25/biden-team-shut-down-inquiry-to-prove-lab-link-to-covid-report/>; Shweta Sharma, *Biden administration shuts down Trump-instigated probe into Covid links to Wuhan lab*, Independent.co.uk (May 26, 2021), <https://www.independent.co.uk/news/world/americas/us-politics/covid-trump-biden-wuhan-lab-b1853950.html>; Robert Hart, *Biden Team Shut Down Secretive Trump-Era Project Pursuing The Wuhan Lab-Leak Theory*, Forbes.com (May 26, 2021), <https://www.forbes.com/sites/roberthart/2021/05/26/biden-team-shut-down-secretive-trump-era-project-pursuing-the-wuhan-lab-leak-theory/?sh=6e2a0d487fdd>.

argument that emails on private email account were not under agency control, and holding, “If a department head can deprive the citizens of their right to know what his department is up to by the simple expedient of maintaining his departmental emails on an account in another domain, that purpose is hardly served.”).

For purposes of this Request, the term “briefing” includes, but is not limited to, any in-person meeting, teleconference, electronic communication, or other means of gathering or communicating by which information was conveyed to one or more person.

For purposes of this Request, the term “DOS official” or “NIH official” includes, but is not limited to, any person who is (1) employed by or on behalf of the DOS or NIH, any Mission of the United States, or any Delegation of the United States, or any office or function of NIH, in any capacity; (2) contracted for services by or on behalf of the DOS or NIH, any Mission of the United States, or any Delegation of the United States, or any office or function of NIH, in any capacity; (3) appointed by the President of the United States to serve in any capacity at or within the DOS or NIH, any Mission of the United States, or any Delegation of the United States, or any office or function of NIH; or (4) any such person’s staff, agent or employee; all without regard to the component, bureau, or office in which that person serves.

For purposes of this Request, all sources, documents, letters, reports, briefings, articles and press releases cited in this Request are incorporated by reference as if fully set forth herein.

For purposes of this Request, and unless otherwise indicated, the timeframe of records requested herein is May 1, 2020, to the date this request is processed.

Pursuant to FOIA, 5 U.S.C. § 552 *et seq.*, ACLJ hereby requests that the DOS produce the following:

1. **All records, communications or briefings created, generated, forwarded, transmitted, sent, shared, saved, received, or reviewed by any senior level DOS, NIH or ODNI official referencing, connected to, or regarding in any way the termination or closing of any investigation into the origins of COVID-19**, including but not limited to any record located on backup tapes, archives, any other recovery, backup, storage or retrieval system, DOS, NIH, or ODNI electronic mail or message accounts, non-DOS, non-NIH, or non-ODNI electronic mail or message accounts, personal electronic mail or message accounts, DOS, NIH, or ODNI servers, non-DOS, non-NIH, or non-ODNI servers, and personal servers, as well as any electronic mail or message carbon copied to agency account recipients, any electronic mail or message carbon copied to non-agency account recipients, any electronic mail or message forwarded to agency account recipients, any electronic mail or message forwarded to non-agency account recipients, and attachments to any electronic mail or message.

2. **All records, communications or briefings created, generated, forwarded, transmitted, sent, shared, saved, received, or reviewed by any senior level DOS, NIH, or ODNI official referencing, connected to, or regarding in any way the origin of COVID-19**, including but not limited to any record located on backup tapes, archives, any other recovery, backup, storage or retrieval system, DOS, NIH, or ODNI electronic mail or message accounts, non-DOS, non-NIH,

or non-ODNI electronic mail or message accounts, personal electronic mail or message accounts, DOS, NIH, or ODNI servers, non-DOS, non-NIH, or non-ODNI servers, and personal servers, as well as any electronic mail or message carbon copied to agency account recipients, any electronic mail or message carbon copied to non-agency account recipients, any electronic mail or message forwarded to agency account recipients, any electronic mail or message forwarded to non-agency account recipients, and attachments to any electronic mail or message.

3. **All records, communications or briefings created, generated, forwarded, transmitted, sent, shared, saved, received, or reviewed by any senior level DOS, NIH, or ODNI official referencing, connected to, or regarding in any way, the Wuhan Institute of Virology and COVID-19 (including any shorthand, pseudonyms, or synonyms used for those terms),** including but not limited to any record located on backup tapes, archives, any other recovery, backup, storage or retrieval system, DOS, NIH, or ODNI electronic mail or message accounts, non-DOS, non-NIH, or non-ODNI electronic mail or message accounts, personal electronic mail or message accounts, DOS, NIH, or ODNI servers, non-DOS, non-NIH, or non-ODNI servers, and personal servers, as well as any electronic mail or message carbon copied to agency account recipients, any electronic mail or message carbon copied to non-agency account recipients, any electronic mail or message forwarded to agency account recipients, any electronic mail or message forwarded to non-agency account recipients, and attachments to any electronic mail or message.

4. **All records, communications or briefings created, generated, forwarded, transmitted, sent, shared, saved, received, or reviewed by any senior level DOS, NIH, or ODNI official referencing, connected to, or regarding in any way Anthony Fauci, the Wuhan Institute of Virology, and COVID-19 (including any shorthand, pseudonyms, or synonyms used for those terms),** including but not limited to any record located on backup tapes, archives, any other recovery, backup, storage or retrieval system, DOS, NIH, or ODNI electronic mail or message accounts, non-DOS, non-NIH, or non-ODNI electronic mail or message accounts, personal electronic mail or message accounts, DOS, NIH, or ODNI servers, non-DOS, non-NIH, or non-ODNI servers, and personal servers, as well as any electronic mail or message carbon copied to agency account recipients, any electronic mail or message carbon copied to non-agency account recipients, any electronic mail or message forwarded to agency account recipients, any electronic mail or message forwarded to non-agency account recipients, and attachments to any electronic mail or message.

5. **All records, communications or briefings created, generated, forwarded, transmitted, sent, shared, saved, received, or reviewed by any senior level DOS, NIH, or ODNI official referencing, connected to, or regarding in any way U.S. funds of any type, directly or indirectly awarded to, received by, or benefiting, the Wuhan Institute of Virology (including any shorthand, pseudonyms, or synonyms used for those terms),** including but not limited to any record located on backup tapes, archives, any other recovery, backup, storage or retrieval system, DOS, NIH, or ODNI electronic mail or message accounts, non-DOS, non-NIH, or non-ODNI electronic mail or message accounts, personal electronic mail or message accounts, DOS, NIH, or ODNI servers, non-DOS, non-NIH, or non-ODNI servers, and personal servers, as well as any electronic mail or message carbon copied to agency account recipients, any electronic mail or message carbon copied to non-agency account recipients, any electronic mail or message

forwarded to agency account recipients, any electronic mail or message forwarded to non-agency account recipients, and attachments to any electronic mail or message.

6. **All records, communications or briefings created, generated, forwarded, transmitted, sent, shared, saved, received, or reviewed by ODNI Director Avril Haines or any immediate subordinate (including any alias or pseudonym for Haines or her immediate subordinates) referencing, connected to, or regarding in any way the origin of COVID-19, or the terms “COVID-19” and “Wuhan” (including any shorthand term, pseudonym, or synonym used for those terms,** including but not limited to any record located on backup tapes, archives, any other recovery, backup, storage or retrieval system, DOS, NIH, or ODNI electronic mail or message accounts, non-DOS, non-NIH, or non-ODNI electronic mail or message accounts, personal electronic mail or message accounts, DOS, NIH, or ODNI servers, non-DOS, non-NIH, or non-ODNI servers, and personal servers, as well as any electronic mail or message carbon copied to agency account recipients, any electronic mail or message carbon copied to non-agency account recipients, any electronic mail or message forwarded to agency account recipients, any electronic mail or message forwarded to non-agency account recipients, and attachments to any electronic mail or message.

CONCLUSION

If this Request is denied in whole or in part, the ACLJ requests that, within the time requirements imposed by FOIA, you support all denials by reference to specific FOIA exemptions and provide any judicially required explanatory information, including but not limited to, a *Vaughn* Index.

Moreover, as explained in an accompanying memorandum, the ACLJ is entitled to a waiver of all fees associated with this Request. The ACLJ reserves the right to appeal a decision to withhold any information sought by this request and/or to deny the separate application for expedited processing and waiver of fees.

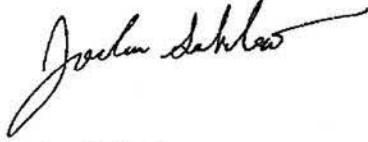
Thank you for your prompt consideration of this Request. Please furnish all applicable records and direct any responses to:

Jordan Sekulow, Executive Director
Benjamin P. Sisney, Senior Litigation Counsel
John A. Monaghan, Senior Litigation Counsel
American Center for Law and Justice



I affirm that the foregoing request and attached documentation are true and correct to the best of my knowledge and belief.

Respectfully submitted,



Jordan Sekulow
Executive Director



Benjamin P. Sisney
Senior Litigation Counsel



John A. Monaghan
Senior Litigation Counsel