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“Investigating the Origins of COVID-19, Part 2: China and the Available Intelligence”

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Chairman Wenstrup, Ranking Member Ruiz, and members of the Select Subcommittee on the Coronavirus Pandemic: Thank you for the opportunity to testify today.

My testimony has three aims:

First, I will describe how the State Department’s East Asia Bureau approached the Covid origin issue during the first year of the pandemic, from the outbreak through the publication of the January 2021 Fact Sheet on Activity at the Wuhan Institute of Virology.

Second, I will describe the terribly damaging effects of our public-health establishment’s efforts to stigmatize the very notion that Covid may have emerged from a laboratory accident. This drove underground discussion of a set of risks – namely those around gain-of-function research – that deserve to be front and center in our public-health and national-security policymaking.

Third, I will offer some suggestions for oversight and policy reform to help us find the origin of Covid, fix crucial policy and intelligence problems, and adapt our scientific and technology exchanges with China to protect our national security and prevent the next pandemic.

1. Wuhan, Hiroshima, and China

I came to the Covid origin question as a State Department Asia and China policy official. I am not a virologist, an evolutionary biologist, or an epidemiologist, and I think it is important to underscore that. I don’t claim such expertise and will happily defer on more technical matters to those who have it. But essential points in this debate are non-technical. They can be known to anybody – and should be taken seriously by everybody.

When Covid broke out, I was serving as Senior Advisor and then as a Deputy Assistant Secretary in the State’s Bureau of East Asian and Pacific Affairs. From there, I saw how the U.S. government’s response to Covid was hampered by a terrible series of failures to approach the origin question forthrightly, scientifically, or with an appropriate recognition for the almost unimaginably grave public-health and national-security stakes involved in whether Covid emerged from nature or from a lab.

Covid was not some immaculate infection. It was not spontaneously generated. It came from somewhere. And the details matter. If it emerged naturally, it implies certain things about human interactions with nature, where the risks are sizable enough. (Consider the Spanish Flu of 1918 or the bubonic plague of the Middle Ages.) But if Covid emerged from a lab, particularly one conducting “gain-of-function” virology experiments with technologies invented only a few years ago, then this was akin to

a Hiroshima event, revealing new and modern high-tech risks to human civilizations and even our species.

None of this was known to us in the East Asia Bureau when Covid first appeared. On the contrary, we struggled to get basic information about the origin question, the Wuhan Institute of Virology, gain-of-function research, and therefore how plausible and significant was the possibility of a lab leak.

Our initial focus was on consular matters (how to help Americans in China, including through our Consulate in Wuhan) and public-health cooperation with Chinese authorities (offering help and seeking credible information). We were concerned that any virus outbreak in China could be a repeat of SARS in 2003, when Chinese authorities covered things up, making worse a problem that eventually spread across Asia and North America and killed nearly 800 people. But we didn't assume this new virus would cause an epochal global pandemic, and certainly not that it came from a lab, let alone a lab conducting risky research funded by U.S. taxpayers.

As policy officials and diplomats, we had spent a lot of time encouraging new thinking about China and the Chinese Communist Party (CCP). We observed that the CCP was fundamentally hostile to America and our principles. We argued, therefore, for correcting many China-related assumptions, policies, biases, strategic blind spots, and economic entanglements that had been formed in more optimistic circumstances that no longer held. Never did we predict, though, that a pandemic would emerge to underscore, so quickly and painfully, the need for a different relationship with China – one informed by more cautious policy, better intelligence, and less exposure (especially in sensitive technologies).

Unfortunately, three years on, far too little has changed, both in our approach toward gain-of-function science and toward China. I hope my testimony can play some role in remedying that.

2. The Early View from the State Department

In January and even February of 2020, much of State's diplomatic work went on as normal. I traveled with my boss, Assistant Secretary Dave Stilwell, and Secretary Mike Pompeo to Silicon Valley, where we spoke with tech and academic leaders about Beijing's exploitation of U.S. technology, capital, and know-how. My office prepared for a U.S.-Southeast Asia leaders' summit that was scheduled for mid-March and not canceled until February 28. On the Covid front, colleagues scrambled to find ports and medical care for U.S. cruise ships with sick passengers in Asia. But these activities went on without any sense that Covid was particularly threatening, historic, or suspicious in its origin.

To be sure, some flags were raised in the early weeks about Covid's origin and the lab-leak possibility. The most prominent internal flag came on January 25 in a rare Saturday briefing from Dr. Will Walters, then the Department's Deputy Chief Medical Officer for Operations, who cited the virus's peculiar spike protein, the Wuhan Institute of Virology's coronavirus research and proximity to the outbreak, and the fact that lab leaks are not so rare. That got some people's attention but didn't materially alter our posture.

In February, a colleague alerted me to cables that had been written by the U.S. Embassy in Beijing in 2017 and 2018 about safety concerns at the Wuhan Institute of Virology. The cables were prescient, having specifically cited the sensitivity of the lab's work on SARS-like bat coronaviruses and human infectivity. They had also been ignored. Upon hearing this, I regret to say, I initially shrugged. Many cables get written overseas and ignored in Washington (alas), and it wasn't clear that this case

represented a particular failing. But it certainly was a failing, as anyone with an understanding of the gain-of-function issue could recognize. I just didn't have that understanding yet, and not enough of our colleagues who did know the issue were active in getting the rest of us up to speed.

Our general understanding remained that Covid's emergence was almost certainly normal, i.e. natural and "zoonotic" and unrelated to any lab. This was the thrust of what we were told and given to read, including in products from our Intelligence Community and the intelligence agencies of our allies. It also matched, of course, the most visible public commentary from outside of government.

This was no coincidence, it turns out.

3. Deflecting and Denying

What we didn't know at the time – but have since learned, mostly thanks to good journalism and the Freedom of Information Act (FOIA) – is that many of the most influential U.S. government and academic authorities on virology were coordinating to, as one put it, "disprove any type of lab theory."¹

Prominent U.S. public-health officials and scientists knew that Covid may have come from a lab. They knew that a lab leak could have resulted from research in Wuhan funded by the U.S. government. And they knew that if such research were in fact part of Covid's origin, they could all face professional and personal embarrassment. So these officials and scientists collaborated to convince the government and the public not to investigate the origin of Covid – at least not in a fashion that followed the evidence down paths that could point to a lab origin. This was not scientists acting as disinterested experts in their field.

Their efforts began, surprisingly, when several of the scientists first examined the Covid genome in late January 2020 and became concerned that, as one said, "some of the features (potentially) look engineered," i.e. in a lab.² This led to a February 1 phone call between the scientists and the U.S. government leaders who funded their work. After that call, the scientists never made their initial lab-leak concerns public. On the contrary, they consistently played down and even harshly condemned the lab-leak explanation in a series of influential public statements and U.S. government meetings.

First came an open letter in the Lancet on February 19, signed by 27 experts, to "stand in solidarity with all scientists and health professionals in China" and "strongly condemn conspiracy theories suggesting that COVID-19 does not have a natural origin." The signers also claimed that scientists "overwhelmingly conclude that this coronavirus originated in wildlife." The letter was organized by Peter Daszak of the EcoHealth Alliance, a recipient of significant U.S. government funding for bat coronavirus work with the Wuhan Institute of Virology. This conflict of interest was so naked that Daszak initially considered hiding his association with the letter before ultimately signing.³ ("The Lancet statement effectively ended the debate over COVID-19's origins before it began," veteran science writer Katherine Eban noted in 2021.⁴)

Then came perhaps the most influential scientific paper in modern history, on March 17, when five scientists wrote in Nature Medicine on "The Proximal Origin of SARS-CoV-2." They concluded, "We do

¹ <https://theintercept.com/2023/01/19/covid-origin-nih-emails/>

² <https://theintercept.com/2023/01/19/covid-origin-nih-emails/>

³ https://usrtk.org/wp-content/uploads/2021/02/Baric_Daszak_email.pdf

⁴ <https://www.vanityfair.com/news/2021/06/the-lab-leak-theory-inside-the-fight-to-uncover-covid-19s-origins>

not believe that any type of laboratory-based scenario is plausible.” They made no mention of their own previously and privately expressed views to the contrary.⁵

A week later, on March 26, the conclusions of the “Proximal Origin” paper were briefed to an interagency group of officials on an “analytic exchange” phone call convened by the State Department’s Bureau of Intelligence and Research (INR). The call was subject to the Chatham House Rule, so I am limited in describing some details. But INR’s own write-up captures the essence, starting with the first sentence: “U.S. scientists say available genomic evidence shows that the SARS-CoV-2 virus probably emerged naturally in an animal before crossing to humans and was not engineered in a lab.”⁶ Experts on the call conceded that a lab leak couldn’t be ruled out categorically, but they mostly stressed the “good quality” and “robust biosafety and biosecurity programs” of China’s virology labs, including in Wuhan.

Like the Lancet letter and the Proximal Origin article, the effect of the INR call was more diversionary than educational. Officials and experts who could have helped equip their colleagues (and the public) with the appropriate background to understand a novel and grave situation and weigh probabilities accordingly instead overwhelmingly deflected and denied.

Over time, though, it became harder to ignore the suspicious basic facts of the story. The CCP had silenced and disappeared doctors, journalists, activists, and others. It had suppressed and destroyed evidence from hospitals and genomics companies, market stalls, government labs and academic articles. It had misled the world about human-to-human transmission. And it was coercing other countries over travel restrictions and PPE supplies while fingering others (mainly the United States) for somehow being the true source of the outbreak in Wuhan. As we documented these issues to inform our diplomatic engagements with China and others, our attention was drawn increasingly back to the Wuhan labs.

We learned, for example, that researchers from the Wuhan Institute of Virology had published openly about engineering SARS-like bat coronaviruses into chimeric hybrids with spike proteins manipulated to increase infectiousness in humans.⁷ Even WIV senior researcher Shi Zhengli had given a candid interview in March stating her initial panic that her lab might have been responsible for the outbreak.⁸ The more we learned (all too often by doing our own googling), the more important it seemed to dig further.

Unfortunately, the value of digging further diminished considerably by the end of April. The campaign to stigmatize and discredit the lab-leak explanation went into overdrive once President Trump publicly expressed interest in the subject on April 15. Critics condemned interest in a lab leak as illegitimate,

⁵ David Relman, professor of microbiology, immunology, and medicine at Stanford, commented on the “Proximal Origin” paper to The Intercept in 2021: “When I first saw it in March 2020, the paper read to me as a conclusion in search of an argument,” he said. “Among its many problems, it failed to consider in a serious fashion the possibility of an unwitting and unrecognized accidental leak during aggressive efforts to grow coronaviruses from bat and other field samples. It also assumed that researchers in Wuhan have told the world about every virus and every sequence that was in their laboratories in 2019. But these [unredacted emails] actually provide evidence that the authors considered a few additional lab-associated scenarios, early in their discussions. But then they rushed to judgment, and the lab scenarios fell out of favor.”

⁶ INR Analytic Exchange Report on file with Select Subcommittee staff.

⁷ Shi Zhengli-Li et al., “A SARS-like cluster of circulating bat coronaviruses shows potential for human emergence,” Nature Medicine, 9 November 2015.

⁸ <https://www.scientificamerican.com/article/how-chinas-bat-woman-hunted-down-viruses-from-sars-to-the-new-coronavirus1/>

politicized, and bigoted. These canards dated at least to the Lancet letter in February, but they reached a new volume and prominence in response to Trump's weighing in.

On April 30, with controversy swirling, the Office of the Director of National Intelligence (ODNI) issued a rare public statement. The Intelligence Community, it said, "concur[s] with the wide scientific consensus that the COVID-19 virus was not manmade or genetically modified. . . . The IC will continue to rigorously examine information and intelligence to determine whether the outbreak began through contact with infected animals or if it was the result of an accident at a laboratory in Wuhan."

This statement was dubious at the time and is even more so in retrospect. There was no "wide scientific consensus," only the manufactured appearance of one.⁹ In citing one, the IC used the authority of unnamed others as a shaky crutch. It also used slippery, undefined language. What does it mean to rule out a "genetically modified" virus but not "an accident at a laboratory in Wuhan"? The implication is that only a purely natural virus, untouched by any experimentation, could have escaped a lab. But that doesn't square with the realities of "serial passaging," a standard form of gain-of-function research, as some scientists have contended since the outbreak.

Looking back, it appears that the April 30 ODNI statement may have relied for its judgments on some of the same non-government experts who had personal conflicts of interest and whose public commentary was characterized by less than full disclosure. Being from ODNI, however, it carried significant weight and was widely interpreted as a strike against the legitimacy of the lab leak theory.

By May, efforts at the State Department to examine the lab-leak possibility slowed or stopped. Some work may have continued in the Policy Planning shop, but from the vantage of the East Asia Bureau, there was no active origin investigation, no working group, no task force, no dedicated funds, etc. There was lingering concern and curiosity, to be sure, but scarce resources were directed elsewhere. The story was similar at the National Security Council.¹⁰ (It didn't help that some in the IC apparently supplemented their April 30 official statement with anonymous leaks to the press suggesting that policymakers' interest in possible intelligence on the lab leak theory was improper.¹¹)

4. The State Department Fact Sheet

Only in the autumn did our attention turn back to the issue. One prompt was a September profile in Boston magazine of Dr. Alina Chan, an MIT-Harvard Broad Institute researcher who was challenging lab-leak skeptics and highlighting suspicious qualities of Covid, such as its exceptional genetic stability, which suggested a non-natural predisposition (or design) for infecting humans.¹² The article also detailed the "global gaslighting of the media" by scientists who seemed to fear scrutiny of gain-of-

⁹ To take just one example of a scientific authority with doubts from the get-go: David Baltimore, Nobel laureate virologist and former president of CalTech, told journalist Nicholas Wade in 2021, "When I first saw the furin cleavage site in the viral sequence, with its arginine codons, I said to my wife it was the smoking gun for the origin of the virus. . . . These features make a powerful challenge to the idea of a natural origin for SARS2." (Baltimore later softened his language around "smoking gun," but not his contention that a natural origin is questionable.)

¹⁰ As reported in Vanity Fair: "Believing they had uncovered important evidence in favor of the lab-leak hypothesis, the NSC investigators began reaching out to other agencies. That's when the hammer came down. "We were dismissed," said Anthony Ruggiero, the NSC's senior director for counterproliferation and biodefense. "The response was very negative."

¹¹ <https://www.nytimes.com/2020/04/30/us/politics/trump-administration-intelligence-coronavirus-china.html>

¹² <https://www.bostonmagazine.com/news/2020/09/09/alina-chan-broad-institute-coronavirus/>

function science. Author Rowen Jacobsen noted that in the years before Covid, a loud debate had played out over gain-of-function and led to a federal funding moratorium in 2014, motivated by fear that lab experiments could cause just the sort of accidental pandemic that may have emerged in Wuhan.

The second and ultimately more significant prompt came in November from colleagues in State's Bureau of Arms Control, Verification and Compliance (AVC), who flagged the existence of significant new U.S. government information about the Wuhan Institute of Virology and its possible role in Covid's origin. This information included frankly shocking details about (1) sick researchers inside the lab before the public outbreak of Covid, (2) the nature of their research, and (3) the lab's secret ties to China's military.

The group in AVC, led by Tom Dinanno and David Asher, had found the information partly in databases of existing U.S. government material and partly by asking certain interagency colleagues to "roll back the tape" (as one colleague put it) and review records from 2019 that had gone unprocessed. With the new information in hand, we began consulting with a wide range of colleagues at State and beyond, including some at the National Laboratories whose work on the Covid origin question was not previously shared.

Around Thanksgiving, Secretary Pompeo endorsed a proposal to release publicly as much of the information as we could, consistent with the protection of the U.S. government sources and methods. Our aim in seeking to publicize the information was accountability and future pandemic prevention – to trigger long-delayed international pressure for the kind of robust origin inquiry that the world had deserved but been denied for almost a year.

In December, State and ODNI coordinated on substantive details and draft language at various levels, from Secretary Pompeo and Director Ratcliffe to those of us at the working level. By mid-month, we had a general agreement on where we were going, subject to fine-tuning the language and coordinating with relevant State and interagency colleagues. That's where we faced some pushback – including, as has been reported, from some colleagues who warned against highlighting China's gain-of-function research, lest it draw attention to the U.S. government's own role in such research and otherwise open a "Pandora's Box."¹³ It wasn't always clear exactly what our colleagues feared, but the seeming demand for non-transparency was troubling and unpersuasive (including ultimately with Secretary Pompeo).

On January 15, after interagency clearance of the document and consultations the week before with key allies, we released a Fact Sheet on "Activity at the Wuhan Institute of Virology" and an accompanying Press Statement on "Ensuring a Transparent, Thorough Investigation of COVID-19's Origin."¹⁴ As summarized in the Press Statement, we revealed:

1. ***Illnesses at the Wuhan Institute of Virology (WIV):*** *The United States 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. This 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 of SARS-CoV-2 or SARS-related viruses.*

¹³ <https://www.vanityfair.com/news/2021/06/the-lab-leak-theory-inside-the-fight-to-uncover-covid-19s-origins>

¹⁴ <https://2017-2021.state.gov/fact-sheet-activity-at-the-wuhan-institute-of-virology/index.html>, <https://2017-2021.state.gov/ensuring-a-transparent-thorough-investigation-of-covid-19s-origin//index.html>

2. **WIV Research on “RaTG13” and “gain of function”:** Starting in at least 2016, WIV researchers studied RaTG13, the bat coronavirus identified by the WIV in January 2020 as its closest sample to SARS-CoV-2 (96.2% similar). Since the outbreak, the WIV has not been transparent nor consistent about its work with RaTG13 or other similar viruses, including possible “gain of function” experiments to enhance transmissibility or lethality.
3. **Secret WIV Links to Military Research:** Despite the WIV presenting itself as a civilian institution, the WIV has collaborated on publications and secret projects with China’s military. The WIV has engaged in classified research, including laboratory animal experiments, on behalf of the Chinese military since at least 2017.

When we published this around 8pm on a Friday, five days before the end of the administration, we knew we weren’t going to have an immediate effect. Indeed, we assumed we would inevitably trigger skepticism about a last-minute docu-dump. But this was the only timing available, and we hoped that publishing careful, important, and clear information would earn the material due attention in time.

This is what happened – up to a point. Early in the Biden administration, the new team confirmed the accuracy of the information we released (if somewhat grudgingly).¹⁵ Newspaper editorials cited the Fact Sheet and called on the Biden administration to release additional corroborating information, as we hoped it would.¹⁶

Soon the lab leak possibility began to force its way into the mainstream, helped even by World Health Organization chief Tedros Ghebreyesus after Beijing undermined the WHO’s attempt at an origin investigation.¹⁷ Prominent scientists started to speak up, beyond a few exceptional magazine articles¹⁸, via the Paris Group and an open letter in Science.¹⁹ By May 2021, no more mainstream a figure than President Biden recognized the significance of the lab leak possibility and ordered a 90-day review of U.S. intelligence.

5. Highest-Stakes Policy Paralysis

Unfortunately, progress since President Biden’s big announcement has been limited. The 90-day review ended with no new information declassified. But it did reveal that four elements of the Intelligence Community lean with low confidence toward a natural-origin explanation, while one element assesses with moderate confidence that it was a lab leak.²⁰ This scorecard was recently updated: The FBI confirmed that it was the single entity backing the lab-leak view in 2021²¹, while The Wall Street Journal reported that the Department of Energy now agrees, based on undisclosed new intelligence.²²

¹⁵ <https://www.washingtonpost.com/opinions/2021/03/09/biden-administration-confirms-some-trump-wuhan-lab-claims/>

¹⁶ <https://www.washingtonpost.com/opinions/2021/02/05/coronavirus-origins-mystery-china/?arc404=true>

¹⁷ <https://www.who.int/news/item/30-03-2021-who-calls-for-further-studies-data-on-origin-of-sars-cov-2-virus-reiterates-that-all-hypotheses-remain-open>

¹⁸ <https://nymag.com/intelligencer/article/coronavirus-lab-escape-theory.html>

¹⁹ <https://www.nytimes.com/interactive/2021/03/04/us/covid-origins-letter.html>,

<https://www.science.org/doi/10.1126/science.abj0016>

²⁰ <https://www.dni.gov/files/ODNI/documents/assessments/Declassified-Assessment-on-COVID-19-Origins.pdf>

²¹ <https://www.youtube.com/watch?v=Hvs1908WeMg>

²² <https://www.wsj.com/articles/covid-origin-china-lab-leak-807b7b0a>

The problem is that we don't need a running Intelligence Community straw poll as much as we need a transparent and aggressive whole-of-government campaign to recognize the gravely high stakes of the lab-leak possibility and pursue appropriate policy reforms.

Gain-of-function technologies of the kind that emerged only in the last 10 to 15 years – where the deadliest viruses can conceivably be fused with the most infectious ones – appear to pose a species-level risk to human life. It has been commonly said for 75 years that nuclear weapons could destroy the world or humanity, and so they might. But this would likely require many decisions in at least two capitals over some sustained period of time.

The gain-of-function-risk is that one mistake in one place – let alone one deliberate act by some state or non-state actor – is all that it takes. Once a virus of sufficient infectiousness and deadliness escapes a lab, there may be nothing humanity can do to stop it.

This is the maddening and confounding tragedy of those experts who stigmatized even the notion of a lab leak. Faced with a possible dry run miniature of the worst-case pandemic that gain-of-function has made the world fear, the authorities who know the most about this threat didn't speak up. Many even sought to silence others. This has caused an intensely paralytic effect to this day. Not only on public awareness but on the policy reforms that we need to protect ourselves from laboratory risks in the future.

Even without definitive proof that Covid resulted from a lab leak, the plausibility of a lab leak should be enough to generate dramatic public concern and policy innovation involving everything from gain-of-function funding to laboratory safety standards, international transparency norms, technology controls, and more. Yet very little such innovation is happening. This would appear to be in significant part due to the post-Covid refusal of so many of our leading experts to allow public scrutiny of this gain-of-function challenge in which they are personally staked.

Overcoming this handicap is a major obligation for lawmakers and policymakers going forward.

6. An Oversight and Policy Agenda

I appreciate the opportunity to offer some suggestions for how this Select Subcommittee and others might use its oversight authorities. There is much to do on the Covid origin question itself, on fixing the policy and intelligence shortcomings discussed here, and on adjusting our science-and-technology exposure with China to strengthen national security and help prevent the next pandemic. All of these missions could be advanced by creating a substantive, bipartisan commission on the model of the 9/11 Commission.

On trying to confirm Covid's origin:

- a) **Immediate Declassification Test:** Congress recently overwhelmingly passed a law requiring the Biden administration to declassify U.S. intelligence on Covid's origin within 90 days. This represents a third test for the IC and the rest of the interagency after the failures to disclose in 2020 and 2021. There is no doubt that the administration has far more information than has been released publicly. Now Congress has made a statutory demand backed (in principle) by oversight authorities.

- b) **The Sick Researchers Still Stand Alone:** The sick lab researchers identified in the January 2021 Fact Sheet remain the best lead yet into who or what may have been Patient Zero. There is no animal anywhere that has been identified as a comparably likely source of the outbreak. (China's former CDC director, George Gao, confirmed as much again last week.²³) The Biden administration, like the Trump administration before it, has more information about the sick researchers and their circumstances than has been released.
- c) **What Changed Energy's Mind?** The most significant fresh piece of intelligence we know about (post-2020) is whatever reportedly motivated the Energy Department's recent change of assessment. Maximizing the release of this information to the public (or to the Congress if it must stay classified) would clearly shed additional light on the Covid mystery.

Policy reform:

- a) **A Revolution in Laboratory Safety:** If policymakers came to realize that far-flung laboratory safety might literally be a matter of life and death for the human species, wouldn't we hear more about it? The sooner, the better.
- b) **Get a Handle on Gain-of-Function:** Lawmakers have proposed another federal funding moratorium to review standards. Also important is auditing all current and recent gain-of-function funding. (While we're at it, will the Biden administration fund the USAID-backed "DEEP VZN" project despite White House concerns about foreign adversaries misusing the data for bioweapon purposes?²⁴)
- c) **Tech Control and Arms Control for the Age of Synthetic Biology:** Synthetic biology capabilities are developing around the globe at amazing speed with effectively no regulations, controls or oversight. A 2018 paper from the National Academy of Sciences valuably lays out challenges and recommendations.²⁵
- d) **Tracking Grant Applications:** U.S. agencies apparently have a poor record of sharing important information with each other from federal grant applications – such as the 2018 application to DARPA in which EcoHealth's Peter Daszak and colleagues from the Wuhan Institute of Virology proposed engineering a SARS-like coronavirus with a furin cleavage site nearly identical to the one that emerged as the Covid virus a year later. It shouldn't have required a FOIA lawsuit by online magazine The Intercept to reveal that DARPA application only in late 2021.

Intel reform:

- a) **BIOINT Wake-Up Call:** Is the IC strengthening its biosurveillance, biodefense and other biological capabilities in all appropriate ways? Why was crucial information from the autumn of 2019 not

²³ <https://www.reuters.com/business/healthcare-pharmaceuticals/no-good-evidence-yet-proving-covid-came-animals-says-former-head-china-cdc-2023-04-14/> George Gao, who was speaking at a London summit on preparing for pandemics, was the head of the agency when COVID first emerged in Wuhan, China, at the end of 2019. "Even now, people think some animals are the host or reservoir," said Gao. "Cut a long story short, there is no evidence which animals (were) where the virus comes (from)."

²⁴ <https://www.washingtonpost.com/investigations/interactive/2023/virus-research-risk-outbreak/>

²⁵ <https://nap.nationalacademies.org/catalog/24890/biodefense-in-the-age-of-synthetic-biology>

processed until some State Department officials made a request nearly a year later, and what has been done to ensure such a thing doesn't recur? Should the Department of Health and Human Services, which oversees the NIH, the CDC, etc., become part of the IC?

- b) **Conflicts of Interest:** Has the IC adapted its policies concerning conflicts of interest (disclosure, recusal, etc.) given the lab-leak debate and the apparent challenge of finding virology experts who aren't interested parties when weighing in on gain-of-function science and the Wuhan lab?
- c) **Covid Sourcing:** Who specifically did the IC rely on for outside advice on Covid? How frequently were its sources (including for single-sourced insights) individuals such as Peter Daszak (of EcoHealth) or Kristian Andersen (lead author of the Proximal Origins paper)?

U.S.-China exchanges and the next pandemic:

- a) **Why Wuhan's Military Secrets Matter:** The State Department Fact Sheet included the secret military ties of the Wuhan Institute of Virology not only because of biowarfare and Biological Weapons Convention concerns but as an illustration that effectively any laboratory in China could be a military laboratory. This is especially true under Xi Jinping's strategy of Military-Civil Fusion. Yet U.S.-China science and technology exchanges are too rarely implemented with sufficient consideration of this risk. So it goes in U.S. government grants, academic exchanges, commercial partnerships and beyond.
- b) **Sanctions:** Congress should consider amending the Chemical and Biological Weapons Control and Warfare Elimination Act to impose sanctions on individuals, entities, government entities, and parastatals that have engaged in gross or significant negligence with respect to the maintenance of their biological facilities and/or the deliberate withholding of information in response to a significant event, beginning with the Wuhan Institute of Virology and the Chinese Academy of Sciences.²⁶
- c) **Civil Litigation:** Support civil claims against China if it does not provide substantive cooperation, including direct access to physical evidence. Congress could empower civil litigants to seek compensatory damages against individuals, agencies or instrumentalities whose conduct in connection with the development and spread of Covid was grossly negligent or intentional. Congress will likely have to create or expand a statutory exception within the Foreign Sovereign Immunities Act to ensure that U.S. federal courts would have jurisdiction over both the substantive liability claims and any judgment enforcement proceedings against the assets in the U.S. of PRC individuals or government agencies that are directly or indirectly responsible.²⁷

7. Eisenhower's Warning

In rather amazing fashion, President Dwight Eisenhower warned in 1961 – in his famous “military-industrial complex” farewell address – about the very social-political forces that appear to have

²⁶ <https://www.hudson.org/foreign-policy/a-just-response-to-beijing-s-covid-19-abuses>

²⁷ <https://www.hudson.org/foreign-policy/a-just-response-to-beijing-s-covid-19-abuses>

delivered us the Covid origin failures of recent years.²⁸ He warned especially of how an expanding government bureaucracy could distort the search for truth that is the central mission of science:

Akin to, and largely responsible for the sweeping changes in our industrial-military posture, has been the technological revolution during recent decades.

In this revolution, research has become central; it also becomes more formalized, complex, and costly. A steadily increasing share is conducted for, by, or at the direction of, the Federal government.

Today, the solitary inventor, tinkering in his shop, has been over shadowed by task forces of scientists in laboratories and testing fields. In the same fashion, the free university, historically the fountainhead of free ideas and scientific discovery, has experienced a revolution in the conduct of research. Partly because of the huge costs involved, a government contract becomes virtually a substitute for intellectual curiosity. For every old blackboard there are now hundreds of new electronic computers.

The prospect of domination of the nation's scholars by Federal employment, project allocations, and the power of money is ever present and is gravely to be regarded.

Yet, in holding scientific research and discovery in respect, as we should, we must also be alert to the equal and opposite danger that public policy could itself become the captive of a scientific-technological elite.

It is the task of statesmanship to mold, to balance, and to integrate these and other forces, new and old, within the principles of our democratic system-ever aiming toward the supreme goals of our free society.

²⁸ <https://www.archives.gov/milestone-documents/president-dwight-d-eisenhowers-farewell-address>