

## United States Senate

August 1, 2022

### VIA ELECTRONIC TRANSMISSION

The Honorable Christopher Wray  
Director  
U.S. Federal Bureau of Investigation  
935 Pennsylvania Avenue N.W.  
Washington, D.C. 20535

Director Wray:

Since the pandemic outbreak, the Office of the Director of National Intelligence (ODNI) issued three publications related to the Intelligence Community's (IC) assessment on COVID-19 origins.<sup>1</sup> Today I write to express my concern regarding the ODNI's objectivity in reporting the IC's summary assessment and to respectfully request from the Federal Bureau of Investigations (FBI) its assessment records. I also ask that the FBI provide a declassified assessment statement on the current assessment of its COVID-19 origins investigation. Lastly, an investigation into the COVID-19 origins would be incomplete without investigating the cover-ups by the Chinese Communist Party (CCP), scientists, journalists, federal government employees, and all others who are concealing the truth by withholding evidence, and creating roadblocks to information. Everyone who is complicit in obstruction must be held accountable.

### **The ODNI COVID-19 Origins Investigation**

On March 22, 2020, the World Health Organization (WHO) declared a COVID-19 global pandemic.<sup>2</sup> Seven weeks later, the ODNI issued an official intelligence community statement on origins of COVID-19 that took the position "...that the Intelligence Community also concurs with the wide scientific consensus that **the COVID-19 virus was not manmade or genetically modified** [emphasis added]."

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<sup>1</sup> Office of the Director of National Intelligence (ODNI), Press Release: 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>. See also ODNI, Press Release: Unclassified Summary of Assessment on COVID-19 Origins, August 27, 2021, <https://www.dni.gov/index.php/newsroom/reports-publications/reports-publications-2021/item/2236-unclassified-summary-of-assessment-on-covid-19-originsunclassified>. See also ODNI, Press Release: Declassified Assessment on COVID-19 Origins, October 29, 2021, <https://www.dni.gov/index.php/newsroom/reports-publications/reports-publications-2021/item/2263-declassified-assessment-on-covid-19-origins>.

<sup>2</sup> World Health Organization, WHO Director-General's opening remarks at the media briefing on COVID-19, March 11, 2020, <https://www.who.int/director-general/speeches/detail/who-director-general-s-opening-remarks-at-the-media-briefing-on-covid-19---11-march-2020>.

The ODNI statement continued with, “The IC will continue to rigorously examine emerging 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,” but ODNI did not indicate that the IC would continue to assess if the virus had been genetically modified.<sup>3</sup>

On May 26, 2021, President Biden announced that he asked the IC to collect and analyze information that could bring them closer to a definitive conclusion about whether the COVID-19 emerged from human contact with an infected animal or from a laboratory accident and then report back in 90 days.<sup>4</sup> The result of the IC’s 90-day sprint review was inconclusive. On August 26, 2021, the ODNI published a declassified summary of the 90-day IC review and an expanded report published October 29, 2021.<sup>5</sup> None of the ODNI reports appear to explain how the SARS-CoV-2 virus was uniquely adapted for human-to-human transmission and how it spread so rapidly to cause the worst pandemic of our lifetime without the virus being manipulated in a laboratory.<sup>6</sup>

### ODNI’s Scientific Consultants

Dr. Ralph Baric is the recognized global leader of coronavirus research who created a laboratory technique known as ‘no-see-um.’<sup>7</sup> The technique inserts genetic material into viruses without leaving a mark or signature.<sup>8 9</sup> When asked about laboratory genetic modification technical capabilities, Dr. Baric explained that unless a researcher intentionally chooses to leave a trace, that there is otherwise “...no way to distinguish a natural virus from one made in the laboratory,”<sup>10</sup> Dr. Baric explained that Chinese scientists were using research techniques to engineer bat coronaviruses by shuffling spike genes of other bat coronaviruses into a molecular clone of a bat coronavirus.<sup>11</sup> Dr. Baric further stated that Chinese scientists have done a lot of their bat coronavirus research under BSL-2 laboratory conditions, which has lower safety standards and less oversight than BSL-3 laboratories and said that, “there must be some recognition that a laboratory infection could have occurred under BSL-2 operating conditions.”<sup>12</sup>

On January 15, 2021, U.S. Department of State (State Department) presented the alternative possibility of a laboratory accident as an origin for COVID-19 in a published “Fact Sheet” Activity at the Wuhan Institute of Virology (WIV).”

The WIV has a published record of conducting “gain-of-function” research to engineer chimeric viruses. But the WIV has not been transparent or consistent about its record of

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<sup>3</sup> Ibid 1.

<sup>4</sup> The White House, Statement by President Joe Biden on the Investigation into the Origins of COVID-19, May 26, 2021, <https://www.whitehouse.gov/briefing-room/statements-releases/2021/05/26/statement-by-president-joe-biden-on-the-investigation-into-the-origins-of-covid-19/>.

<sup>5</sup> Ibid 1.

<sup>6</sup> News-Medical.Net, SARS-CoV-2 is uniquely adapted to infect humans, May 25, 2020, <https://www.news-medical.net/news/20200525/SARS-CoV-2-is-uniquely-adapted-to-infect-humans.aspx>.

<sup>7</sup> Baric, Ralph S., Development of mouse hepatitis virus and SARS-CoV infectious cDNA constructs, *Coronavirus Replication and Reverse Genetics* (2005): 229-252, [https://doi.org/10.1007/3-540-26765-4\\_8](https://doi.org/10.1007/3-540-26765-4_8). See figure 2.

<sup>8</sup> UNC Gillings School of Global Health, Gillings School Directory: Ralph S. Baric, [https://sph.unc.edu/adv\\_profile/ralph-s-baric-phd/](https://sph.unc.edu/adv_profile/ralph-s-baric-phd/).

<sup>9</sup> Huffington Post (Italy), È possibile creare un virus in laboratorio senza lasciare traccia? La risposta dell'esperto, September 14, 2020, [https://www.huffingtonpost.it/entry/e-possibile-creare-un-virus-in-laboratorio-senza-lasciare-traccia-la-risposta-dellesperto-it\\_5f5f3993c5b62874bc1f7339/](https://www.huffingtonpost.it/entry/e-possibile-creare-un-virus-in-laboratorio-senza-lasciare-traccia-la-risposta-dellesperto-it_5f5f3993c5b62874bc1f7339/). Note: The article content as translated by Google reads, “For at least ten years, in the two most advanced laboratories in the world, in North Carolina and Wuhan, where the pandemic broke out, researchers have used very sophisticated techniques called *seamless*, literally “seamless” thanks to which it is possible to combine genetic material of different types of viruses without leaving scars in the joints between one piece and another, as it used to be.

<sup>10</sup> Ibid 10.

<sup>11</sup> <https://www.technologyreview.com/2021/07/26/1030043/gain-of-function-research-coronavirus-ralph-baric-vaccines/>

<sup>12</sup> Ibid.

studying viruses most similar to the COVID-19 virus, including ‘RaTG13,’ which it sampled from a cave in Yunnan Province in 2013 after several miners died of SARS-like illness.<sup>13</sup>

Gain-of-Function research referenced in the Fact Sheet is a genetic modification research technique that attempts to genetically modify a biological pathway in a cell line or an organism in order to enhance or broaden the scope of some particular process.<sup>14 15</sup> Given that the WIV was conducting gain-of-function research to engineer bat coronaviruses and technology can manipulate coronaviruses without leaving a trace of the modification, the composition of the “wide scientific community” consulted by the ODNI and agreed with by the entire IC is called into question.

### **ODNI Objectivity in Question**

The ODNI’s objectivity is in question because it published a conclusion four months after the outbreak that assessed that the COVID-19 virus was not genetically modified.<sup>16</sup> The April announcement calls into question the ODNI’s potential conflict of interest in being the lead U.S. government organization into the COVID-19 origins investigation because it published a conclusion before the President requested it to lead a 90-day review.<sup>17</sup> With the ODNI’s preconception about SARS-CoV-2 not being manipulated, it is difficult to believe that they suddenly became objective and could have objectively led the IC consensus building without steering results towards a conclusion that would be vastly different from its April 2020 announcement.<sup>18</sup>

From observing these inconsistencies and lack of transparency, Congress has prioritized the need for an independent body of stakeholders to present a unified and honest assessment on the origin of COVID-19. Last year, I joined Senators Dianne Feinstein, Kirsten Gillibrand, and Joni Ernst in introducing bipartisan legislation that would establish a 9/11 style Commission on the COVID-19 pandemic that includes an investigation into the origins of COVID-19.<sup>19</sup> As drafted, we proposed that a variety of experts participate in the National Commission. Leaders of the Senate Health, Education, Labor and Pensions Committee included a 9/11 style COVID-19 task force in the PREVENT Pandemics Act – a large bipartisan package that takes lessons learned from the COVID-19 pandemic response and improve the nation’s preparedness for future public health emergencies.<sup>20</sup> The provision, modelled after my bipartisan legislation, was unanimously agreed to by Committee members.

While the policy continues to move through the legislative process, the FBI has an immediate opportunity to serve a key role in the COVID-19 origins. The FBI has broad authority to investigate threats to national

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<sup>13</sup> <https://2017-2021.state.gov/fact-sheet-activity-at-the-wuhan-institute-of-virology/index.html>

<sup>14</sup> <https://www.science.org/content/blog-post/gain-function>

<sup>15</sup> Science Magazine, Blog: Gain of Function, by Derek Lowe, October 26, 2021, <https://www.science.org/content/blog-post/gain-function>.

<sup>16</sup> <https://www.dni.gov/index.php/newsroom/press-releases/item/2112-intelligence-community-statement-on-origins-of-covid-19>

<sup>17</sup> Ibid 1.

<sup>18</sup> Ibid 1.

<sup>19</sup> U.S. Senator Dianne Feinstein, Press Release: Feinstein, Marshall, Gillibrand, Ernst Introduce Bill to Create 9/11-Style COVID-19 Commission, November 4, 2021, <https://www.feinstein.senate.gov/public/index.cfm/2021/11/feinstein-marshall-gillibrand-ernst-introduce-bill-to-create-9-11-style-covid-19-commission>.

<sup>20</sup> U.S. Senator Roger Marshall, Press Release: Sen. Marshall Secures 9/11 Style COVID Task Force in PREVENT Pandemics Act, March 15, 2022, <https://www.marshall.senate.gov/newsroom/press-releases/sen-marshall-secures-9-11-style-covid-task-force-in-prevent-pandemics-act/>.

security, its world class scientists, and its multiple divisions of relevant expertise such as the Weapons of Mass Destruction Directorate, and the Intelligence branch.<sup>21, 22, 23, 24</sup>

### The FBI COVID-19 Origins Investigation

Following the publication of the ODNI's full declassified report, it was reported that the FBI was the single IC agency that assessed, "...with moderate confidence that the first human infection with SARS-CoV-2 most likely was the result of a laboratory-associated incident [emphasis added], probably involving experimentation, animal handling, or sampling by the Wuhan Institute of Virology."<sup>25</sup> It was further reported that FBI analysts gave weight to the inherently risky nature of work on coronaviruses being researched in Wuhan laboratories that had inadequate biosafety conditions for the experiments.<sup>26</sup>

U.S. government accountability and transparency are critical to restoring the trust of the American people. Half of all taxpayers want to see the federal government improve its accountability and 50 percent want transparency improved.<sup>27</sup> To my knowledge, the FBI COVID-19 origins investigative assessments have not been reviewed outside of the collection of IC agency reports by the ODNI and it is important for everyone to know the investigative results from the agency best equipped to conduct this type of investigation.

### The Biden Administration's Commitment to COVID-19 Origins Investigation

The Biden Administration committed to investigating the COVID-19 origins. President Biden declared that the U.S. will continue working with like-minded partners around the world to press the PRC to fully share information and stated, "We must have a full and transparent accounting of this global tragedy. Nothing less is acceptable.... The world deserves answers, and I will not rest until we get them."<sup>28</sup>

When asked about a guarantee "to the world that we're going to get to the bottom of how this [COVID-19 pandemic] originated," Secretary of State Antony Blinken answered, "Well, I think we have to, because we need to do that precisely so we fully understand what happened in order to have the best shot possible at preventing it from happening again.... That's why we need to get to the bottom of this."<sup>29</sup>

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<sup>21</sup> FBI, FAQ About: Where is the FBI's authority written down?, accessed July 29, 2022, <https://www.fbi.gov/about/faqs/where-is-the-fbis-authority-written-down>.

<sup>22</sup> FBI, About: Science and Technology Branch, accessed July 29, 2022, <https://www.fbi.gov/about/leadership-and-structure/science-and-technology-branch>.

<sup>23</sup> FBI, Ten Years After: The FBI Since 9/11, Weapons of Mass Destruction Directorate, accessed July 28, 2022, <https://archives.fbi.gov/archives/about-us/ten-years-after-the-fbi-since-9-11/just-the-facts-1/weapons-of-mass-destruction-directorate-1>.

<sup>24</sup> FBI, About: Intelligence, accessed July 28, 2022, <https://www.fbi.gov/about/leadership-and-structure/intelligence-branch>.

<sup>25</sup> ODNI, Report: Updated Assessment on COVID-19 Origins, October 29, 2021,

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

<sup>26</sup> CNN Politics, U.S. Intelligence community releases full declassified report that does not determine origin of Covid-19, by Katie Bo Lillis, October 29, 2021, available at <https://www.cnn.com/2021/10/29/politics/us-intelligence-full-covid-19-report/index.html>.

<sup>27</sup> Partnership for Public Service, Trust in Government: A Close Loop at Public nPerceptions of the Federal Government and its Employees, by Paul Hitlin and Nadzeya Shutava, March 23, 2022, <https://ourpublicservice.org/publications/trust-in-government/>

<sup>28</sup> <https://www.whitehouse.gov/briefing-room/statements-releases/2021/08/27/statement-by-president-joe-biden-on-the-investigation-into-the-origins-of-covid-%E2%81%A019/>.

<sup>29</sup> U.S. Department of State, Press Release: Secretary Antony J. Blinken With Chuck Todd of NBC's Meet the Press, April 11, 2021, <https://www.state.gov/secretary-antony-j-blinken-with-chuck-todd-of-nbcs-meet-the-press/>.

## Questions

Given the above, I respectfully request your responses to my following requests no later than Monday, August 8, 2022:

1. Arrange sharing the FBI's COVID-19 origins investigative assessment records.
2. Provide a declassified statement on the current FBI assessment of your COVID-19 origins investigation.
3. Will the FBI commit to investigating the Chinese Communist Party (CCP), scientists, journalists, federal government employees, and all others who are concealing the truth by withholding evidence, and creating roadblocks to information?
4. On August 26, 2021, ODNI held a briefing with President Biden on the IC COVID-19 origins investigative assessment.
  - a. Did ODNI or the White House invite the FBI to participate in this briefing?
  - b. Did ODNI or the White House invite other IC agencies to participate and if so, who attended?
  - c. If the FBI did not participate in this briefing, did FBI staff separately brief the President and if so, when?
5. Has the ODNI tried to prevent the FBI from releasing your independent investigative assessments? If so, please describe the circumstances.
6. Has the FBI shared its independent agency assessment and if not, please describe the circumstances?

The world has suffered immeasurable loss from the COVID-19 pandemic destruction. An objective, comprehensive investigation into the origins of the outbreak by a qualified team of experts is essential. The loved ones of the 6.3 million people tragically killed by this virus deserve answers and we need to know what happened to be informed about how we can prevent and mitigate harm from future outbreaks.<sup>30</sup> Thank you for your attention to this matter and please do not hesitate to reach out my staff should you need additional information or clarification on this request.

Sincerely,

A handwritten signature in blue ink that reads "R. W. Marshall". The signature is written in a cursive style with a large initial "R" and "W".

Roger Marshall, M.D.  
U.S. Senator

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<sup>30</sup> WHO, Coronavirus (COVID-19) Dashboard, accessed July 30, 2022, <https://covid19.who.int/>.