

EXHIBIT 1



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SENT VIA:

<https://requests.publiclink.hhs.gov/App/Index.aspx>

March 10, 2023

Arianne Perkins
Department of Health and Human Services (HHS)
Freedom of Information Act Office
Hubert H. Humphrey Building, Room 729H
200 Independence Avenue, SW
Washington, D.C. 20201

Dear FOIA Officer:

Pursuant to the Freedom of Information Act, 5 U.S.C. § 552, and the implementing FOIA regulations of the Department of Health and Human Services (“HHS”), 45 C.F.R. § 5, I respectfully request the following records:

1. All official calendars from November 1, 2019, through present for the following individuals:
 - Dr. Francis Collins;
 - Dr. Anthony Fauci;
 - Dr. Lawrence Tabak;
 - Dr. Hugh Auchincloss;
 - Dr. Michael Lauer; and
 - Dr. David Christian Hassell

2. All official phone records, including landlines and cell phones, from November 1, 2019, through present for the following individuals:
 - Dr. Francis Collins;
 - Dr. Anthony Fauci;
 - Dr. Lawrence Tabak;
 - Dr. Hugh Auchincloss;
 - Dr. Michael Lauer; and
 - Dr. David Christian Hassell



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3. All communications with: (1) Peter Daszak or Aleksei Chmura; and (2) the following individuals from November 1, 2019 to the present:
 - Dr. Francis Collins;
 - Dr. Anthony Fauci;
 - Dr. Lawrence Tabak;
 - Dr. Hugh Auchincloss;
 - Dr. Michael Lauer; and
 - Dr. David Christian Hassell
4. All communications with: (1) the National Institutes of Health (“NIH”), or the National Institute of Allergy and Infectious Diseases (“NIAID”); and (2) EcoHealth Alliance, regarding the paper published in *Nature Medicine* entitled *The Proximal Origin of COVID-19*.
5. All communications with: (1) NIH or NIAID; and (2) and EcoHealth Alliance regarding the letter published in *The Lancet* entitled *Statement in support of the scientists, public health professionals, and medical professionals of China combatting COVID-19*;
6. All communications with Dr. Ping Chen relating to the Wuhan Institute of Virology;
7. All communications relating to a February 1, 2020 conference call with: (1) Dr. Anthony Fauci or Dr. Francis Collins and referring or: (2) any of the and between and among following individuals:
 - Dr. Kristian Andersen, Professor, Department of Immunology and Microbiology, Scripps Research;
 - Dr. Jeremy Farrar, Director, Wellcome;
 - Dr. Michael Farzan, Professor, Department of Immunology and Microbiology, Scripps Research;
 - Dr. Robert Garry, Professor, School of Medicine, Tulane University
 - Dr. Edward Holmes, Professor, Sydney Medical School, University of Sydney;
 - Dr. W. Ian Lipkin, Director, Center for Infection and Immunity, Columbia University; and
 - Dr. Andrew Rambaut, Professor, School of Biological Sciences, University of Edinburgh.



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8. All records notating, memorializing, or summarizing a communication, or a portion thereof, responsive to Specifications 3–7, herein.

The terms “pertaining to,” “referring,” “relating,” or “concerning” with respect to any given subject means anything that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with, or is in any manner whatsoever pertinent to that subject.

The term “record” means any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, inter-office and intra-office communications, electronic mail (emails), MMS or SMS text messages, instant messages, messaging systems (such as iMessage, Microsoft Teams, WhatsApp, Telegram, Signal, Google Chat, Twitter direct messages, Lync, Slack, and Facebook Messenger), contracts, cables, telexes, notations of any type of conversation, telephone call, voicemail, meeting or other communication, bulletins, printed matter, computer printouts, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electronic records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape or otherwise. A record bearing any notation not a part of the original text is to be considered a separate record. A draft or non-identical copy is a separate record within the meaning of this term. By definition a “communication” (as that term is defined herein) is also a “record” if the means of communication is any written, recorded, or graphic matter of any sort whatsoever, regardless of how recorded, and whether original or copy.



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The terms “and” and “or” should be construed broadly and either conjunctively or disjunctively to bring within the scope of this request any information which might otherwise be construed to be outside its scope. The terms “all,” “any,” and “each” should each be construed as 'encompassing any and all. The singular includes the plural number, and vice versa. The present tense includes the past and vice versa. The masculine includes the feminine and neuter genders.

The term “communication” means each manner or means of disclosure or exchange of information (in the form of facts, ideas, inquiries, or otherwise), regardless of means utilized, whether oral, electronic, by document or otherwise, and whether in an in-person meeting, by telephone, facsimile, e-mail (desktop or mobile device), text message, MMS or SMS message, messaging systems (such as iMessage, Microsoft Teams, WhatsApp, Telegram, Signal, Google Chat, Twitter direct messages, Lync, Slack, and Facebook Messenger), regular mail, telexes, releases, or otherwise.

The term “person” is defined as any natural person or any legal entity, including, without limitation, any business or governmental entity or association, and all subsidiaries, divisions, partnerships, properties, affiliates, branches, groups, special purpose entities, joint ventures, predecessors, successors, or any other entity in which they have or had a controlling interest, and any employee, and any other units thereof.

The term “Congress” refers to any person (as that term is defined herein) exercising power derived directly or indirectly from Article I of the Constitution.

“Communications with,” “communications from,” and “communications between” means any communication involving the related parties, regardless of whether other persons were involved in the communication, and includes, but is not limited to, communications where one party is cc'd or bcc'd, both parties are cc'd or bcc'd, or some combination thereof.

Please consider all members of a document “family” to be responsive to the request if any single “member” of that “family” is responsive, regardless of whether the “family member” in question is “parent” or “child.”



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This request for records includes any attachments to those records or other materials enclosed with those records when they were previously transmitted. To the extent that an email is responsive to our request, our request includes all prior messages sent or received in that email chain, as well as any attachments to the email.

In the interest of expediency and to minimize the research and/or duplication burden on your staff, please send records electronically if possible. If this is not possible, please notify me before sending to the mailing address listed below. If access to this request will take longer than twenty business days, please let me know when I might receive records or be able to inspect the requested records. Please produce responsive documents as soon as they become available. In all cases, please communicate with me at the below email address.

Please comply fully with 5 U.S.C. § 552(b). Accordingly, without limitation to the foregoing, if any portion of this request is denied for any reason, please provide written notice of the records or portions of records that are being withheld and cite each specific exemption of the Freedom of Information Act on which the agency relies. Moreover, to the extent that responsive records may be withheld in part produce all reasonably segregable portions of those records. Additionally, please provide all responsive documents even if they are redacted in full.

Fee Waiver Request

This request is primarily and fundamentally for non-commercial purposes. As a 501(c)(3) nonprofit, Heritage Foundation does not have a commercial purpose and the release of the information requested is not in Heritage Foundation's commercial interest. Heritage Foundation's mission is to formulate and promote public policies based on the principles of free enterprise, limited government, individual freedom, traditional American values, and a strong national defense. Heritage Foundation uses the information requested and analyzes it in order to educate the public through social media,¹ broadcast media² (traditional and nontraditional) and press releases.³ The requested information is in the public interest as this is an issue of whether government officials intentionally misled the public about the

¹ Heritage Foundation. [@ Heritage] (Accessed: 2022, February 18). 626.8K Followers Twitter. <https://twitter.com/Heritage>

² Fox News. (Accessed: 2022, February 18). Heritage Foundation launches Conservative Oversight Project aimed at 'exposing' Biden admin, leftist policies. <https://www.foxnews.com/politics/heritage-conservative-oversight-project-biden-admin-leftist-policies>

³ Heritage Foundation. (Accessed: 2022, February 18). Press. <https://www.heritage.org/press> .



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origins of the covid-19 pandemic which has been covered extensively by national broadcast media and national print media.⁴ The purpose of this Freedom of Information Act request is to examine this controversial policy decision.

Because this is a request by a member of the news media for information of public interest, made in my capacity as an author for the Daily Signal⁵ (a major news outlet⁶), I actively gather information of potential interest to our Daily Signal audience, and I use my editorial skills to turn raw materials into a distinct work, and I distribute that work to our Daily Signal audience through podcasts⁷ or articles. I request that you waive all applicable fees associated with this request.

If you deny this request for a fee waiver, please advise me in advance of the estimated charges if they are to exceed \$50. Please send me a detailed and itemized explanation of those charges.

Request for Expedited Processing:

Pursuant to 45 C.F.R. § 5.27(b)(2) I request expedited processing for this request. I certify the following statement of facts in support of expedited processing to be true and correct pursuant to 45 C.F.R. § 5.27(a).

Background:

1. On February 16, 2020, Senator Tom Cotton became one of the first to propose the theory that the coronavirus originated in a lab setting.⁸ The media was quick to dismiss this theory as “fringe”⁹ or “debunked.”¹⁰

⁴ Fox News. (Accessed: 2023, February 28). Republicans call Fauci, top Biden officials to testify as COVID origins investigation heats up. <https://www.foxnews.com/politics/republicans-call-fauci-top-biden-officials-testify-covid-origins-investigation-heats-up>

⁵Daily Signal. (Accessed: 2022, February 18). Mike Howell. <https://www.dailysignal.com/author/mike-howell/>

⁶Daily Signal. [DailySignal] (Accessed: 2022, February 18). 73.7K Followers Twitter. <https://twitter.com/DailySignal>

⁷Apple. (Accessed: 2022, March 4). The Daily Signal Podcast. <https://podcasts.apple.com/us/podcast/the-daily-signal-podcast/id1313611947>

⁸ New York Times. (Accessed: 2023, February 28). Senator Tom Cotton Repeats Fringe Theory of Coronavirus Origins. <https://www.nytimes.com/2020/02/17/business/media/coronavirus-tom-cotton-china.html>

⁹ *Id.*

¹⁰ Washington Post. (Accessed: 2023, February 28). Tom Cotton repeats debunked conspiracy theory about coronavirus. <https://www.washingtonpost.com/politics/2020/02/16/tom-cotton-coronavirus-conspiracy/>



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2. A nationwide public health emergency as a result of the continued consequences of the COVID-19 pandemic has existed in the United States since January 27, 2020.

3. On February 19, 2020 a group of scientists signed an open letter condemning the “conspiracy theories suggesting that COVID-19 does not have a natural origin.”¹¹

4. On April 18, 2020 then-President Donald Trump made comments that encouraged investigations into the lab leak theory. In response to these comments, Dr. Anthony Fauci, the United States’ top infectious disease expert at the time, refuted the theory, citing a study by Kristian Andersen of the Scripps Research Institute in California which explicitly states that the evidence shows SARS-CoV-2 “is not a purposefully manipulated virus.”¹²

5. On January 15, 2021 the U.S. Department of State published a fact sheet providing information that supports the theory that the virus originated from a lab at the Wuhan institute of Virology and urged further investigation into this theory.¹³

6. In August of 2021, a declassified U.S. intelligence report stated that the intelligence community was divided on the most likely origin of the virus, but there was consensus among agencies that two hypotheses are plausible: natural exposure to an infected animal and a laboratory-associated incident.¹⁴ One segment of the intelligence community, the Federal Bureau of Investigation¹⁵ assessed “with

¹¹ The Lancet. (Accessed: 2023, February 28). 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)

¹² Andersen, K.G., Rambaut, A., Lipkin, W.I. *et al.* *The proximal origin of SARS-CoV-2*, Nat Med 26, 450–452 (2020), <https://doi.org/10.1038/s41591-020-0820-9>

¹³ U.S. Department of State. (Accessed: 2023, February 28). Fact Sheet: Activity at the Wuhan Institute of Virology. <https://2017-2021.state.gov/fact-sheet-activity-at-the-wuhan-institute-of-virology/index.html>

¹⁴ Office of the Director of National Intelligence. (Accessed: 2023, February 28). Unclassified-Summary-of-Assessment-on-COVID-19-Origins. <https://www.dni.gov/files/ODNI/documents/assessments/Unclassified-Summary-of-Assessment-on-COVID-19-Origins.pdf>.

¹⁵ Yahoo News. (Accessed: 2023, February 28). FBI Identified as Lone Agency to Endorse Lab-Leak Theory after 90-Day Review. <https://news.yahoo.com/fbi-identified-lone-agency-endorse-140517110.html>



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moderate confidence that the first human infection with SARS-CoV-2 most likely was the result of a laboratory-associated incident.”¹⁶

7. On February 13, 2023 the House Committee on Oversight and Accountability launched an investigation into Covid Origins and U.S. Taxpayer Dollars Funneled to the Wuhan Lab. *See* App. C.

8. On February 26, 2023 the Wall Street Journal reported that the U.S. Department of Energy has concluded that the Covid pandemic most likely arose from a laboratory leak.¹⁷

9. With a growing consensus that a laboratory leak is the most likely origin of the COVID-19 virus, media coverage, congressional action, and public debate regarding efforts to discredit the lab leak theory by Department of Health and Human Services (“HHS”), National Institute of health (“NIH”), and National institute of Allergy and Infectious Disease (“NIAID”) officials has intensified. *See generally*, App. A, B, C, and D.

10. On March 5, 2023, the House Select Subcommittee on the Coronavirus Pandemic Majority Staff released a memorandum releasing new evidence resulting from the Subcommittee’s investigation into the origins of COVID-19.¹⁸ The memorandum “suggests Dr. [Anthony] Fauci ‘prompted’ the drafting of a publication that would ‘disprove’ the lab leak theory. . .”¹⁹

11. The following factual Appendices²⁰ are attached and expressly incorporated herein and made part of this request (as are the factual sources cited therein).

¹⁶ Office of the Director of National Intelligence. (Accessed: 2023, February 28). Unclassified-Summary-of-Assessment-on-COVID-19-Origins. <https://www.dni.gov/files/ODNI/documents/assessments/Unclassified-Summary-of-Assessment-on-COVID-19-Origins.pdf>.

¹⁷ Wallstreet Journal. (Accessed: 2023, February 28). A Lab Leak in China Most Likely Origin of Covid Pandemic, Energy Department Says. https://www.wsj.com/articles/covid-origin-china-lab-leak-807b7b0a?mod=hp_lead_pos1.

¹⁸ Committee on Oversight and Accountability. (Accessed: 2023, March 6). MEMORANDUM RE: New Evidence Resulting from the Select Subcommittee’s Investigation into the Origins of COVID-19. <https://oversight.house.gov/wp-content/uploads/2023/03/2023.03.05-SSCP-Memo-Re.-New-Evidence.Proximal-Origin.pdf>.

¹⁹ *Id.*

²⁰ http://thf_media.s3.amazonaws.com/2023/Oversite Project/HHS_Coid19_AppendixA-D.pdf



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- Appendix A is a collection of pertinent transcripts of network news television broadcasts, national newspaper articles, and press releases related to the investigations into the origins of the Covid-19 virus.²¹
- Appendix B is a collection of letters by members of Congress requesting information from public health officials regarding the origins of the Covid-19 virus.²²
- Appendix C is a press release announcing the first investigation by the House Select Subcommittee on the Coronavirus Pandemic would focus on COVID Origins and U.S. Taxpayer Dollars Funneled to the Wuhan Lab.²³
- Appendix D is a memorandum from the House Select Subcommittee on the Coronavirus Pandemic Majority Staff releasing new evidence resulting from the Subcommittee’s investigation into the origins of Covid-19.²⁴

Expedited Processing is Warranted under 45 C.F.R. § 5.27(b)(2).

1. This provision provides that expedited processing shall be granted when: “There is an urgent need to inform the public about an actual or alleged Federal Government activity (this criterion applies only to those requests made by a person primarily engaged in disseminating information to the public).” 45 C.F.R. § 5.27(b)(2).

First, the requirement that the requester be “a person whose primary professional activity or occupation is information dissemination,” is met if the request clearly sets forth that the requester “intend[ed] to disseminate the information obtained,” and that its “core mission . . . is to inform public understanding on operations and activities of government.” *Protect Democracy Project, Inc. v. U.S. Dep’t of Def.*, 263 F. Supp. 3d 293, 298 (D.D.C. 2017).

Second, courts generally recognize three main factors for determining whether a request demonstrates an urgency to inform the public: “(1) whether the request concerns a matter of current exigency to the American public; (2) whether the

²¹ http://thf_media.s3.amazonaws.com/2023/Oversite Project/HHS Coid19 AppendixA-D.pdf

²² http://thf_media.s3.amazonaws.com/2023/Oversite Project/HHS Coid19 AppendixA-D.pdf

²³ http://thf_media.s3.amazonaws.com/2023/Oversite Project/HHS Coid19 AppendixA-D.pdf

²⁴ http://thf_media.s3.amazonaws.com/2023/Oversite Project/HHS Coid19 AppendixA-D.pdf



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consequences of delaying a response would compromise a significant recognized interest; and (3) whether the request concerns federal government activity.” *Id.* at 299. These factors must be applied such that the “public’s right to know” generally while important, is not sufficient to satisfy this standard. *Long v. Dep’t of Homeland Sec.*, 436 F. Supp. 2d 38, 42 (D.D.C. 2006). Present news reports on the matter of a FOIA request may demonstrate that it concerns a matter of current exigency. *Protect Democracy Project, Inc.*, 263 F.Supp.3d at 299. “Recognized interests” include the protection of free and open debate on issues of vital national importance and the prevention of illegal acts by the government. *Id.* at 300. Additionally, the court in *Am. C.L. Union of N. California v. U.S. Dep’t of Def.*, No. C 06-01698 WHA, 2006 WL 1469418, *6 (N.D. Cal. May 25, 2006), held that a story which “conveys information the public wants quickly” or “would lose value if it were delayed” is a “breaking news story” which fulfills the requirement for a “particular urgency to inform the public.” The court also held that the “potential impact of the news” and the importance of it to “public policy and public protests” both demonstrate urgency to inform the public. *Id.* at 7.

2. The facts amply support expedition here. First, this request is made by a person primarily engaged in disseminating information. Heritage Foundation’s mission is to formulate and promote public policies based on the principles of free enterprise, limited government, individual freedom, traditional American values, and a strong national defense. Heritage Foundation uses the information requested and analyzes it in order to educate the public through social media,²⁵ broadcast media²⁶ (traditional and nontraditional) and press releases.²⁷ This is a request by a member of the news media for information of public interest. I make this request in my capacity as an author for the Daily Signal,²⁸ a major news outlet.²⁹ In this role, I actively gather information of potential interest to our Daily Signal audience, and I use my editorial skills to turn raw materials into a distinct work. I distribute that work to our Daily Signal audience through podcasts,³⁰ articles, social media, or other means.

²⁵ Heritage Foundation. [@ Heritage] (Accessed: 2022, February 18). 626.8K Followers Twitter. <https://twitter.com/Heritage>

²⁶ Fox News. (Accessed: 2022, February 18). Heritage Foundation launches Conservative Oversight Project aimed at 'exposing' Biden admin, leftist policies. <https://www.foxnews.com/politics/heritage-conservative-oversight-project-biden-admin-leftist-policies>

²⁷ Heritage Foundation. (Accessed: 2022, February 18). Press. <https://www.heritage.org/press> .

²⁸Daily Signal. (Accessed: 2022, February 18). Mike Howell. <https://www.dailysignal.com/author/mike-howell/>

²⁹Daily Signal. [@DailySignal] (Accessed: 2022, February 18). 73.7K Followers Twitter. <https://twitter.com/DailySignal>

³⁰Apple. (Accessed: 2022, March 4). The Daily Signal Podcast. <https://podcasts.apple.com/us/podcast/the-daily-signal-podcast/id1313611947>



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Furthermore, the subject matter of this request presents an urgent need to inform the public about an actual or alleged Federal Government activity because the request concerns a matter of current exigency to the American public. A delayed response would compromise a significant recognized interest, and the request concerns an alleged federal government activity.

First, the request concerns a matter of current exigency to the American public. The national broadcast media and national press coverage has extensively covered, and continues to cover, allegations that NIH, NIAID, and or HHS employees intentionally misled the public about the origins of the COVID-19 virus. *See generally* App. A. Moreover, the subject matter of this request is the subject of imminent congressional hearings and action. Several members of Congress have sent letters requesting information from NIH, NIAID, and or HHS employees' regarding the origins of the COVID-19 virus. *See generally* App. B. Furthermore, on February 13, 2023 the House Committee on Oversight and Accountability launched an investigation into COVID Origins and U.S. Taxpayer Dollars Funneled to the Wuhan Lab. *See* App. C. As part of this investigation, Select Subcommittee on the Coronavirus Pandemic Chairman Brad Wenstrup and House Committee on Oversight and Accountability Chairman James Comer sent several letters requesting senior Biden Administration officials, Dr. Anthony Fauci, and the president of EcoHealth Alliance provide information in regard to the origins of COVID-19. *See* App B at 001–019. The request concerns a matter of current exigency to the American public because the subject matter of this request has been extensively covered by national broadcast media and national press and is the subject of imminent congressional hearings and action.

Second, a delayed response to this request would compromise a significant recognized interest. Allegations that NIH, NIAID, and or HHS employees intentionally misled the American public about the origins of COVID-19—a virus with a death toll surpassing one million Americans³¹—is an issue of vital national importance that must be freely and openly debated. That debate must occur now to inform policy solutions currently under debate. As Chairman Wenstrup explained, “The American people deserve real answers after years of suffering through the Coronavirus pandemic and related government policies. This investigation must begin with where and how this virus came about so that we can attempt to predict,

³¹ Center for Disease Control. (Accessed: 2023, February 28). COVID-19 Data Review: Update on COVID-19–Related Mortality. <https://www.cdc.gov/coronavirus/2019-ncov/science/data-review/index.html>.



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prepare or prevent it from happening again.” *See* App. C. A delayed response to this request would diminish my capacity to timely facilitate public awareness regarding this issue of vital national importance, and therefore a delayed response would compromise a significant recognized interest.

Lastly, the request concerns an alleged Federal Government activity. Several major news organizations have reported on allegations that NIH, NIAID, and or HHS officials or employees have misled the American public about their investigations into the origins of the Covid pandemic. *See* App. A at 054–055, 060–061, 066, 083, 089, 101, 117, 124, 127, and 143–153. Moreover, On March 5, 2023, the House Select Subcommittee on the Coronavirus Pandemic majority staff released a memorandum unveiling new evidence resulting from the Subcommittee’s investigation into the origins of COVID-19.³² The memorandum “suggests Dr. [Anthony] Fauci ‘prompted’ the drafting of a publication that would ‘disprove’ the lab leak theory. . .” *See generally* App. D. Clearly, allegations that Federal Government officials or employees intentionally mislead the public about the origins of Covid-19 and the subsequent national health crisis constitutes an alleged Federal Government activity.

All factors for determining urgency to inform the public are met and this request is made by an individual primarily engaged in disseminating information in order to inform the public concerning actual or alleged government activity. Expedition is warranted.

Thank you in advance for considering my request. If you have any questions, or feel you need clarification of this request please contact me at oversightproject@heritage.org.

Sincerely,

Mike Howell
Director and Author at The Daily Signal
The Heritage Foundation
214 Massachusetts Ave, NE
Washington, D.C. 20002

³² Committee on Oversight and Accountability. (Accessed: 2023, March 6). MEMORANDUM RE: New Evidence Resulting from the Select Subcommittee’s Investigation into the Origins of COVID-19. <https://oversight.house.gov/wp-content/uploads/2023/03/2023.03.05-SSCP-Memo-Re.-New-Evidence.Proximal-Origin.pdf>.