



DEPARTMENT OF HEALTH & HUMAN SERVICES

Public Health Service

National Institutes of Health
Freedom of Information Office
Building 1, Room 344
1 Center Drive, MSC 0188
Bethesda, Maryland 20892-2107
phone: (301) 496-5633
fax: (301) 402-4541

Via E-mail: john@greenewald.com

August 9, 2024

John Greenwald
27305 W Live Oak Road
Suite 1203
Castaic, California 91384

Re: NIH FOIA Case No. 61804

Dear Mr. Greenwald:

This is the final response to your May 16, 2024, Freedom of Information Act (FOIA) request addressed to the National Institutes of Health (NIH) FOIA Office, received on June 6, 2024. You requested the following:

All emails sent to/from (bcc'd or cc'd) Dr. David Morens and Dr Anthony Fauci which contain the following keywords: FOIA and/or Freedom of Information. Date range January 1, 2019, thru May 16, 2024.

NIH searched their files and found 333 pages of responsive records, which are enclosed. I have determined to withhold portions of the released pages pursuant to Exemption 6 of the FOIA, 5 U.S.C. § 552 (b)(6); and section (f) of the HHS FOIA Regulations, 45 CFR Part 5. Exemption 6 permits the withholding of privacy information, the release of which would constitute a clearly unwarranted invasion of personal privacy.

You have the right to appeal this determination to deny you access to information in the Agency's possession. Should you wish to do so, your appeal must be sent within ninety (90) days of the date of this letter, following the procedures outlined in Subpart C of the HHS FOIA Regulations (<http://www.nih.gov/icd/od/foia/cfr45.htm>) to the Assistant Secretary for Public Affairs at <https://requests.publiclink.hhs.gov/App/Index.aspx>. Clearly mark the communication "Freedom of Information Act Appeal."

If you are not satisfied with the processing and handling of this request, you may contact the NIH FOIA Public Liaison and/or the Office of Government Information Services (OGIS):

NIH FOIA Public Liaison

Denean Standing-Ojo
Office of Communications and
Public Liaison
Building 31, Room 5B52S
31 Center Drive
Bethesda, MD 20892
301-496-5077 (phone)
[nihfoia@mail.nih.gov](mailto:.nihfoia@mail.nih.gov) (email)

OGIS

National Archives and Records Admin.
8601 Adelphi Rd – OGIS
College Park, MD 20740-6001
202-741-5770 (phone)
1-877-684-6448 (toll-free)
202-741-5769 (fax)
ogis@nara.gov (email)

In certain circumstances provisions of the FOIA and Department of Health and Human Services FOIA Regulations allow us to recover part of the cost of responding to your request. Because the cost is below the \$25 minimum, there are no charges associated with our response.

If you have any questions about this response, please call 301-496-5633.

Sincerely,

Gorka Garcia-Malene
Freedom of Information Act Officer, NIH

Enclosed: 333 pages (pdf)

This document is made available through the declassification efforts
and research of John Greenewald, Jr., creator of:

The Black Vault



The Black Vault is the largest online Freedom of Information Act (FOIA) document clearinghouse in the world. The research efforts here are responsible for the declassification of hundreds of thousands of pages released by the U.S. Government & Military.

Discover the Truth at: <http://www.theblackvault.com>

From: Folkers, Greg (NIH/NIAID) [E] [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=614C792839A146B9A8F87A1378519DBD-GFOLKERS]
Sent: 2/18/2020 6:28:45 PM
To: Conrad, Patricia (NIH/NIAID) [E] [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=7ea3e3ea7daa432887495d6825c9e588-conradpa]
CC: NIAID OD AM [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=8b9ef66c6c774c23bbe00d03479ce7c3-NIAID OD AM]
Subject: patty -- foia W: ACTION REQUIRED: FOI Case No. 53606 [b6]
Attachments: 53606 [b6]
Importance: High

Outgoing email communications from ASF oct 1 – present with the keywords below

- o **Hard copies**
 - * **Single sided**
 - * **Reverse chronological order**
 - * **No staples or paper clips**
 - * **Duplicates removed**

From: Moore, Marg (NIH/NIAID) [E] [b6]
Sent: Tuesday, February 18, 2020 1:24 PM
To: Folkers, Greg (NIH/NIAID) [E] [b6]
Cc: Billet, Courtney (NIH/NIAID) [E] [b6]; Stover, Kathy (NIH/NIAID) [E] [b6]
NIAID FOIA Office [b6]
Subject: ACTION REQUIRED: FOI Case No. 53606 [b6]
Importance: High

Greg:

[b6] (NYT) has requested: “1) All email communications (including email messages, calendar invitations, and attachment thereto, and including complete email chains) from October 1, 2019, through the date of the search sent by Dr. Anthony Fauci, the director of the National Institute of Allergy and Infectious Diseases containing any one of the following keywords: evacuation, coronavirus, wuhan, international emergency, virus, international emergency, virus, hubei province, quarantine, outbreak, china, biohazard, infection, pneumonia, global health emergency.”

A program search memo is attached. Please let me know if you have any questions.

Best,
Marg



Freedom of Information Office
5601 Fishers Lane, Room 6G50
Bethesda, Maryland 20892
Tel (301) 451-5109

Fax (301) 480-0904/ Email foia@niaid.nih.gov

National Institutes of Health
National Institute of Allergy
and Infectious Diseases
Bethesda, MD 20892

Memorandum

Date: February 18, 2020

To: Gregory K. Folkers
IOD, NIAID

From: Margaret Moore
NIAID/OCGR/FOIA Office

Subject: Request for Records Pursuant to the Freedom of Information Act (FOIA)

REQUESTER: **b6** **#53606**

Response Due: March 3, 2020

Date Range: October 1, 2019 to date of search

b6

(NY Times) has requested:

“All email communications (including email messages, calendar invitations, and attachment thereto, and including complete email chains) from October 1, 2019, through the date of the search sent by Dr. Anthony Fauci, the director of the National Institute of Allergy and Infectious Diseases containing any one of the following keywords: evacuation, coronavirus, wuhan, international emergency, virus, international emergency, virus, hubei province, quarantine, outbreak, china, biohazard, infection, pneumonia, global health emergency.”

A copy of the request is attached (Attachment #1).

In accordance with the FOIA, the NIAID FOIA office has 20 working days in which to make a determination to grant or deny access to the records. Please search all of your electronic and hard copy files as appropriate and provide a response using the following guidelines/checklist:

- 1 complete copy of all records responsive to the request with no markings (clean copy). The clean copy must include ALL of the documents regardless of whether they are all releasable. Either hard copies or electronic copies are acceptable.

- Hard copies
 - Single sided
 - Reverse chronological order
 - No staples or paper clips
 - Duplicates removed
 - Electronic copies
 - Same as hard copies
 - .pdf, .doc, .xls, pps etc. files are fine
 - E-mail files should be in .pst or .msg format
 - CD, USB drive or e-mail
- 1 copy of records with your indications of what you believe should be withheld using one of the Exemptions to the FOIA (highlighted copy).
- The FOIA is a disclosure statute with 9 Exemptions. At NIH, we essentially have 4 exemptions available to us. A detailed description and links to additional information is attached to this memo (Attachment 2). If the information does not meet one of these 4 Exemptions, it CANNOT be withheld.
- A completed NIAID Search and Review Worksheet for each person who searched for and reviewed documents (Attachment 3).

Please do NOT have individuals in your Office/Division send documents directly to the NIAID FOIA Office unless specifically asked to do so. All responsive documents should be returned to you for review and collating to ensure the consistency of the requested redactions, elimination of duplicates, and completeness of the response. If the requested documents do not exist, please provide a written statement that explains how you searched for the records (which office(s) were searched; what places were searched, i.e., desk, computers, files, and boxes; and how you searched, i.e., manually, electronically, etc). A no-records response gives the requestor the administrative right to appeal. The appeal will challenge how we searched for records. Therefore, a written statement of your search is very important.

Please note that NIAID is not required to create documents in response to a FOIA request. In addition, please let us know if you know of other NIAID individuals who have responsive records.

If you have any questions or concerns, we can be reached weekdays between 8:30 am to 5:00 pm at (301) 451-5109 or foia@niaid.nih.gov. Your assistance in this matter is greatly appreciated.

Attachment 1 – FOIA Request from b6
Attachment 2 – FOIA Exemptions
Attachment 3 – NIAID FOIA Search and Review Worksheet

Moore, Marg (NIH/NIAID) [E]

From:	b6
Sent:	Tuesday, February 18, 2020 12:38 PM
To:	FOIA-7
Subject:	Freedom of Information Information Act request

This is a request for records under the Freedom of Information Act ("FOIA").

The New York Times requests:

1) All email communications (including email messages, calendar invitations, and attachment thereto, and including complete email chains) from October 1, 2019, through the date of the search sent by Dr. Anthony Fauci, the director of the National Institute of Allergy and Infectious Diseases containing any one of the following keywords: evacuation, coronavirus, wuhan, international emergency, virus, international emergency, virus, hubei province, quarantine, outbreak, china, biohazard, infection, pneumonia, global health emergency

The New York Times has limited its request to sent messages of each official to reduce the volume of potentially responsive records. The New York Times still requests complete email chains. So, for example, if a specific official sent a response to an incoming message containing a key term above, the chain containing the initially received message and the response is responsive to this request.

FORMAT OF REQUESTED RECORDS

Under FOIA, you are obligated to provide records in the format requested. See, e.g., 5 U.S.C. § 552(a)(3)(B) ("In making any record available to a person under this paragraph, an agency shall provide the record in any form or format requested by the person if the record is readily reproducible by the agency in that form or format."). We request all records in an electronic .pdf format.

Please provide all records on a rolling basis.

RESPONSE TIME

We appreciate your help in expeditiously obtaining a determination on the requested records. As mandated in FOIA, we anticipate a reply within the statutory timeframe of 20 business days. 5 U.S.C. § 552(a)(6)(A)(i).

FEE WAIVER

I respectfully request that you waive all fees in connection with this request as provided by 5 U.S.C. § 552(a)(4)(A)(iii). FOIA was designed to provide citizens a broad right to access government records. FOIA's basic purpose is to "open agency action to the light of public scrutiny," with a focus on the public's "right to be informed about what their government is up to." U.S. Dep't of Justice v. Reporters Comm. for Freedom of the Press, 489 U.S. 749, 773-74 (1989). In order to provide public access to this information, FOIA's fee waiver provision requires that "[d]ocuments . . . be furnished without any charge or at a [reduced] charge . . . if disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester." 5 U.S.C. § 552(a)(4)(A)(iii). Disclosure to The New York Times will contribute to public understanding of the operations and activities of the government and is not in the commercial interest of the requester.

EXPEDITED PROCESSING

There can be little doubt that The Times constitutes a requester "primarily engaged in disseminating information." 5 U.S.C. § 552(a)(6)(E)(v)(II). There can also be little doubt that the requests relate to federal government activity; I am requesting expedited processing of this request because it concerns a matter of both urgency and of public concern: A lot of questions surrounding the Coronavirus remain open. The Wuhan Coronavirus looks increasingly like a pandemic, experts say. The rapidly rising caseloads alarm researchers, who fear the virus may make its way across the globe. But scientists cannot yet predict how many deaths may result. The Wuhan coronavirus spreading from China is now likely to become a pandemic that circles the globe. Scientists do not yet know how lethal the new coronavirus is, however, so there is uncertainty about how much damage a pandemic might cause. But there is growing consensus that the pathogen is readily transmitted between humans. The Wuhan coronavirus is spreading more like influenza, which is highly transmissible, than like its slow-moving viral cousins, SARS and MERS, scientists have found. These records could help The New York Times combat misinformation. See *id.* "[I]f production [of the requested records] is unduly delayed, both [The Times] and the public at large will be 'precluded ... from obtaining in a timely fashion information vital to the current and ongoing debate surrounding ... ' a high-profile government action." *Protect Democracy Project, Inc. v. US. Dep 't of Defense*, 263 F. Supp. 3d 293, 298-99 (D.D.C. 2017). The Times has accordingly shown a "compelling need" for the records and is entitled to expedited processing. See *id.*; see also, e.g., *ACLU of N Cal. v. US. Dep't of Defense*, 2006 U.S. Dist. LEXIS 36888, at *21 (N.D. Cal. May 25, 2006) (ordering the agency to provide expedited processing where "[p]laintiffs demonstrated a 'compelling need for the information' by showing that it was a breaking news story of significant importance to public policy").

GUIDANCE REGARDING THE SEARCH & PROCESSING OF REQUESTED RECORDS

In connection with its request for records, The New York Times provides the following guidance regarding the scope of the records sought and the search and processing of records:

§ Please search all locations and systems likely to have responsive records, regardless of format, medium, or physical characteristics. For instance, if the request seeks "communications," please search all locations likely to contain communications, including relevant hard-copy files, correspondence files, appropriate locations on hard drives and shared drives, emails, text messages or other direct messaging systems (such as iMessage, WhatsApp, Signal, or Twitter direct messages), voicemail messages, instant messaging systems such as Lync or ICQ, and shared messages systems such as Slack.

§ In conducting your search, please understand the terms "record," "document," and "information" in their broadest sense, to include any written, typed, recorded, graphic, printed, or audio material of any kind. We seek records of any kind, including electronic records, audiotapes, videotapes, and photographs, as well as letters, emails, facsimiles, telephone messages, voice mail messages and transcripts, notes, or minutes of any meetings, telephone conversations or discussions.

§ Our 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.

You may email copies of the requested records to:

b6

Attachment 2: Exemptions from Disclosure under the FOIA

- **Exemption 3** is used for information that is not releasable because of a Federal statute other than the FOIA. One example that we have used in the recent past is the protection of information pertaining to the transport of biological agents under the Public Health Security and Bioterrorism Preparedness and Response Act of 2002. Another example is that some portions of some financial disclosure documents are exempt from release under the Ethics in Government Act.
- **Exemption 4** is used for information such as trade secrets or proprietary information. Examples of trade secrets are: a formula for a drug or a design plan for a piece of equipment. This is information that is NOT in the public domain AND is commercial or financial in nature. Exemption 4 does not protect information simply because it is not published. Exemption 4 material will be identified by the grantee/contractor. The grantee/contractor will be required to articulate how the release of the information will cause SIGNIFICANT FINANCIAL HARM. The justification should include: 1) the names of actual competitors; 2) a detailed explanation of how the information could be used to cause financial harm; and 3) the dollar value of the harm. If the grantee/contractor requests that information be withheld under Exemption 4, the NIAID FOIA Office will then send the information to the designated program official to review and indicate either concurrence or revision. **As the content matter experts, it will be up to the designated NIAID program official to determine whether the requested information meets the criteria for withholding under Exemption 4.** SBIRs are handled slightly differently. If requested by the grantee, SBIR information is protected from disclosure for 4 years under Section 8(b)(2) of Policy Directive 15 U.S.C 638.
- **Exemption 5** is used for information that would be protected in civil litigation. There are four types of information that fall under Exemption 5:
 - 1) **Deliberative Process:** information must be predecisional AND express an opinion. We use this to protect information like unfunded grant applications, reviewers' comments, staff recommendations, nominations, etc.
 - 2) **Attorney-work product:** information prepared by an attorney in contemplation of litigation
 - 3) **Attorney-client:** request for advice from NIH Legal Counsel
 - 4) **Government commercial interest:** confidential business information generated by the government (this would include Intramural research with commercial value).Exemption 5 material is discretionary, meaning we can choose not to assert it. The older the information, the harder it is to protect under Exemption 5. If challenged, the US Attorney will not defend our use of Exemption 5 unless we can articulate the harm to NIH if the information is released. PLEASE NOTE: Exemption 5 is only used for internal government documents. If anyone outside the government is included, it is no longer internal and not covered by Exemption 5.
- **Exemption 6** is used for personal information such as identifiable patient information, home phone numbers or addresses, dates of birth, social security numbers, Institutional Base Salary, etc. We have a standard list of items that we routinely withhold under Exemption 6.

NOTE: **Exemption 2** used to be available to withhold information "related solely to the internal personnel rules and practices of an agency." While this used to be interpreted very broadly, the US Supreme Court ruling in *Milner v. Department of the Navy* severely limited the use of this Exemption. NIH FOIA has determined that Exemption 2 is no longer available to us.

Exemption 7 protects from disclosure information in a law enforcement file under certain conditions. It is only used at the NIH level.

Attachment 3: NIAID FOIA Search and Review Worksheet

To: NIAID FOIA Specialist

From: _____

Date: _____

Re: FOIA Request Number **53606** b6

We were asked to search for materials that respond to the above-listed FOIA request. We were asked to respond by **March 3, 2020**. The following summarizes the results of this search:

Section A

The search for responsive documents was conducted as follows:

Date someone began and completed looking: _____

Total time: It took _____ hours to search for material.

Rate 1: GS-01 – GS08

Rate 2: GS09 – GS14

Rate 3: GS15 and above

Rate of searcher: 1, 2, or 3	Time spent (minutes)	Place(s) searched and why chosen to search

Total time: It took _____ hours to review the responsive documents.

Section B Please check the appropriate line(s).

Responsive information was located and is attached. I have reviewed the enclosed records and find that no material should be withheld. I approve the release of the records.

No responsive information was located; the places listed in Section B were searched. I have attached a memo further detailing the search.

Information was located, but NIAID would be harmed if certain sections were released. I have compiled the information, identified these sections, and included a justification memo explaining the harm. The information and memo are attached.

APPROVAL FOR ACTION AS MARKED:

Name

Date

From: Folkers, Greg (NIH/NIAID) [E] [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=614C792839A146B9A8F87A1378519DBD-GFOLKERS]
Sent: 2/28/2020 6:31:53 PM
To: NIAID OD AM [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=8b9ef66c6c774c23bbe00d03479ce7c3-NIAID OD AM]
CC: Moore, Marg (NIH/NIAID) [E] [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=6e52e0eb26d140ee829256b1c281f7aa-mamoore]
Subject: patty and all ----- FW: ACTION REQUIRED: FOI Case #53659 **b6**
Attachments: 53659Search.docx

Importance: High

I request all emails sent or received by NIAID Director Dr. Anthony S. Fauci or his assistants on 2/26/2020 and 2/27/2020 that contain the phrases "Trump," "Pence," "White House," "POTUS," "VPOTUS" or "Veep" in their body, subject line or attachments.

For the purpose of this exercise, let us define "Assistants" as

- Bob
- Andrea
- Laurie
- Hilary
- Greg
- Patty
- Kim

(MARG – yes?)

Please give me hard copies of responsive documents, single-sided, no staples

Thanks

Greg
Gregory K. Folkers, M.S., M.P.H.
Chief of Staff, Immediate Office of the Director
National Institute of Allergy and Infectious Diseases (NIAID)
National Institutes of Health/DHHS
9000 Rockville Pike
Bldg. 31, Room 7A-05
Bethesda, MD 20892

b6

From: Moore, Marg (NIH/NIAID) [E] **b6**
Sent: Thursday, February 27, 2020 4:52 PM
To: Folkers, Greg (NIH/NIAID) [E] **b6**; Doepel, Laurie (NIH/NIAID) [E] **b6**

Cc: NIAID FOIA Office [b6], Billet, Courtney (NIH/NIAID) [E] [b6] Stover, Kathy (NIH/NIAID) [E] [b6]
Subject: ACTION REQUIRED: FOI Case #53659 [b6]
Importance: High

Hi Greg & Laurie – Attached please find a FOIA Program Search. A copy of the request is below.
Thank you.

Marg

From: [b6]
Sent: Thursday, February 27, 2020 2:11 PM
To: FOIA-7 <[b6]>
Subject: Media query: Emails to or from Dr. Anthony S. Fauci

To Whom It May Concern:

This is a request for records under the Freedom of Information Act, 5 USC § 552, by [b6]

I request all emails sent or received by NIAID Director Dr. Anthony S. Fauci or his assistants on 2/26/2020 and 2/27/2020 that contain the phrases "Trump," "Pence," "White House," "POTUS," "VPOTUS" or "Veep" in their body, subject line or attachments.

Please include all attachments and images. If only one email in a thread is responsive to my request, please include the entire thread.

I believe these records are maintained by Dr. Fauci's office.

I am a full-time reporter at the newspaper CQ Roll Call, based in Washington, D.C. My work has also appeared in The Washington Post, The Boston Globe, The Christian Science Monitor, Al Jazeera America, Religion News Service, ThinkProgress and PRI's The World. I am requesting these records as part of the news-gathering process, not for commercial purposes.

I am willing to pay up to \$25 in fees. If you charge more than \$25 dollars, please inform me in advance.

Please provide these records to me on a rolling basis as your office processes them, rather than waiting to provide any records until all records are processed.

Please provide the responsive records as an email attachment to the following address:

[b6]

If you cannot provide the responsive records as an email attachment, please mail a CD-ROM (preferable) or a hard copy to:

[b6]

CQ Roll Call
1201 Pennsylvania Ave. NW, 6th floor
Washington, DC 20004

If you have any questions, please feel free to contact me at [b6]

I look forward to receiving your response to this request within 20 business days, as the statute requires.

Thank you for your time and help.

Sincerely,

b6

b6



DEPARTMENT OF HEALTH & HUMAN SERVICES

Public Health Service

Freedom of Information Office
5601 Fishers Lane, Room 6G50
Bethesda, Maryland 20892
Tel (301) 451-5109

Fax (301) 480-0904/ Email foia@niaid.nih.gov

National Institutes of Health
National Institute of Allergy
and Infectious Diseases
Bethesda, MD 20892

Memorandum

Date: February 27, 2020

To: Gregory K. Folkers, IOD, NIAID

From: Margaret Moore
NIAID/OCGR/FOIA Office

Subject: Request for Records Pursuant to the Freedom of Information Act (FOIA)
REQUESTER: b6 (#53659)

Response Due: March 7, 2020

Date Range: February 26-27, 2020

b6 (CQ Roll Call) has submitted a FOIA request for "all emails sent or received by NIAID Director Dr. Anthony S. Fauci or his assistants on 02/26/2020 and 2/27/2020 that contain the phrases "Trump," "Pence," "White House," "POTUS," "VPOTUS" or "Veep" in their body, subject line or attachments.

A copy of the request is attached (Attachment #1).

In accordance with the FOIA, the NIAID FOIA office has 20 working days in which to make a determination to grant or deny access to the records. Please search all of your electronic and hard copy files as appropriate and provide a response using the following guidelines/checklist:

- 1 complete copy of all records responsive to the request with no markings (clean copy). The clean copy must include ALL of the documents regardless of whether they are all releasable. Either hard copies or electronic copies are acceptable.
 - Hard copies
 - Single sided
 - Reverse chronological order
 - No staples or paper clips
 - Duplicates removed
 - Electronic copies
 - Same as hard copies

- .pdf, .doc, .xls, pps etc. files are fine
 - E-mail files should be in .pst or .msg format
 - CD, USB drive or e-mail
- 1 copy of records with your indications of what you believe should be withheld using one of the Exemptions to the FOIA (highlighted copy).
- The FOIA is a disclosure statute with 9 Exemptions. At NIH, we essentially have 4 exemptions available to us. A detailed description and links to additional information is attached to this memo (Attachment 2). If the information does not meet one of these 4 Exemptions, it CANNOT be withheld.
- A completed NIAID Search and Review Worksheet for each person who searched for and reviewed documents (Attachment 3).

Please do NOT have individuals in your Office/Division send documents directly to the NIAID FOIA Office unless specifically asked to do so. All responsive documents should be returned to you for review and collating to ensure the consistency of the requested redactions, elimination of duplicates, and completeness of the response. If the requested documents do not exist, please provide a written statement that explains how you searched for the records (which office(s) were searched; what places were searched, i.e., desk, computers, files, and boxes; and how you searched, i.e., manually, electronically, etc). A no-records response gives the requestor the administrative right to appeal. The appeal will challenge how we searched for records. Therefore, a written statement of your search is very important.

Please note that NIAID is not required to create documents in response to a FOIA request. In addition, please let us know if you know of other NIAID individuals who have responsive records.

If you have any questions or concerns, we can be reached weekdays between 8:30 am to 5:00 pm at (301) 451-5109 or foia@niaid.nih.gov. Your assistance in this matter is greatly appreciated.

Attachment 1 – FOIA Request from b6
Attachment 2 – FOIA Exemptions
Attachment 3 – NIAID FOIA Search and Review Worksheet

Attachment 2: Exemptions from Disclosure under the FOIA

- **Exemption 3** is used for information that is not releasable because of a Federal statute other than the FOIA. One example that we have used in the recent past is the protection of information pertaining to the transport of biological agents under the Public Health Security and Bioterrorism Preparedness and Response Act of 2002. Another example is that some portions of some financial disclosure documents are exempt from release under the Ethics in Government Act.
- **Exemption 4** is used for information such as trade secrets or proprietary information. Examples of trade secrets are: a formula for a drug or a design plan for a piece of equipment. This is information that is NOT in the public domain AND is commercial or financial in nature. Exemption 4 does not protect information simply because it is not published. Exemption 4 material will be identified by the grantee/contractor. The grantee/contractor will be required to articulate how the release of the information will cause SIGNIFICANT FINANCIAL HARM. The justification should include: 1) the names of actual competitors; 2) a detailed explanation of how the information could be used to cause financial harm; and 3) the dollar value of the harm. If the grantee/contractor requests that information be withheld under Exemption 4, the NIAID FOIA Office will then send the information to the designated program official to review and indicate either concurrence or revision. **As the content matter experts, it will be up to the designated NIAID program official to determine whether the requested information meets the criteria for withholding under Exemption 4.** SBIRs are handled slightly differently. If requested by the grantee, SBIR information is protected from disclosure for 4 years under Section 8(b)(2) of Policy Directive 15 U.S.C 638.
- **Exemption 5** is used for information that would be protected in civil litigation. There are four types of information that fall under Exemption 5:
 - 1) **Deliberative Process:** information must be predecisional AND express an opinion. We use this to protect information like unfunded grant applications, reviewers' comments, staff recommendations, nominations, etc.
 - 2) **Attorney-work product:** information prepared by an attorney in contemplation of litigation
 - 3) **Attorney-client:** request for advice from NIH Legal Counsel
 - 4) **Government commercial interest:** confidential business information generated by the government (this would include Intramural research with commercial value).Exemption 5 material is discretionary, meaning we can choose not to assert it. The older the information, the harder it is to protect under Exemption 5. If challenged, the US Attorney will not defend our use of Exemption 5 unless we can articulate the harm to NIH if the information is released. PLEASE NOTE: Exemption 5 is only used for internal government documents. If anyone outside the government is included, it is no longer internal and not covered by Exemption 5.
- **Exemption 6** is used for personal information such as identifiable patient information, home phone numbers or addresses, dates of birth, social security numbers, Institutional Base Salary, etc. We have a standard list of items that we routinely withhold under Exemption 6.

NOTE: **Exemption 2** used to be available to withhold information "related solely to the internal personnel rules and practices of an agency." While this used to be interpreted very broadly, the US Supreme Court ruling in *Milner v. Department of the Navy* severely limited the use of this Exemption. NIH FOIA has determined that Exemption 2 is no longer available to us.

Exemption 7 protects from disclosure information in a law enforcement file under certain conditions. It is only used at the NIH level.

Attachment 3: NIAID FOIA Search and Review Worksheet

To: NIAID FOIA Specialist

From: _____

Date: _____

Re: FOIA Request Number 53659 **b6**

We were asked to search for materials that respond to the above-listed FOIA request. We were asked to respond by **March 7, 2020**. The following summarizes the results of this search:

Section A

The search for responsive documents was conducted as follows:

Date someone began and completed looking: _____

Total time: It took _____ hours to search for material.

Rate 1: GS-01 – GS08

Rate 2: GS09 – GS14

Rate 3: GS15 and above

Rate of searcher: 1, 2, or 3	Time spent (minutes)	Place(s) searched and why chosen to search
---------------------------------	----------------------	--------------------------------------------

Total time: It took _____ hours to review the responsive documents.

Section B Please check the appropriate line(s).

___ Responsive information was located and is attached. I have reviewed the enclosed records and find that no material should be withheld. I approve the release of the records.

___ No responsive information was located; the places listed in Section B were searched. I have attached a memo further detailing the search.

___ Information was located, but NIAID would be harmed if certain sections were released. I have compiled the information, identified these sections, and included a justification memo explaining the harm. The information and memo are attached.

APPROVAL FOR ACTION AS MARKED:

Name Date

From: Folkers, Greg (NIH/NIAID) [E] [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=614C792839A146B9A8F87A1378519DBD-GFOLKERS]
Sent: 3/12/2020 2:46:32 PM
To: Moore, Marg (NIH/NIAID) [E] [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=6e52e0eb26d140ee829256b1c281f7aa-mamoore]; Doepel, Laurie (NIH/NIAID) [E] [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=7e395d705fce4852a2579e5a9e1b5e11-ldoepel]
CC: Billet, Courtney (NIH/NIAID) [E] [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=7605eeb349ac41138b32fe3978e3986d-billetc]; Stover, Kathy (NIH/NIAID) [E] [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c82722674ba14c2f969bd50dfa6a7af4-stoverk]; NIAID FOIA Office [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3e92e362193948eea8ba5b9171f3769b-NIAID FOIA]; NIAID OD AM [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=8b9ef66c6c774c23bbe00d03479ce7c3-NIAID OD AM]
Subject: RE: ACTION REQUIRED: FOI Case No. 53739 (b6) Open the Government)

Marg
Will add to queue
gerg

From: Moore, Marg (NIH/NIAID) [E] (b6)
Sent: Thursday, March 12, 2020 10:46 AM
To: Folkers, Greg (NIH/NIAID) [E] (b6); Doepel, Laurie (NIH/NIAID) [E] (b6)
Cc: Billet, Courtney (NIH/NIAID) [E] (b6); Stover, Kathy (NIH/NIAID) [E] (b6); NIAID FOIA Office (b6)
Subject: ACTION REQUIRED: FOI Case No. 53739 (b6) Open the Government)

Greg/Laurie - Please see the attached Program Search from (b6) Open the Government) regarding ASF's communications related to coronavirus.

Best,
Marg

From: Morens, David (NIH/NIAID) [E] [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=12DE367CC65C42879EA45D128710A383-DMORENS]
Sent: 3/12/2020 4:17:10 PM
To: Moore, Marg (NIH/NIAID) [E] [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=6e52e0eb26d140ee829256b1c281f7aa-mamoore]; Folkers, Greg (NIH/NIAID) [E] [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=614c792839a146b9a8f87a1378519dbd-gfolkers]; Doepel, Laurie (NIH/NIAID) [E] [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=7e395d705fce4852a2579e5a9e1b5e11-ldoepel]; Auchincloss, Hugh (NIH/NIAID) [E] [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=9304c753bb9e422c977dddab54da924b-auchincloss]; Barber, Susanna (NIH/NIAID) [E] [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1708a16129e04848bc24df7293170c02-weissu]; Parrish, David (NIH/NIAID) [E] [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=e43d7d2d97b44074abbca871c2e0fdd2-parrishdb]; Handley, Gray (NIH/NIAID) [E] [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1ceb55d4b673477391c9da8a3eb3c75c-handleygr]
CC: Billet, Courtney (NIH/NIAID) [E] [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=7605eeb349ac41138b32fe3978e3986d-billetc]; Stover, Kathy (NIH/NIAID) [E] [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c82722674ba14c2f969bd50dfa6a7af4-stoverk]; NIAID FOIA Office [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3e92e362193948eea8ba5b9171f3769b-NIAID FOIA]; (dawwad@niaid.nih.gov) [/o=NIH/ou=NIH/EXCHANGE/cn=NIAID/cn=dawwad]
Subject: RE: ACTION REQUIRED: FOI Case No. 53738 (Mak - NPR)

Marg, a quick search of a few folders for just “coronavirus” turns up over 700 items; the full search will go into the thousands.

You mention that maybe David A & his folks could help.

The task would be easier if I could just forward all such emails and docs to some central source. Is that doable?

Maybe we can hire folks to help do this?



David M. Morens, M.D.

CAPT, United States Public Health Service
Senior Advisor to the Director
Office of the Director
National Institute of Allergy and Infectious Diseases
National Institutes of Health
Building 31, Room 7A-03
31 Center Drive, MSC 2520
Bethesda, MD 20892-2520

b6

ants: Kimberly Barasch; Whitney Robinson)

Disclaimer: This message is intended for the exclusive use of the recipient(s) named above. It may contain information that is PROTECTED, PRIVILEGED, and/or CONFIDENTIAL, and it should not be disseminated, distributed, or copied to persons not authorized to receive such information. All sensitive documents must be properly labeled before dissemination via email. If you are not the intended recipient, any dissemination, distribution, or copying is strictly prohibited. If you have received this communication in error, please erase all copies of the message and its attachments and notify us immediately.



From: Moore, Marg (NIH/NIAID) [E] **b6**
Sent: Thursday, March 12, 2020 12:06 PM
To: Morens, David (NIH/NIAID) [E] **b6**; Folkers, Greg (NIH/NIAID) [E] **b6**
Doepel, Laurie (NIH/NIAID) [E] **b6**; Auchincloss, Hugh (NIH/NIAID) [E]
b6; Barber, Susanna (NIH/NIAID) [E] **b6**; Parrish, David (NIH/NIAID)
[E] **b6**; Handley, Gray (NIH/NIAID) [E] **b6**
Cc: Billet, Courtney (NIH/NIAID) [E] **b6**; Stover, Kathy (NIH/NIAID) [E] **b6**
NIAID FOIA Office **b6**
Subject: RE: ACTION REQUIRED: FOI Case No. 53738; **b6**

Sorry David. It means anything where you are in the "to" line or the "from" line. Maybe David Awwad (IT) could help with the search of your emails.

Best,
Marg

From: Morens, David (NIH/NIAID) [E] **b6**
Sent: Thursday, March 12, 2020 11:58 AM
To: Moore, Marg (NIH/NIAID) [E] **b6**; Folkers, Greg (NIH/NIAID) [E] **b6**
Doepel, Laurie (NIH/NIAID) [E] **b6**; Auchincloss, Hugh (NIH/NIAID) [E]
b6; Barber, Susanna (NIH/NIAID) [E] **b6**; Parrish, David (NIH/NIAID)
[E] **b6**; Handley, Gray (NIH/NIAID) [E] **b6**
Cc: Billet, Courtney (NIH/NIAID) [E] **b6**; Stover, Kathy (NIH/NIAID) [E] **b6**
NIAID FOIA Office **b6**
Subject: RE: ACTION REQUIRED: FOI Case No. 53738; **b6**

Marg, does "to and from" mean just between the named folks, or, for example, from me to someone else not named in the FOIA? If the latter, I must have hundreds of such items: how to transmit them without spending days of time?

TY

David

David M. Morens, M.D.

CAPT, United States Public Health Service
Senior Advisor to the Director
Office of the Director
National Institute of Allergy and Infectious Diseases
National Institutes of Health
Building 31, Room 7A-03
31 Center Drive, MSC 2520
Bethesda, MD 20892-2520

b6

starts: Kimberly Barasch; Whitney Robinson)

Disclaimer: This message is intended for the exclusive use of the recipient(s) named above. It may contain information that is PROTECTED, PRIVILEGED, and/or CONFIDENTIAL, and it should not be disseminated, distributed, or copied to persons not authorized to receive such information. All sensitive documents must be properly labeled before dissemination via email. If you are not the intended recipient, any dissemination, distribution, or copying is strictly prohibited. If you have received this communication in error, please erase all copies of the message and its attachments and notify us immediately.



From: Moore, Marg (NIH/NIAID) [E] **b6**
Sent: Thursday, March 12, 2020 10:19 AM
To: Folkers, Greg (NIH/NIAID) [E] **b6**; Doepel, Laurie (NIH/NIAID) [E] **b6**
Auchincloss, Hugh (NIH/NIAID) [E] **b6**; Barber, Susanna (NIH/NIAID) [E]
b6; Parrish, David (NIH/NIAID) [E] **b6**; Handley, Gray (NIH/NIAID) [E]
; Morens, David (NIH/NIAID) [E]
Cc: Billet, Courtney (NIH/NIAID) [E] **b6**; Stover, Kathy (NIH/NIAID) [E] **b6**
NIAID FOIA Office <**b6**>
Subject: ACTION REQUIRED: FOI Case No. 53738 **b6**

Please see the attached Program Search for communications to and from ASF, Hugh, Cliff, Gray, Greg, Laurie & David mentioning coronavirus, severe acute respiratory syndrome coronavirus 2, Wuhan, 2019-nCoV, SARS-CoV-2, and COVID-19.

Best,
Marg

From: Handley, Gray (NIH/NIAID) [E] [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=1CEB55D4B673477391C9DA8A3EB3C75C-HANDLEYGR]
Sent: 3/12/2020 3:56:36 PM
To: Moore, Marg (NIH/NIAID) [E] [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=6e52e0eb26d140ee829256b1c281f7aa-mamoore]
CC: Billet, Courtney (NIH/NIAID) [E] [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=7605eeb349ac41138b32fe3978e3986d-billetc]; Stover, Kathy (NIH/NIAID) [E] [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c82722674ba14c2f969bd50dfa6a7af4-stoverk]; NIAID FOIA Office [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3e92e362193948eea8ba5b9171f3769b-NIAID FOIA]; Barber, Susanna (NIH/NIAID) [E] [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1708a16129e04848bc24df7293170c02-weissu]; Folkers, Greg (NIH/NIAID) [E] [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=614c792839a146b9a8f87a1378519dbd-gfolkers]; Auchincloss, Hugh (NIH/NIAID) [E] [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=9304c753bb9e422c977dddab54da924b-auchincloss]; Doepel, Laurie (NIH/NIAID) [E] [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=7e395d705fce4852a2579e5a9e1b5e11-ldoepel]; Parrish, David (NIH/NIAID) [C] [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=e43d7d2d97b44074abbca871c2e0fdd2-parrishdb]; Morens, David (NIH/NIAID) [E] [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=12de367cc65c42879ea45d128710a383-dmorens]
Subject: RE: ACTION REQUIRED: FOI Case No. 53738 **b6**

Marg,

This one is a bit over the top.

This request is for every communication over a two month period focused on COVID-19?

Is there not some way to get back to the requestor and ask for a narrowing of the request to make it more reasonable, especially during a pandemic response?

Gray

From: Moore, Marg (NIH/NIAID) [E] **b6**
Sent: Thursday, March 12, 2020 10:19 AM
To: Folkers, Greg (NIH/NIAID) [E] **b6**; Doepel, Laurie (NIH/NIAID) [E] **b6**
Auchincloss, Hugh (NIH/NIAID) [E] **b6**; Barber, Susanna (NIH/NIAID) [E] **b6**
Parrish, David (NIH/NIAID) [E] **b6**; Handley, Gray (NIH/NIAID) [E] **b6**
Morens, David (NIH/NIAID) [E] **b6**
Cc: Billet, Courtney (NIH/NIAID) [E] **b6**; Stover, Kathy (NIH/NIAID) [E] **b6**
NIAID FOIA Office **b6**
Subject: ACTION REQUIRED: FOI Case No. 53738 **b6**

Please see the attached Program Search for communications to and from ASF, Hugh, Cliff, Gray, Greg, Laurie & David mentioning coronavirus, severe acute respiratory syndrome coronavirus 2, Wuhan, 2019-nCoV, SARS-CoV-2, and COVID-19.

Best,
Marg

From: Morens, David (NIH/NIAID) [E] [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=12DE367CC65C42879EA45D128710A383-DMORENS]
Sent: 6/24/2020 2:31:40 PM
To: Gilles, Sharon (NIH/NIAID) [E] [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=339880516bcd4cdbb7320d229399d09d-gillesm]
CC: Awwad, David (NIH/NIAID) [C] [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=0a5171ce4c4d4110abfe9aebfbdafbe7-dawwad]
Subject: RE: ACTION REQUIRED: FOI Case #53777 (Hancock)

Sharon, I just sent you the only two COVID-19 related meetings (Zoom) on my calendar for that period d

From: Gilles, Sharon (NIH/NIAID) [E] [b6]
Sent: Wednesday, June 24, 2020 9:55 AM
To: Morens, David (NIH/NIAID) [E] [b6]
Cc: Awwad, David (NIH/NIAID) [C]
Subject: RE: ACTION REQUIRED: FOI Case #53777 [b6]

Yes, Thank you.

With Appreciation,
Sharon

Sharon M. Gilles
Special Assistant to the Deputy Director
National Institute of Allergy and Infectious Diseases
The National Institutes of Health
31 Center Drive, MSC 2520 - Room 7A03B
Bethesda, Maryland 20892
Mobile: [b6]

Disclaimer:

The information in this e-mail and any of its attachments is confidential and may contain sensitive information. It should not be used by anyone who is not the original intended recipient. If you have received this e-mail in error please inform the sender and delete it from your mailbox or any other storage devices. National Institute of Allergy and Infectious Diseases (NIAID) shall not accept liability for any statement made that are sender's own and not expressly made on behalf of the NIAID by one of its representatives.

From: Morens, David (NIH/NIAID) [E] [b6]
Sent: Wednesday, June 24, 2020 9:54 AM
To: Gilles, Sharon (NIH/NIAID) [E] [b6]
Cc: Awwad, David (NIH/NIAID) [C]
Subject: Re: ACTION REQUIRED: FOI Case #53777 [b6]

Yes i use my nih outlook for all my appointments

I assume you mean send you all appointments related to covid19, but not unrelated? My quick look last week showed none of those, but i will check more carefully. D

Sent from my iPhone
David M Morens
OD, NIAID, NIH

On Jun 24, 2020, at 08:50, Gilles, Sharon (NIH/NIAID) [E] [b6] wrote:

OK. Thanks David. I would appreciate your checking. If you do, can you put them in an email for me and I can review them. Also, would you please verify that you use your NIH network outlook for your appointments?

With Appreciation,
Sharon

Sharon M. Gilles
Special Assistant to the Deputy Director
National Institute of Allergy and Infectious Diseases
The National Institutes of Health
31 Center Drive, MSC 2520 - Room 7A03B
Bethesda, Maryland 20892
Mobile: [b6]

Disclaimer:

The information in this e-mail and any of its attachments is confidential and may contain sensitive information. It should not be used by anyone who is not the original intended recipient. If you have received this e-mail in error please inform the sender and delete it from your mailbox or any other storage devices. National Institute of Allergy and Infectious Diseases (NIAID) shall not accept liability for any statement made that are sender's own and not expressly made on behalf of the NIAID by one of its representatives.

From: Morens, David (NIH/NIAID) [E] [b6]
Sent: Monday, June 22, 2020 1:52 PM
To: Gilles, Sharon (NIH/NIAID) [E] [b6]
Cc: Awwad, David (NIH/NIAID) [C] [b6]
Subject: Re: ACTION REQUIRED: FOI Case #53777 [b6]

I don't think any calendar appointments in COVID, but i can check when i get to computer. Lots of appointments on other subjects, however. D

Sent from my iPhone
David M Morens
OD, NIAID, NIH

On Jun 22, 2020, at 13:39, Gilles, Sharon (NIH/NIAID) [E] [b6] wrote:

Hi. No, that was what I was concerned about. The original ask and search was for all calendar appointments during that time period, not just those related to COVID. Only the questions were COVID specific. One follow-up for now, would you not have any calendar appointments related to COVID during that time period?

I will talk more with David A later today about this along with some other issues.

With Appreciation,
Sharon

Sharon M. Gilles

Special Assistant to the Deputy Director
National Institute of Allergy and Infectious Diseases
The National Institutes of Health
31 Center Drive, MSC 2520 - Room 7A03B
Bethesda, Maryland 20892
Mobile: [b6]

Disclaimer:

The information in this e-mail and any of its attachments is confidential and may contain sensitive information. It should not be used by anyone who is not the original intended recipient. If you have received this e-mail in error please inform the sender and delete it from your mailbox or any other storage devices. National Institute of Allergy and Infectious Diseases (NIAID) shall not accept liability for any statement made that are sender's own and not expressly made on behalf of the NIAID by one of its representatives.

From: Morens, David (NIH/NIAID) [E] <[b6]>
Sent: Monday, June 22, 2020 1:29 PM
To: Gilles, Sharon (NIH/NIAID) [E] [b6]
Cc: Awwad, David (NIH/NIAID) [C]
Subject: RE: ACTION REQUIRED: FOI Case #53777 [b6]

Not sure I understand, I had many calendar appointments, but I don't think any related to COVID-19, is that what you mean? d

From: Gilles, Sharon (NIH/NIAID) [E] [b6]
Sent: Monday, June 22, 2020 1:00 PM
To: Morens, David (NIH/NIAID) [E] [b6]
Cc: Awwad, David (NIH/NIAID) [C] [b6]
Subject: RE: ACTION REQUIRED: FOI Case #53777 [b6]

Hi David. When we did a pull on your outlook calendar for the period of this FOI request (December 1, 2019 - through March 21, 2020), no appointments came up. Is that correct that you had no appointments during that time period?

With Appreciation,
Sharon

Sharon M. Gilles
Special Assistant to the Deputy Director
National Institute of Allergy and Infectious Diseases
The National Institutes of Health
31 Center Drive, MSC 2520 - Room 7A03B
Bethesda, Maryland 20892
Mobile: [b6]

Disclaimer:

The information in this e-mail and any of its attachments is confidential and may contain sensitive information. It should not be used by anyone who is not the original intended recipient. If you have received this e-mail in error please inform the sender and delete it from your mailbox or any other storage devices. National Institute of Allergy and Infectious Diseases (NIAID) shall not accept liability for any statement made that are sender's own and not expressly made on behalf of the NIAID by one of its representatives.

From: Gilles, Sharon (NIH/NIAID) [E]
Sent: Wednesday, May 6, 2020 11:16 AM

To: Auchincloss, Hugh (NIH/NIAID) [E] <[b6]> Conrad, Patricia (NIH/NIAID) [E] <[b6]>; Hilary (NIH/NIAID) Marston [E] [b6]; Handley, Gray (NIH/NIAID) [E] [b6]; Morens, David (NIH/NIAID) [E] [b6]
Barasch, Kimberly (NIH/NIAID) [C]
Cc: Awwad, David (NIH/NIAID) [C] [b6]
Subject: RE: ACTION REQUIRED: FOI Case #53777 [b6]

Hello All. I will be coordination our response to this FOI request and make recommendations regarding records or language to be exempt from submission.

For those of you on the "to line", if you have not done so in the past, please send an email to David Awwad that you provide CIT with permission to access your email in response to FOI requests. This will allow for us to automate the search for many of the requested records. Please copy me for tracking purposes.

Hancock – Due to FOIA Office May 11th

Request From: Accountable.US

Date Range: December 1, 2019 - March 21, 2020

Custodians: Dr. Anthony Fauci; Dr. Hugh Auchincloss; Kimberly Barasch; Patricia Conrad; Sharon Gilles; Gray Handley, Dr. Hilary Marston;; Dr. David Morens

Requested Information:

CIT will run the search against your email if you provide permission as requested above. Note: If you do not provide permission, you will need to do a manual search of your email for the following. Please let me know if you choose to conduct a manual search

- Calendars for December 1, 2019 – March 21, 2020
- Correspondence with any White House staff
- Correspondence discussing the decision to remove COVID-19 testing numbers from the CDC website.
- Correspondence about nationwide testing capabilities and certifying state-based labs
- Correspondence about the CDC COVID-19 tests' contaminated reagents
- Correspondence regarding the transport for Diamond Princess passengers that allowed infected passengers to fly to the US with uninfected passengers.

Please advise asap if you have any documents noted below or that no such documents exist:

- If you have a hard copy calendar or use another electronic calendar other than your NIH outlook calendar that contains any work meetings not on your outlook calendar – if you do, you will need to provide 2 copies of those calendars for Dec 1, 2019 – March 21, 2020.
- Memos, guidance, meeting notes or other relevant documents discussing the decision to remove COVID-19 testing numbers from the CDC website.
- Reports, memos, guidance, meeting notes or other relevant documents regarding the transport for Diamond Princess passengers that allowed infected passengers to fly to the US with uninfected passengers.
- Time spent to collect bullets above
- If you do have any of the above documents/ have been involved in any discussions (informal or formal) on the above topics, we will likely need to do a more detailed analysis as the request is asking for not only emails but text messages, telephone logs, talking points, handwritten or electronic notes. If you have documents you will also

need to fill out the required worksheet for the FOI office. I will assist to extent possible so please let me know asap.

I am happy to discuss, provide clarification and am open to suggestions to how to improve this ask – given this is my first time coordinating and I am not sure how you have done this in the past.

Patty – would like to find time to talk with you about how best to assist/address this and the Dearen FOI request (instructions forthcoming) for Dr. Fauci

With Appreciation,
Sharon

Sharon M. Gilles
Special Assistant to the Deputy Director
National Institute of Allergy and Infectious Diseases
The National Institutes of Health
31 Center Drive, MSC 2520 - Room 7A03B
Bethesda, Maryland 20892
Mobile: [b6]

Disclaimer:

The information in this e-mail and any of its attachments is confidential and may contain sensitive information. It should not be used by anyone who is not the original intended recipient. If you have received this e-mail in error please inform the sender and delete it from your mailbox or any other storage devices. National Institute of Allergy and Infectious Diseases (NIAID) shall not accept liability for any statement made that are sender's own and not expressly made on behalf of the NIAID by one of its representatives.

From: Moore, Marg (NIH/NIAID) [E] [b6]
Sent: Monday, April 27, 2020 11:24 AM
To: Folkers, Greg (NIH/NIAID) [E] <[b6]>; Doepel, Laurie (NIH/NIAID) [E] [b6]; Auchincloss, Hugh (NIH/NIAID) [E] [b6]; Gilles, Sharon (NIH/NIAID) [E] [b6]
Handley, Gray (NIH/NIAID) [E] [b6]; Morens, David (NIH/NIAID) [E] [b6]
Cc: Billet, Courtney (NIH/NIAID) [E] [b6] NIAID FOIA Office [b6]
Subject: ACTION REQUIRED: FOI Case #53777 ([b6])

Please see the attached Program Search and FOIA request from [b6] for records related to coronavirus.

Best,
Marg

From: Morens, David (NIH/NIAID) [E] [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=12DE367CC65C42879EA45D128710A383-DMORENS]
Sent: 4/27/2020 3:38:29 PM
To: Folkers, Greg (NIH/NIAID) [E] [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=614c792839a146b9a8f87a1378519dbd-gfolkers]
Subject: Fwd: ACTION REQUIRED: FOI Case #53777 [b6]
Attachments: 53777Search.docx; ATT00001.htm; FOIA Request Coronavirus; ATT00002.htm

Greg, is this one of those things David A can do, like last time? David

Sent from my iPhone
David M Morens
OD, NIAID, NIH

Begin forwarded message:

From: "Moore, Marg (NIH/NIAID) [E]" [b6]
Date: April 27, 2020 at 11:25:42 EDT
To: "Folkers, Greg (NIH/NIAID) [E]" [b6], "Doepel, Laurie (NIH/NIAID) [E]" [b6], "Auchincloss, Hugh (NIH/NIAID) [E]" [b6], "Gilles, Sharon (NIH/NIAID) [E]" [b6], "Handley, Gray (NIH/NIAID) [E]" [b6], "Morens, David (NIH/NIAID) [E]" [b6]
Cc: "Billet, Courtney (NIH/NIAID) [E]" <[b6]> NIAID FOIA Office
Subject: ACTION REQUIRED: FOI Case #53777 ([b6])

Please see the attached Program Search and FOIA request from [b6] for records related to coronavirus.

Best,
Marg



DEPARTMENT OF HEALTH & HUMAN SERVICES

Public Health Service

Freedom of Information Office
5601 Fishers Lane, Room 6G50
Bethesda, Maryland 20892
Tel (301) 451-5109

Fax (301) 480-0904/ Email foia@niaid.nih.gov

National Institutes of Health
National Institute of Allergy
and Infectious Diseases
Bethesda, MD 20892

Memorandum

Date: April 27, 2020

To: Greg Folkers/Laurie Doepel, IOD
Anthony Fauci
Kimberly Barasch
Patricia Conrad
Hilary Marston
Hugh Auchincloss
Sharon Gilles
Gray Handley
David Morens

From: Margaret Moore
NIAID/OCGR/FOIA Office

Subject: Request for Records Pursuant to the Freedom of Information Act (FOIA)
REQUESTER: Hancock **b6**

Date Range: December 1, 2019 - March 21, 2020

Response Due: May 11, 2020

b6

(Accountable, US) has submitted a FOIA request for the following documents held by the individuals listed above:

- Calendars for December 2019, and January – March 2020
- Correspondence with any White House staff
- Correspondence, memos, guidance, meeting notes or other relevant documents discussing the decision to remove COVID-19 testing numbers from the CDC website.
- Correspondence about nationwide testing capabilities and certifying state-based labs
- Correspondence about the CDC COVID-19 tests' contaminated reagents
- Correspondence, reports, memos, guidance, meeting notes or other relevant documents regarding the transport for Diamond Princess passengers that allowed infected passengers to fly to the US with uninfected passengers.

A copy of the request is attached (Attachment #1).

In accordance with the FOIA, the NIAID FOIA office has 20 working days in which to make a determination to grant or deny access to the records. Please search all of your electronic and hard copy files as appropriate and provide a response using the following guidelines/checklist:

- 1 complete copy of all records responsive to the request with no markings (clean copy). The clean copy must include ALL of the documents regardless of whether they are all releasable. Either hard copies or electronic copies are acceptable.
 - Hard copies
 - Single sided
 - Reverse chronological order
 - No staples or paper clips
 - Duplicates removed
 - Electronic copies
 - Same as hard copies
 - .pdf, .doc, .xls, pps etc. files are fine
 - E-mail files should be in .pst or .msg format
 - CD, USB drive or e-mail

- 1 copy of records with your indications of what you believe should be withheld using one of the Exemptions to the FOIA (highlighted copy).
 - The FOIA is a disclosure statute with 9 Exemptions. At NIH, we essentially have 4 exemptions available to us. A detailed description and links to additional information is attached to this memo (Attachment 2). If the information does not meet one of these 4 Exemptions, it CANNOT be withheld.

- A completed NIAID Search and Review Worksheet for each person who searched for and reviewed documents (Attachment 3).

Please do NOT have individuals in your Office/Division send documents directly to the NIAID FOIA Office unless specifically asked to do so. All responsive documents should be returned to you for review and collating to ensure the consistency of the requested redactions, elimination of duplicates, and completeness of the response. If the requested documents do not exist, please provide a written statement that explains how you searched for the records (which office(s) were searched; what places were searched, i.e., desk, computers, files, and boxes; and how you searched, i.e., manually, electronically, etc). A no-records response gives the requestor the administrative right to appeal. The appeal will challenge how we searched for records. Therefore, a written statement of your search is very important.

Please note that NIAID is not required to create documents in response to a FOIA request. In addition, please let us know if you know of other NIAID individuals who have responsive records.

If you have any questions or concerns, we can be reached weekdays between 8:30 am to 5:00 pm at (301) 451-5109 or foia@niaid.nih.gov. Your assistance in this matter is greatly appreciated.

Attachment 1 – FOIA Request from
Attachment 2 – FOIA Exemptions
Attachment 3 – NIAID FOIA Search and Review Worksheet

b6

Attachment 2: Exemptions from Disclosure under the FOIA

- **Exemption 3** is used for information that is not releasable because of a Federal statute other than the FOIA. One example that we have used in the recent past is the protection of information pertaining to the transport of biological agents under the Public Health Security and Bioterrorism Preparedness and Response Act of 2002. Another example is that some portions of some financial disclosure documents are exempt from release under the Ethics in Government Act.
- **Exemption 4** is used for information such as trade secrets or proprietary information. Examples of trade secrets are: a formula for a drug or a design plan for a piece of equipment. This is information that is NOT in the public domain AND is commercial or financial in nature. Exemption 4 does not protect information simply because it is not published. Exemption 4 material will be identified by the grantee/contractor. The grantee/contractor will be required to articulate how the release of the information will cause SIGNIFICANT FINANCIAL HARM. The justification should include: 1) the names of actual competitors; 2) a detailed explanation of how the information could be used to cause financial harm; and 3) the dollar value of the harm. If the grantee/contractor requests that information be withheld under Exemption 4, the NIAID FOIA Office will then send the information to the designated program official to review and indicate either concurrence or revision. **As the content matter experts, it will be up to the designated NIAID program official to determine whether the requested information meets the criteria for withholding under Exemption 4.** SBIRs are handled slightly differently. If requested by the grantee, SBIR information is protected from disclosure for 4 years under Section 8(b)(2) of Policy Directive 15 U.S.C 638.
- **Exemption 5** is used for information that would be protected in civil litigation. There are four types of information that fall under Exemption 5:
 - 1) **Deliberative Process:** information must be predecisional AND express an opinion. We use this to protect information like unfunded grant applications, reviewers' comments, staff recommendations, nominations, etc.
 - 2) **Attorney-work product:** information prepared by an attorney in contemplation of litigation
 - 3) **Attorney-client:** request for advice from NIH Legal Counsel
 - 4) **Government commercial interest:** confidential business information generated by the government (this would include Intramural research with commercial value).Exemption 5 material is discretionary, meaning we can choose not to assert it. The older the information, the harder it is to protect under Exemption 5. If challenged, the US Attorney will not defend our use of Exemption 5 unless we can articulate the harm to NIH if the information is

released. PLEASE NOTE: Exemption 5 is only used for internal government documents. If anyone outside the government is included, it is no longer internal and not covered by Exemption 5.

- **Exemption 6** is used for personal information such as identifiable patient information, home phone numbers or addresses, dates of birth, social security numbers, Institutional Base Salary, etc. We have a standard list of items that we routinely withhold under Exemption 6.

NOTE: **Exemption 2** used to be available to withhold information "related solely to the internal personnel rules and practices of an agency." While this used to be interpreted very broadly, the US Supreme Court ruling in *Milner v. Department of the Navy* severely limited the use of this Exemption. NIH FOIA has determined that Exemption 2 is no longer available to us.

Exemption 7 protects from disclosure information in a law enforcement file under certain conditions. It is only used at the NIH level.

Attachment 3: NIAID FOIA Search and Review Worksheet

To: NIAID FOIA Specialist
From: _____
Date: _____
Re: FOIA Request Number 53777 b6

We were asked to search for materials that respond to the above-listed FOIA request. We were asked to respond by **May 11, 2020**. The following summarizes the results of this search:

Section A

The search for responsive documents was conducted as follows:

Date someone began and completed looking: _____

Total time: It took _____ hours to search for material.

Rate 1: GS-01 – GS08

Rate 2: GS09 – GS14

Rate 3: GS15 and above

Rate of searcher: 1, 2, or 3	Time spent (minutes)	Place(s) searched and why chosen to search
---------------------------------	----------------------	--------------------------------------------

Total time: It took _____ hours to review the responsive documents.

Section B Please check the appropriate line(s).

Responsive information was located and is attached. I have reviewed the enclosed records and find that no material should be withheld. I approve the release of the records.

No responsive information was located; the places listed in Section B were searched. I have attached a memo further detailing the search.

Information was located, but NIAID would be harmed if certain sections were released. I have compiled the information, identified these sections, and included a justification memo explaining the harm. The information and memo are attached.

APPROVAL FOR ACTION AS MARKED:

Name Date

ACCOUNTABLE^{US}

March 16, 2020

Department of Health and Human Services, National Institutes of Health, NIAID

Robin Schofield
5601 Fishers Lane
Rockville, MD 20892
Email: foia@niaid.nih.gov

Re: Freedom of Information Act Request

Pursuant to the Freedom of Information Act, 5 U.S.C. § 552, and the implementing regulations of your agency¹, Accountable.US requests access to and copies of the following documents held by the below custodians:

- Calendars for December 2019, and January – March 2020
- Correspondence with any White House staff
- Correspondence, memos, guidance, meeting notes or other relevant documents discussing the decision to remove COVID-19 testing numbers from the CDC website.
- Correspondence about nationwide testing capabilities and certifying state-based labs
- Correspondence about the CDC COVID-19 tests' contaminated reagents
- Correspondence, reports, memos, guidance, meeting notes or other relevant documents regarding the transport for Diamond Princess passengers that allowed infected passengers to fly to the US with uninfected passengers.

NIH Custodians

- Dr. Anthony Fauci
- Hugh Auchincloss
- Kimberly Barasch
- Patricia Conrad
- Sharon Gilles
- Gray Handley
- Hilary Marston
- David Morens

“Correspondence” should include but not be limited to: emails, email attachments, text messages, telephone call logs, calendar invitations/entries, meeting notices, meeting agendas, informational material, talking points, any handwritten or electronic notes taken during any responsive communications, summaries of any responsive communications, or other materials reflecting communications sent to, from, carbon copying (CC), or blind carbon copying (BCC) all relevant individuals.

¹ 40 C.F.R. § 1515 et seq

ACCOUNTABLE^{US}

For calendar entries created in Outlook or similar programs, the documents should be produced in "memo" form to include all invitees, notes, and attachments. Please do not limit your search to Outlook calendars; we request the production of any calendar - paper or electronic, whether on government-issued or personal devices, via Outlook or via daily emails to the official - used to track or coordinate how these individuals allocate their time on agency business.

To expedite this process, we will accept these calendars on a rolling basis.

If possible, we would prefer to receive this information electronically via e-mail at FOIA@accountable.us. Alternatively, we prefer PDF files on a USB drive or CD/DVD sent by mail to Accountable.US, 1919 M St. NW, Suite 450, Washington, DC 20036. If you have questions or need additional information, please feel free to call me at [REDACTED] b6

Fee Waiver Request

Accountable.US requests a waiver of fees because it qualifies for classification as a "news media" requester, responsible only for duplication fees under FOIA's fee assessment provisions.²

So-called media status is consistent with how Accountable.US components have been treated by multiple agencies. The U.S. Department of the Treasury, Consumer Financial Protection Bureau (CFPB), and Federal Communications Commission (FCC) have all recognized this status in light of the regular publication and dissemination activities in which Accountable.US and its components, engage. Accountable.US will also make materials it gathers available on its public website.³

The disclosure of the requested information is also "in the public interest because it is likely to contribute significantly to public understanding" of government operations and is not "primarily in the commercial interest of the requester." The disclosure of the information sought under this request will document and reveal the operations of the federal government, including how public funds are spent and how officials conduct the public's business. There is significant public interest in determining how these senior officials responded as the country faced down an impending pandemic, including knowing why the CDC decided to remove COVID-19 testing numbers amid a global pandemic, how the CDC bungled its testing kits, why HHS allowed unprepared staff to meet incoming infected patients, and why the US government allowed quarantined uninfected Diamond Princess travelers to fly on transports with uninfected travelers.⁴

² 5 U.S.C. § 552(a)(4)(A)(iii).

³ Accountable.US and its components have demonstrated a commitment to public disclosure and public education through its website. For example, their websites contain multiple substantive analyses, document repositories, and other educational resources: AlliedProgress.org/research; AlliedProgress.org/campaigns; RestorePublicTrust.org/news; RestorePublicTrust.org/BigPharmasBestFriends; WesternValuesProject.org/DepartmentofInfluence

⁴ [STAT News, WHO declares the coronavirus outbreak a pandemic, 3/11/20](#); [The Verge, CDC drops coronavirus testing numbers from their website, 3/2/20](#); [MIT Technology Review, Why the CDC botched its coronavirus testing, 3/5/20](#); [Washington Post, U.S. workers without protective gear assisted coronavirus evacuees, HHS whistleblower says, 2/27/20](#); [Washington Post, Coronavirus-infected Americans flown home against CDC's advice, 2/20/20](#)

ACCOUNTABLE^{US}

This request is primarily and fundamentally for non-commercial purposes.⁵ On March 26, 2019, Accountable.US applied to be recognized as a not for profit, 501(c)(3) organization, with the Internal Revenue Service. Accordingly, Accountable.US does not have a commercial purpose and the release of the information requested is not in Accountable.US's financial interest. Accountable.US's mission is to ensure public officials are advancing policies in the public's interest not for special interests.

Accordingly, Accountable.US qualifies for a fee waiver.

Conclusion

If you have any questions regarding this request, including how to construe the records sought or appropriate searches to locate them, please contact Accountable.US.

If my request is denied in whole or part, I ask that you justify all deletions by reference to specific exemptions of the act. Additionally, if any documents are withheld based on the Agency's interpretation of any exemption, Accountable.US requests that you provide an index of those documents as required under *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973), cert. denied, 415 U.S. 977 (1974). Specifically, this Vaughn index should describe withheld documents with enough specificity to determine whether the material is exempt under the act and must describe each document or portion withheld.

Thank you for your assistance.

Sincerely,

b6

⁵ 5 U.S.C. § 552(a)(4)(A)(iii).

From: Morens, David (NIH/NIAID) [E] [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=12DE367CC65C42879EA45D128710A383-DMORENS]
Sent: 5/1/2020 10:01:08 PM
To: Awwad, David (NIH/NIAID) [C] [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=0a5171ce4c4d4110abfe9aebfbdafbe7-dawwad]
CC: Folkers, Greg (NIH/NIAID) [E] [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=614c792839a146b9a8f87a1378519dbd-gfolkers]; NIAID OD AM [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=8b9ef66c6c774c23bbe00d03479ce7c3-NIAID OD AM]
Subject: Re: FOIA -- all hands on deck

David, thanks to Greg for asking for your help. These non stop foias are stressful because we get hundreds of daily emails and file them all over the place and quickly lose track of what we have. Searches turn up all sorts of responsive and non responsive stuff

From my viewpoint give them everything, but i dont have much time to sort and examine it all. Any hell will be hugely appreciated! Thank you, david.

Sent from my iPhone
David M Morens
OD, NIAID, NIH

On May 1, 2020, at 17:53, Awwad, David (NIH/NIAID) [C] b6 > wrote:

Greg,

We can automate this process. CIT can handle.

David

Sent from my iPhone

On May 1, 2020, at 5:52 PM, Folkers, Greg (NIH/NIAID) [E] b6 wrote:

- We have a quite a queue of FOIA requests.
- I have no more bandwidth and will need to ask several of you to help.
- I will be sending folks requests to process. Please handle as/when time allows.
- The requests are typically self-explanatory and come with a worksheet.
- There are two broad approaches – there are plusses and minuses to both
 - Searching in outlook yourself. Many of these requests are for ASF's email. You can ask David to give you access if you don't have. Typically you will need to search inbox, sent and deleted folder
 - Ask CIT to run search – Aaron Leavey + cc to David Awwad

- When you have responsive documents, please send to FOIA office and flag for Marg and team any that you think might be problematic. Use your best judgement. The instructions give guidance.
- I won't be able to review/vet submissions. If you get a request from me, please handle and send directly to FOIA office.
- When you get a request from me, please enter info on **FOIA matrix** in OD

Disclaimer: Any third-party material in this email has been shared for internal use under fair use provisions of U.S. copyright law, without further verification of its accuracy/veracity. It does not necessarily represent my views nor those of NIAID, NIH, HHS, or the U.S. government.

From: Folkers, Greg (NIH/NIAID) [E] [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=614C792839A146B9A8F87A1378519DBD-GFOLKERS]
Sent: 5/1/2020 10:02:11 PM
To: Awwad, David (NIH/NIAID) [C] [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=0a5171ce4c4d4110abfe9aebfbdafbe7-dawwad]
CC: NIAID OD AM [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=8b9ef66c6c774c23bbe00d03479ce7c3-NIAID OD AM]
Subject: RE: FOIA -- all hands on deck

Thanks

Folks will still need to peruse documents, complete worksheet, and submit to Marg/FOIA office

From: Awwad, David (NIH/NIAID) [C] [b6]
Sent: Friday, May 1, 2020 5:54 PM
To: Folkers, Greg (NIH/NIAID) [E] [b6]
Cc: NIAID OD AM [b6]
Subject: Re: FOIA -- all hands on deck

Greg,

We can automate this process. CIT can handle.

David

Sent from my iPhone

On May 1, 2020, at 5:52 PM, Folkers, Greg (NIH/NIAID) [E] [b6] wrote:

- We have a quite a queue of FOIA requests.
- I have no more bandwidth and will need to ask several of you to help.
- I will be sending folks requests to process. Please handle as/when time allows.
- The requests are typically self-explanatory and come with a worksheet.
- There are two broad approaches – there are plusses and minuses to both
 - Searching in outlook yourself. Many of these requests are for ASF's email. You can ask David to give you access if you don't have. Typically you will need to search inbox, sent and deleted folder
 - Ask CIT to run search – Aaron Leavey + cc to David Awwad
- When you have responsive documents, please send to FOIA office and flag for Marg and team any that you think might problematic. Use your best judgement. The instructions give guidance.
- I won't be able to review/vet submissions. If you get a request from me, please handle and send directly to FOIA office.
- When you get a request from me, please enter info on **FOIA matrix** in OD

Disclaimer: Any third-party material in this email has been shared for internal use under fair use provisions of U.S. copyright law, without further verification of its accuracy/veracity. It does not necessarily represent my views nor those of NIAID, NIH, HHS, or the U.S. government.

From: Folkers, Greg (NIH/NIAID) [E] [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=614C792839A146B9A8F87A1378519DBD-GFOLKERS]
Sent: 5/5/2020 10:31:52 PM
To: Gilles, Sharon (NIH/NIAID) [E] [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=339880516bcd4cddb7320d229399d09d-gillesm]
CC: NIAID OD AM [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=8b9ef66c6c774c23bbe00d03479ce7c3-NIAID OD AM]; Moore, Marg (NIH/NIAID) [E] [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=6e52e0eb26d140ee829256b1c281f7aa-mamoore]; Schofield, Robin (NIH/NIAID) [E] [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=9ecfbb2ae42c41668cc1f07d73e3525c-schofieldr]; Awwad, David (NIH/NIAID) [C] [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=0a5171ce4c4d4110abfe9aebfbdafbe7-dawwad]
Subject: RE: Sharon FW: ACTION REQUIRED: FOI Case No. 54143 [b6]

Thanks, Sharon
If u could do both that would be really great

There is a foia matrix in OD folder

Thank you!

From: Gilles, Sharon (NIH/NIAID) [E] [b6]
Sent: Tuesday, May 5, 2020 3:18 PM
To: Folkers, Greg (NIH/NIAID) [E] [b6]
Cc: NIAID OD AM [b6]; Moore, Marg (NIH/NIAID) [E] [b6] Schofield, Robin (NIH/NIAID) [E] [b6]; Awwad, David (NIH/NIAID) [C] <[b6]>
Subject: RE: Sharon FW: ACTION REQUIRED: FOI Case No. 54143 [b6]

Ok. Well, in my enthusiasm to work on the Hancock FOI request I did not notice this was a new one. Happy to coordinate both if no-one is on point for the Hancock FOI request. Once I get clarity on ability to automate – which is called out in the Dearen request – will be back in touch.

With Appreciation,
Sharon

Sharon M. Gilles
Special Assistant to the Deputy Director
National Institute of Allergy and Infectious Diseases
The National Institutes of Health
31 Center Drive, MSC 2520 - Room 7A03B
Bethesda, Maryland 20892
Mobile: [b6]

Disclaimer:

The information in this e-mail and any of its attachments is confidential and may contain sensitive information. It should not be used by anyone who is not the original intended recipient. If you have received this e-mail in error please inform the sender and delete it from your mailbox or any other storage devices. National Institute of Allergy and Infectious Diseases (NIAID) shall not accept liability for any statement made that are sender's own and not expressly made on behalf of the NIAID by one of its representatives.

From: Gilles, Sharon (NIH/NIAID) [E]
Sent: Tuesday, May 5, 2020 11:04 AM
To: Folkers, Greg (NIH/NIAID) [E] { b6 }
Cc: NIAID OD AM < b6 >; Moore, Marg (NIH/NIAID) [E] { b6 } Schofield, Robin (NIH/NIAID) [E] { b6 }; Awwad, David (NIH/NIAID) [C] { b6 }
Subject: RE: Sharon FW: ACTION REQUIRED: FOI Case No. 54143 { b6 }

Will do.

All, I will work with David to see what we can automate. I think at least the first 2 bullets of the requested information below. I will get back to you soon with further instruction/information. In the meantime, please think about whether or not you believe you have any information/records related to bullets 2 – 6.

- Calendars for December 2019, and January – March 2020
- Correspondence with any White House staff
- Correspondence, memos, guidance, meeting notes or other relevant documents discussing the decision to remove COVID-19 testing numbers from the CDC website.
- Correspondence about nationwide testing capabilities and certifying state-based labs
- Correspondence about the CDC COVID-19 tests' contaminated reagents
- Correspondence, reports, memos, guidance, meeting notes or other relevant documents regarding the transport for Diamond Princess passengers that allowed infected passengers to fly to the US with uninfected passengers.

With Appreciation,
Sharon

Sharon M. Gilles
Special Assistant to the Deputy Director
National Institute of Allergy and Infectious Diseases
The National Institutes of Health
31 Center Drive, MSC 2520 - Room 7A03B
Bethesda, Maryland 20892
Mobile: { b6 }

Disclaimer:

The information in this e-mail and any of its attachments is confidential and may contain sensitive information. It should not be used by anyone who is not the original intended recipient. If you have received this e-mail in error please inform the sender and delete it from your mailbox or any other storage devices. National Institute of Allergy and Infectious Diseases (NIAID) shall not accept liability for any statement made that are sender's own and not expressly made on behalf of the NIAID by one of its representatives.

From: Folkers, Greg (NIH/NIAID) [E] { b6 }
Sent: Tuesday, May 5, 2020 10:25 AM
To: Gilles, Sharon (NIH/NIAID) [E] { b6 }
Cc: NIAID OD AM < b6 >; Moore, Marg (NIH/NIAID) [E] { b6 } Schofield, Robin (NIH/NIAID) [E] { b6 }
Subject: Sharon FW: ACTION REQUIRED: FOI Case No. 54143 { b6 }

S,
Could you please take the lead on this one and get Marg and Robin the responsive documents for

Dr. Anthony Fauci
Kimberly Barasch

Patricia Conrad
Laurie Doepel
Gregory Folkers
Dr. Robert W. Eisinger
Dr. Hilary Marston
Whitney Robinson
Dr. Hugh Auchincloss
Sharon Gilles
Dr. Andrea M. Lerner
Whitney Robinson

Worksheet and "incoming" attached

Thank you!

From: Moore, Marg (NIH/NIAID) [E] [b6]
Sent: Monday, May 4, 2020 5:18 PM
To: Folkers, Greg (NIH/NIAID) [E] [b6]; Doepel, Laurie (NIH/NIAID) [E] [b6]; Gilles, Sharon (NIH/NIAID) [E] [b6]; Lane, Cliff (NIH/NIAID) [E] [b6]; McGowan, John J. (NIH/NIAID) [E] [b6]; Morens, David (NIH/NIAID) [E] [b6]
Cc: Chaitt, Doreen (NIH/NIAID) [E] [b6]; Billet, Courtney (NIH/NIAID) [E] [b6]; Stover, Kathy (NIH/NIAID) [E] [b6]; NIAID FOIA Office [b6]
Subject: ACTION REQUIRED: FOI Case No. 54143 ([b6])

Please see the attached Program Search and FOI request from [b6].

Best,
Marg

From: Folkers, Greg (NIH/NIAID) [E] [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=614C792839A146B9A8F87A1378519DBD-GFOLKERS]
Sent: 5/5/2020 2:25:08 PM
To: Gilles, Sharon (NIH/NIAID) [E] [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=339880516bcd4cd4bb7320d229399d09d-gillesm]
CC: NIAID OD AM [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=8b9ef66c6c774c23bbe00d03479ce7c3-NIAID OD AM]; Moore, Marg (NIH/NIAID) [E] [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=6e52e0eb26d140ee829256b1c281f7aa-mamoore]; Schofield, Robin (NIH/NIAID) [E] [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=9ecfbb2ae42c41668cc1f07d73e3525c-schofieldrl]
Subject: Sharon FW: ACTION REQUIRED: FOI Case No. 54143 [b6]
Attachments: 54143Search.docx; NIAIDFOIADisinfectant (5).docx

S,
Could you please take the lead on this one and get Marg and Robin the responsive documents for

Dr. Anthony Fauci
Kimberly Barasch
Patricia Conrad
Laurie Doepel
Gregory Folkers
Dr. Robert W. Eisinger
Dr. Hilary Marston
Whitney Robinson
Dr. Hugh Auchincloss
Sharon Gilles
Dr. Andrea M. Lerner
Whitney Robinson

Worksheet and "incoming" attached

Thank you!

From: Moore, Marg (NIH/NIAID) [E] [b6]
Sent: Monday, May 4, 2020 5:18 PM
To: Folkers, Greg (NIH/NIAID) [E] [b6]; Doepel, Laurie (NIH/NIAID) [E] [b6]
Gilles, Sharon (NIH/NIAID) [E] [b6]; Lane, Cliff (NIH/NIAID) [E] [b6]; McGowan, John J. (NIH/NIAID) [E] [b6]; Morens, David (NIH/NIAID) [E] [b6]
Cc: Chaitt, Doreen (NIH/NIAID) [E] [b6]; Billet, Courtney (NIH/NIAID) [E] [b6]
Stover, Kathy (NIH/NIAID) [E] [b6]; NIAID FOIA Office [b6]
Subject: ACTION REQUIRED: FOI Case No. 54143 [b6]

Please see the attached Program Search and FOI request from [b6]

Best,
Marg



DEPARTMENT OF HEALTH & HUMAN SERVICES

Public Health Service

Freedom of Information Office
5601 Fishers Lane, Room 6G50
Bethesda, Maryland 20892
Tel (301) 451-5109

Fax (301) 480-0904/ Email foia@niaid.nih.gov

National Institutes of Health
National Institute of Allergy
and Infectious Diseases
Bethesda, MD 20892

Memorandum

Date: April 13, 2020

To: Greg Folkers/Laurie Doepel for:
Dr. Anthony Fauci
Kimberly Barasch
Patricia Conrad
Laurie Doepel
Gregory Folkers
Dr. Robert W. Eisinger
Dr. Hilary Marston
Whitney Robinson

Sharon Gilles for:
Dr. Hugh Auchincloss
Sharon Gilles
Dr. Andrea M. Lerner
Whitney Robinson

Dr. H. Clifford Lane
Dr. John McGowan
Dr. David Morens

From: Margaret Moore
NIAID/OCGR/FOIA Office

Subject: Request for Records Pursuant to the Freedom of Information Act (FOIA)

REQUESTER: **b6**

Date Range: April 20, 2020 – May 4, 2020

Response Due: May 18, 2020

b6 has submitted a request for copies of communications (including by CC, BCC or forward) to or from personnel (listed above):

“Copies of documents that involve informal or formal policies, legislation, or legal authorities or responsibilities, for example: opening, closing or interim summaries/status reports; memoranda; official and/or unofficial policy statements; notes; meeting minutes or summaries; assessments, investigations or other reports; etc.

With regard to search criteria:

In general, searches should be broad enough to encompass any discussion (whether internal or external) of President Trump’s remarks April 23 at the evening White House Coronavirus Task Force news conference. Electronic search terms used to find responsive records should include but not be limited to “disinfectant”; “injection”; “briefing”; “light”; “ultraviolet”; “UV”; “Lysol”; “bleach”; “deadly”; “dangerous”; “cleaning”; and “toxin.”

A copy of the request is attached (Attachment #1).

In accordance with the FOIA, the NIAID FOIA office has 20 working days in which to make a determination to grant or deny access to the records. Please search all of your electronic and hard copy files as appropriate and provide a response using the following guidelines/checklist:

- 1 complete copy of all records responsive to the request with no markings (clean copy). The clean copy must include ALL of the documents regardless of whether they are all releasable. Either hard copies or electronic copies are acceptable.
 - Hard copies
 - Single sided
 - Reverse chronological order
 - No staples or paper clips
 - Duplicates removed
 - Electronic copies
 - Same as hard copies
 - .pdf, .doc, .xls, pps etc. files are fine
 - E-mail files should be in .pst or .msg format
 - CD, USB drive or e-mail

- 1 copy of records with your indications of what you believe should be withheld using one of the Exemptions to the FOIA (highlighted copy).
 - The FOIA is a disclosure statute with 9 Exemptions. At NIH, we essentially have 4 exemptions available to us. A detailed description and links to additional information is attached to this memo (Attachment 2). If the information does not meet one of these 4 Exemptions, it CANNOT be withheld.

- A completed NIAID Search and Review Worksheet for each person who searched for and reviewed documents (Attachment 3).

Please do NOT have individuals in your Office/Division send documents directly to the NIAID FOIA Office unless specifically asked to do so. All responsive documents should be returned to you for review and collating to ensure the consistency of the requested redactions, elimination of duplicates, and completeness of the response. If the requested documents do not exist, please

provide a written statement that explains how you searched for the records (which office(s) were searched; what places were searched, i.e., desk, computers, files, and boxes; and how you searched, i.e., manually, electronically, etc). A no-records response gives the requestor the administrative right to appeal. The appeal will challenge how we searched for records. Therefore, a written statement of your search is very important.

Please note that NIAID is not required to create documents in response to a FOIA request. In addition, please let us know if you know of other NIAID individuals who have responsive records.

If you have any questions or concerns, we can be reached weekdays between 8:30 am to 5:00 pm at (301) 451-5109 or foia@niaid.nih.gov. Your assistance in this matter is greatly appreciated.

Attachment 1 – FOIA Request from b6
Attachment 2 – FOIA Exemptions
Attachment 3 – NIAID FOIA Search and Review Worksheet

Attachment 2: Exemptions from Disclosure under the FOIA

- **Exemption 3** is used for information that is not releasable because of a Federal statute other than the FOIA. One example that we have used in the recent past is the protection of information pertaining to the transport of biological agents under the Public Health Security and Bioterrorism Preparedness and Response Act of 2002. Another example is that some portions of some financial disclosure documents are exempt from release under the Ethics in Government Act.
- **Exemption 4** is used for information such as trade secrets or proprietary information. Examples of trade secrets are: a formula for a drug or a design plan for a piece of equipment. This is information that is NOT in the public domain AND is commercial or financial in nature. Exemption 4 does not protect information simply because it is not published. Exemption 4 material will be identified by the grantee/contractor. The grantee/contractor will be required to articulate how the release of the information will cause SIGNIFICANT FINANCIAL HARM. The justification should include: 1) the names of actual competitors; 2) a detailed explanation of how the information could be used to cause financial harm; and 3) the dollar value of the harm. If the grantee/contractor requests that information be withheld under Exemption 4, the NIAID FOIA Office will then send the information to the designated program official to review and indicate either concurrence or revision. **As the content matter experts, it will be up to the designated NIAID program official to determine whether the requested information meets the criteria for withholding under Exemption 4.** SBIRs are handled slightly differently. If requested by the grantee, SBIR information is protected from disclosure for 4 years under Section 8(b)(2) of Policy Directive 15 U.S.C 638.
- **Exemption 5** is used for information that would be protected in civil litigation. There are four types of information that fall under Exemption 5:
 - 1) **Deliberative Process:** information must be predecisional AND express an opinion. We use this to protect information like unfunded grant applications, reviewers' comments, staff recommendations, nominations, etc.
 - 2) **Attorney-work product:** information prepared by an attorney in contemplation of litigation
 - 3) **Attorney-client:** request for advice from NIH Legal Counsel
 - 4) **Government commercial interest:** confidential business information generated by the government (this would include Intramural research with commercial value).Exemption 5 material is discretionary, meaning we can choose not to assert it. The older the information, the harder it is to protect under Exemption 5. If challenged, the US Attorney will not defend our use of Exemption 5 unless we can articulate the harm to NIH if the information is released. PLEASE NOTE: Exemption 5 is only used for internal government documents. If anyone outside the government is included, it is no longer internal and not covered by Exemption 5.
- **Exemption 6** is used for personal information such as identifiable patient information, home phone numbers or addresses, dates of birth, social security numbers, Institutional Base Salary, etc. We have a standard list of items that we routinely withhold under Exemption 6.

NOTE: **Exemption 2** used to be available to withhold information "related solely to the internal personnel rules and practices of an agency." While this used to be interpreted very broadly, the US Supreme Court

ruling in *Milner v. Department of the Navy* severely limited the use of this Exemption. NIH FOIA has determined that Exemption 2 is no longer available to us.

Exemption 7 protects from disclosure information in a law enforcement file under certain conditions. It is only used at the NIH level.



May 4, 2020

National Institute of Allergy and Infectious Diseases

National Institutes of Health

Re: Associated Press FOIA Request

Submitted via email: foia@niaid.nih.gov

Dear NIAID/NIH FOIA Staff,

Pursuant to the federal Freedom of Information Act, 5 U.S.C. § 552, I request the following information:

Records generated before and after comments that President Trump made about the possible effectiveness of certain approaches to treating coronavirus patients.

The timeframe for these records is April 20, 2020, through May 4.

The categories of records covered under this FOIA request include, but are not limited to, the following:

- 1) Copies of communication such as emails sent from the below, or any other work-related accounts, (including by CC, BCC or forward) to or from personnel in National Institute of Allergy and Infectious Diseases Office of the Director. The personnel to be included in this search are: Director Dr Anthony Fauci; Dr. Hugh Auchincloss, principal deputy director (hugh.auchincloss@nih.gov); Dr. John McGowan, deputy director for science management (john.mcgowan@nih.gov); Dr. H. Clifford Lane, deputy director for clinical research (cliff.lane@nih.gov); Kimberly Barasch, staff assistant (kimberly.barasch@nih.gov); Patricia Conrad, special assistant (patricia.conrad@nih.gov); Laurie Doepel, senior advisor (laurie.doepel@nih.gov); Gregory Folkers, chief of staff; Dr. Robert W. Eisinger, special assistant for scientific projects (robert.eisinger@nih.gov); Sharon Gilles, special assistant. (sharon.gilles@nih.gov); Dr. Andrea M. Lerner, medical officer (andrea.lerner@nih.gov); Dr. Hilary Marston, medical officer (hilary.marston@nih.gov); Dr. David Morens, senior scientific advisor and Whitney Robinson, staff assistant. (whitney.robinson@nih.gov).
- 2) Copies of documents that involve informal or formal policies, legislation, or legal authorities or responsibilities, for example: opening, closing or interim summaries/status reports; memoranda; official and/or unofficial policy statements; notes; meeting minutes or summaries; assessments, investigations or other reports; etc.

With regard to search criteria:

- In general, searches should be broad enough to encompass any discussion (whether internal or external) of President Trump's remarks April 23 at the evening White House Coronavirus

Task Force news conference. Electronic search terms used to find responsive records should include *but not be limited to* “disinfectant”; “injection”; “briefing”; “light”; “ultraviolet”; “UV”; “Lysol”; “bleach”; “deadly”; “dangerous”; “cleaning”; and “toxin.”

- I request that email searches cover all current and archived/stored messages and folders, and that the searches be conducted by personnel not affiliated with the accounts, such as information technology specialists.

I would like to receive responsive records in electronic format and delivered electronically, for example as .PDF files via email. I also ask that responsive records be released on a rolling basis, that is, as they are ready and not held until all documents are processed. For example, memoranda or similar documents should not be held pending the collection and processing of email correspondence.

I am making this request as a reporter with The Associated Press and this request is made as part of newsgathering and not for commercial use.

I ask that you waive any and all applicable fees associated with this request. Through this request, I am gathering information on how the federal government responded to remarks President Trump made in the course of the coronavirus pandemic. Release of this information is in the public interest because it will contribute significantly to important public understanding of government operations and activities. If you deny this request for a fee waiver, please advise me in advance of the estimated charges if they are to exceed \$10.

If my request is denied in whole or part, I ask that you justify all deletions by reference to specific exemptions of the Act. I will also expect you to release all segregable portions of otherwise exempt material. I reserve the right to appeal your decision to withhold any information or to deny a waiver of fees.

In the words of Richard Nixon, when government information is kept overly secret, “the people soon become ignorant of their own affairs, distrustful of those who manage them, and— eventually—incapable of determining their own destinies.” *Ex. Ord. No. 11652, Mar. 8, 1972, 37 F.R. 5209.*

Lastly, I expect to receive a response to this request within 20 business days, as the statute requires.

As I am making this request as a journalist and the information is of timely value, I would appreciate your communicating with me by telephone at [REDACTED] b6 [REDACTED], rather than by mail, if you have questions regarding this request.

I am a firm believer in the importance of open and regular communication on FOIA requests. Often this results in narrowing a request, meaning it is resolved more quickly. Please don’t hesitate to contact me.

In the spirit of such cooperation and the presumption of disclosure, I look forward to your prompt response and thank you for your assistance.

Sincerely,

b6

Associated Press, 630 NE 6th Street, Gainesville, FL 32601

From: Morens, David (NIH/NIAID) [E] [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=12DE367CC65C42879EA45D128710A383-DMORENS]
Sent: 5/7/2020 8:27:47 PM
To: Gilles, Sharon (NIH/NIAID) [E] [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=339880516bcd4cddb7320d229399d09d-gillesm]
Subject: Re: DAVID: RE: Please send email to David Awwad with permission for CIT to access your email to pull FOIA...

Sorry yes1738

Sent from my iPhone
David M Morens
OD, NIAID, NIH

On May 7, 2020, at 16:25, Gilles, Sharon (NIH/NIAID) [E] [b6] wrote:

Is there a type O?

With Appreciation,
Sharon

Sharon M. Gilles
Special Assistant to the Deputy Director
National Institute of Allergy and Infectious Diseases
The National Institutes of Health
31 Center Drive, MSC 2520 - Room 7A03B
Bethesda, Maryland 20892
Mobile: [b6]

Disclaimer:

The information in this e-mail and any of its attachments is confidential and may contain sensitive information. It should not be used by anyone who is not the original intended recipient. If you have received this e-mail in error please inform the sender and delete it from your mailbox or any other storage devices. National Institute of Allergy and Infectious Diseases (NIAID) shall not accept liability for any statement made that are sender's own and not expressly made on behalf of the NIAID by one of its representatives.

From: Morens, David (NIH/NIAID) [E] [b6]
Sent: Thursday, May 7, 2020 4:23 PM
To: Gilles, Sharon (NIH/NIAID) [E] [b6]
Subject: Re: DAVID: RE: Please send email to David Awwad with permission for CIT to access your email to pull FOIA...

My cell. [b6]

Sent from my iPhone
David M Morens
OD, NIAID, NIH

On May 7, 2020, at 16:22, Gilles, Sharon (NIH/NIAID) [E] [b6] wrote:

Great. Now works. Best number to reach you? Or call number highlighted below.

With Appreciation,
Sharon

Sharon M. Gilles
Special Assistant to the Deputy Director
National Institute of Allergy and Infectious Diseases
The National Institutes of Health
31 Center Drive, MSC 2520 - Room 7A03B
Bethesda, Maryland 20892
Mobile: [b6]

Disclaimer:

The information in this e-mail and any of its attachments is confidential and may contain sensitive information. It should not be used by anyone who is not the original intended recipient. If you have received this e-mail in error please inform the sender and delete it from your mailbox or any other storage devices. National Institute of Allergy and Infectious Diseases (NIAID) shall not accept liability for any statement made that are sender's own and not expressly made on behalf of the NIAID by one of its representatives.

From: Morens, David (NIH/NIAID) [E] [b6]
Sent: Thursday, May 7, 2020 4:21 PM
To: Gilles, Sharon (NIH/NIAID) [E] [b6]
Subject: Re: DAVID: RE: Please send email to David Awwad with permission for CIT to access your email to pull FOIA...

Yes, TY. I have a few minutes window now, or else tomorrow before 10 or after 1. D

Sent from my iPhone
David M Morens
OD, NIAID, NIH

On May 7, 2020, at 16:16, Gilles, Sharon (NIH/NIAID) [E]

[b6] wrote:

Thank you David. I want to be able to help you with these FOI request. Do you have a few minutes to talk before 5 or sometime tomorrow. Tomorrow I can talk before 1030, between 2 and 3, and after 4.

With Appreciation,
Sharon

Sharon M. Gilles
Special Assistant to the Deputy Director
National Institute of Allergy and Infectious Diseases

The National Institutes of Health
31 Center Drive, MSC 2520 - Room 7A03B
Bethesda, Maryland 20892
Mobile: [b6]

Disclaimer:
The information in this e-mail and any of its attachments is confidential and may contain sensitive information. It should not be used by anyone who is not the original intended recipient. If you have received this e-mail in error please inform the sender and delete it from your mailbox or any other storage devices. National Institute of Allergy and Infectious Diseases (NIAID) shall not accept liability for any statement made that are sender's own and not expressly made on behalf of the NIAID by one of its representatives.

From: Morens, David (NIH/NIAID) [E] [b6]
Sent: Thursday, May 7, 2020 1:28 PM
To: Folkers, Greg (NIH/NIAID) [E] [b6]; Gilles, Sharon (NIH/NIAID) [E] [b6]; Robinson, Whitney (NIH/NIAID) [C] [b6]
Cc: Awwad, David (NIH/NIAID) [C] [b6]
Subject: RE: DAVID: RE: Please send email to David Awwad with permission for CIT to access your email to pull FOIA...

Greg, not sure I understand this, but if you mean access to my email, then I give permission to all. Thank you david

From: Folkers, Greg (NIH/NIAID) [E] [b6]
Sent: Thursday, May 7, 2020 11:05 AM
To: Gilles, Sharon (NIH/NIAID) [E] [b6]; Morens, David (NIH/NIAID) [E] [b6]; Robinson, Whitney (NIH/NIAID) [C] [b6]
Cc: Awwad, David (NIH/NIAID) [C] [b6]
Subject: DAVID: RE: Please send email to David Awwad with permission for CIT to access your email to pull FOIA...

Can u please give CIT and Sharon permission to access my email?

TY

From: Gilles, Sharon (NIH/NIAID) [E] [b6]
Sent: Thursday, May 7, 2020 11:02 AM
To: Morens, David (NIH/NIAID) [E] [b6]; Folkers, Greg (NIH/NIAID) [E] [b6]; Robinson, Whitney (NIH/NIAID) [C] [b6]
Subject: Please send email to David Awwad with permission for CIT to access your email to pull FOIA...
Importance: High

....requested records so we can start the electronic pull of your emails in accordance with the [b6] and [b6] [b6] We want to be able to pull everyone's at once.

Happy to discuss if you need any clarification.

With Appreciation,
Sharon

Sharon M. Gilles
Special Assistant to the Deputy Director
National Institute of Allergy and Infectious Diseases
The National Institutes of Health
31 Center Drive, MSC 2520 - Room 7A03B
Bethesda, Maryland 20892
Mobile: b6

Disclaimer:

The information in this e-mail and any of its attachments is confidential and may contain sensitive information. It should not be used by anyone who is not the original intended recipient. If you have received this e-mail in error please inform the sender and delete it from your mailbox or any other storage devices. National Institute of Allergy and Infectious Diseases (NIAID) shall not accept liability for any statement made that are sender's own and not expressly made on behalf of the NIAID by one of its representatives.

From: Folkers, Greg (NIH/NIAID) [E] [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=614C792839A146B9A8F87A1378519DBD-GFOLKERS]
Sent: 5/14/2020 2:10:30 PM
To: Moore, Marg (NIH/NIAID) [E] [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=6e52e0eb26d140ee829256b1c281f7aa-mamoore]
CC: NIAID OD AM [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=8b9ef66c6c774c23bbe00d03479ce7c3-NIAID OD AM]; Harper, Jill (NIH/NIAID) [E] [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=0bfd6dfb8e48482fb49a5f72abfcbac8-jharper]; Schofield, Robin (NIH/NIAID) [E] [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=9ecfbb2ae42c41668cc1f07d73e3525c-schofieldrl]; Awwad, David (NIH/NIAID) [C] [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=0a5171ce4c4d4110abfe9aebfbdafbe7-dawwad]; Leavey, Aaron (NIH/NIAID) [E] [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=446174fbc1a4490aac68f484bcb52e9-aleavey]
Subject: RE: BuzzFeed Litigation - Document Preservation Letter

Thanks

What is your advice on the text message request – i don't recall ever retrieving text messages. How is this best done?

From: Moore, Marg (NIH/NIAID) [E] [b6]
Sent: Thursday, May 14, 2020 10:05 AM
To: Folkers, Greg (NIH/NIAID) [E] [b6]
Cc: NIAID OD AM [b6]; Harper, Jill (NIH/NIAID) [E] [b6]; Schofield, Robin (NIH/NIAID) [E] [b6]; Awwad, David (NIH/NIAID) [C] [b6]; Leavey, Aaron (NIH/NIAID) [E] [b6]
Subject: FW: BuzzFeed Litigation - Document Preservation Letter

CIT has provided the results of the search. Currently, the records are being formatted for our processing in the redaction software. This is taking longer than usual due to the size of the files. The lawyer at NIH is being kept in the loop. Please let us know if you have questions.

From: Folkers, Greg (NIH/NIAID) [E] [b6]
Sent: Thursday, May 14, 2020 9:44 AM
To: NIAID OD AM [b6]; Harper, Jill (NIH/NIAID) [E] [b6]
Cc: Moore, Marg (NIH/NIAID) [E] [b6]; Schofield, Robin (NIH/NIAID) [E] [b6]; Awwad, David (NIH/NIAID) [C] [b6]; Leavey, Aaron (NIH/NIAID) [E] [b6]
Subject: FW: BuzzFeed Litigation - Document Preservation Letter

On May 4, we asked CIT to execute a CIT pull on all mails sent and received by Dr. Fauci mentioning or referring to Coronavirus/COVID-19 dated Feb 1, 2020 to the date of search.

Marg and Robin --- did you receive these results?

RE:

"Plaintiffs have expressed interest in whether the agency will ensure potentially responsive agency records that may reside in your text message account(s) will not be deleted."

"Accordingly, I write to request that you take all necessary and reasonable steps to ensure preservation of any and all agency records and potential agency records that would be responsive to and fall within the timeframe for the attached request that may reside in your text message account(s)."

ASF: I would not delete any text messages until we can figure how these might be retrieved.

RE:

"Please advise me by May 28, 2020, that you received and will comply with this request."

We will do this.

From: Fauci, Anthony (NIH/NIAID) [E] [b6]
Sent: Thursday, May 14, 2020 9:09 AM

To: NIAID OD AM [b6]
Cc: Harper, Jill (NIH/NIAID) [E] [b6]
Subject: FW: BuzzFeed Litigation - Document Preservation Letter

Let us discuss who will be responsible for getting on top of this.

Anthony S. Fauci, MD
Director
National Institute of Allergy and Infectious Diseases
Building 31, Room 7A-03
31 Center Drive, MSC 2520
National Institutes of Health
Bethesda, MD 20892-2520
Phone: [b6]
FAX: [b6]
E-mail: [b6]

The information in this e-mail and any of its attachments is confidential and may contain sensitive information. It should not be used by anyone who is not the original intended recipient. If you have received this e-mail in error please inform the sender and delete it from your mailbox or any other storage devices. The National Institute of Allergy and Infectious Diseases (NIAID) shall not accept liability for any statements made that are the sender's own and not expressly made on behalf of the NIAID by one of its representatives.

From: Driggs, Scott S (HHS/OGC) [b6]
Sent: Thursday, May 14, 2020 8:53 AM
To: Fauci, Anthony (NIH/NIAID) [E] [b6]; Conrad, Patricia (NIH/NIAID) [E] [b6]
Cc: Goulding, Michael (HHS/OGC) [b6]; Craig, Martha (HHS/OGC) [b6]
Gibson, Megan (OS/OGC) [b6]
Subject: BuzzFeed Litigation - Document Preservation Letter

Dear Dr. Fauci,

As you may know, a lawsuit has been filed in the United States District Court for the District of Columbia concerning a Freedom of Information Act ("FOIA") request to the National Institutes of Health. In the request, Plaintiffs seek, among other things, "All emails [and] text messages sent and received by [you] mentioning or referring to Coronavirus/COVID-19." The timeframe covered by this request is February 1, 2020 to the date the search is conducted. I have attached copies of the Amended Complaint and the FOIA request for your reference. Plaintiffs have expressed interest in whether the agency will ensure potentially responsive agency records that may reside in your text message account(s) will not be deleted.

Accordingly, I write to request that you take all necessary and reasonable steps to ensure preservation of any and all agency records and potential agency records that would be responsive to and fall within the timeframe for the attached request that may reside in your text message account(s). If there is any doubt as to whether particular text messages should be retained, please preserve those messages until you have had a chance to consult with the Office of the General Counsel at the Department of Health and Human Services ("HHS").

Failure to preserve relevant records could adversely impact HHS in this matter.

Finally, to the extent you identify agency records in your possession that have not already been copied to an official HHS record-keeping system, we ask that you do so promptly. See 44 U.S.C. § 3105(1). You can send them to my attention or contact me to discuss how to facilitate their return to HHS.

I appreciate your cooperation with and attention to this matter. Please advise me by May 28, 2020, that you received and will comply with this request. Should you have any questions, please contact me or the lead attorney on this litigation: Megan Gibson, [b6]

Sincerely,

Scott
Scott S. Driggs
Acting Deputy General Counsel
Office of the General Counsel
U.S. Department of Health and Human Services
Cell: [b6]

From: Folkers, Greg (NIH/NIAID) [E] [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=614C792839A146B9A8F87A1378519DBD-GFOLKERS]
Sent: 5/14/2020 1:44:23 PM
To: NIAID OD AM [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=8b9ef66c6c774c23bbe00d03479ce7c3-NIAID OD AM]; Harper, Jill (NIH/NIAID) [E] [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=0bfd6dfb8e48482fb49a5f72abfcbac8-jharper]
CC: Moore, Marg (NIH/NIAID) [E] [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=6e52e0eb26d140ee829256b1c281f7aa-mamoore]; Schofield, Robin (NIH/NIAID) [E] [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=9ecfbb2ae42c41668cc1f07d73e3525c-schofieldrl]; Awwad, David (NIH/NIAID) [C] [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=0a5171ce4c4d4110abfe9aebfbdafbe7-dawwad]; Leavey, Aaron (NIH/NIAID) [E] [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=446174fbc1a4490aac68f484bcb52e9-aleavey]
Subject: FW: BuzzFeed Litigation - Document Preservation Letter
Attachments: Fauci_Document Preservation Letter.pdf; NIH FOIA Request - 53768 [b6] docx; 20-722, Amended Complaint.pdf; [b6] RE: New litigation 53768

On May 4, we asked CIT to execute a CIT pull on all mails sent and received by Dr. Fauci mentioning or referring to Coronavirus/COVID-19 dated Feb 1, 2020 to the date of search.

Marg and Robin --- did you receive these results?

RE:

"Plaintiffs have expressed interest in whether the agency will ensure potentially responsive agency records that may reside in your text message account(s) will not be deleted. "

"Accordingly, I write to request that you take all necessary and reasonable steps to ensure preservation of any and all agency records and potential agency records that would be responsive to and fall within the timeframe for the attached request that may reside in your text message account(s)."

ASF: I would not delete any text messages until we can figure how these might be retrieved.

RE:

"Please advise me by May 28, 2020, that you received and will comply with this request."

We will do this.

From: Fauci, Anthony (NIH/NIAID) [E]; [b6]
Sent: Thursday, May 14, 2020 9:09 AM
To: NIAID OD AM [b6]
Cc: Harper, Jill (NIH/NIAID) [E]; [b6]
Subject: FW: BuzzFeed Litigation - Document Preservation Letter

Let us discuss who will be responsible for getting on top of this.

Anthony S. Fauci, MD
Director
National Institute of Allergy and Infectious Diseases
Building 31, Room 7A-03
31 Center Drive, MSC 2520
National Institutes of Health
Bethesda, MD 20892-2520

Phone:

FAX:

E-mail:

b6

The information in this e-mail and any of its attachments is confidential and may contain sensitive information. It should not be used by anyone who is not the original intended recipient. If you have received this e-mail in error please inform the sender and delete it from your mailbox or any other storage devices. The National Institute of Allergy and Infectious Diseases (NIAID) shall not accept liability for any statements made that are the sender's own and not expressly made on behalf of the NIAID by one of its representatives.

From: Driggs, Scott S (HHS/OGC) <[b6]>
Sent: Thursday, May 14, 2020 8:53 AM
To: Fauci, Anthony (NIH/NIAID) [E] <[b6]>; Conrad, Patricia (NIH/NIAID) [E] <[b6]>
Cc: Goulding, Michael (HHS/OGC) <[b6]>; Craig, Martha (HHS/OGC) <[b6]>; Gibson, Megan (OS/OGC) <[b6]>
Subject: BuzzFeed Litigation - Document Preservation Letter

Dear Dr. Fauci,

As you may know, a lawsuit has been filed in the United States District Court for the District of Columbia concerning a Freedom of Information Act ("FOIA") request to the National Institutes of Health. In the request, Plaintiffs seek, among other things, "All emails [and] text messages sent and received by [you] mentioning or referring to Coronavirus/COVID-19." The timeframe covered by this request is February 1, 2020 to the date the search is conducted. I have attached copies of the Amended Complaint and the FOIA request for your reference. Plaintiffs have expressed interest in whether the agency will ensure potentially responsive agency records that may reside in your text message account(s) will not be deleted.

Accordingly, I write to request that you take all necessary and reasonable steps to ensure preservation of any and all agency records and potential agency records that would be responsive to and fall within the timeframe for the attached request that may reside in your text message account(s). If there is any doubt as to whether particular text messages should be retained, please preserve those messages until you have had a chance to consult with the Office of the General Counsel at the Department of Health and Human Services ("HHS").

Failure to preserve relevant records could adversely impact HHS in this matter.

Finally, to the extent you identify agency records in your possession that have not already been copied to an official HHS record-keeping system, we ask that you do so promptly. See 44 U.S.C. § 3105(1). You can send them to my attention or contact me to discuss how to facilitate their return to HHS.

I appreciate your cooperation with and attention to this matter. Please advise me by May 28, 2020, that you received and will comply with this request. Should you have any questions, please contact me or the lead attorney on this litigation: Megan Gibson, [b6]

Sincerely,

Scott

Scott S. Driggs

Acting Deputy General Counsel
Office of the General Counsel
U.S. Department of Health and Human Services
Cell: b6



May 14, 2020

Dr. Anthony Fauci
Director
National Institute of Allergy and Infectious Diseases
The National Institutes of Health
31 Center Drive, MSC 2520 - Room 7A03
Bethesda, Maryland 20892

Re: b6 *Buzzfeed v. CDC, et al*, 1:20-cv-0722 Record Preservation Requirements

Dear Dr. Fauci,

As you may know, a lawsuit has been filed in the United States District Court for the District of Columbia concerning a Freedom of Information Act (“FOIA”) request to the National Institutes of Health. In the request, Plaintiffs seek, among other things, “All emails [and] text messages sent and received by [you] mentioning or referring to Coronavirus/COVID-19.” The timeframe covered by this request is February 1, 2020 to the date the search is conducted. I have attached copies of the Amended Complaint and the FOIA request for your reference. Plaintiffs have expressed interest in whether the agency will ensure potentially responsive agency records that may reside in your text message account(s) will not be deleted.

Accordingly, I write to request that you take all necessary and reasonable steps to ensure preservation of any and all agency records and potential agency records that would be responsive to and fall within the timeframe for the attached request that may reside in your text message account(s). If there is any doubt as to whether particular text messages should be retained, please preserve those messages until you have had a chance to consult with the Office of the General Counsel at the Department of Health and Human Services (“HHS”).¹

Failure to preserve relevant records could adversely impact HHS in this matter.

Finally, to the extent you identify agency records in your possession that have not already been copied to an official HHS record-keeping system, we ask that you do so promptly. *See* 44 U.S.C. § 3105(1).

You can send them to my attention or contact me to discuss how to facilitate their return to HHS.

¹ Federal records include “all recorded information . . . made or received by a Federal agency under Federal law or in connection with the transaction of public business and preserved or appropriate for preservation by that agency . . . as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities of the United States Government or because of the informational value of the data in them.” 44 U.S.C. § 3301. *See also Tax Analysts v. Dep’t of Justice*, 845 F.2d 1060, 1069 (D.C. Cir. 1988) (citation omitted), *aff’d on other grounds*, 492 U.S. 136 (1989) (defining “agency record” for purposes of the FOIA).

Dr. Anthony Fauci

May 14, 2020

Page 2

I appreciate your cooperation with and attention to this matter. Please advise me by May 28, 2020, that you received and will comply with this request. Should you have any questions, please contact the lead attorney on this litigation: Megan Gibson, b6

Thank you very much.

Sincerely,

b6

Scott S. Driggs
Acting Deputy General Counsel

This is a request for records under the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552 and the Privacy Act, 5 U.S.C. § 552a. This request should be considered under both statutes to maximize the release of records.

REQUESTER INFORMATION

Name:

Position: Investigative Reporter

Address:

Email:

RECORDS SOUGHT

I request disclosure of the following records maintained by NIH.

All emails, text messages sent and received by Anthony Facui mentioning or referring to Coronavirus/COVID-19.

All emails and text messages sent and received by Francis Sellers Collins and his immediate deputy/aides mentioning or referring to Coronavirus/COVID-19

All internal NIH studies on the Coronavirus/COVID-19.

All draft and final talking points on the Coronavirus/COVID-19.

Any and all records mentioning or referring to pharmaceuticals or other means to treat the Coronavirus/COVID-19.

Any and all records mentioning or referring to the classification (SECRET, TOP SECRET, FOUO) of discussions with White House officials and officials in the Executive Office of the President and relating or referring to Coronavirus/COVID-19. By way of background, news reports have stated that the White House directed discussions to be classified.

Any and all records Mr. Facui and Mr. Sellers exchanged with the White House and the Executive Office of the President and any member of the Coronavirus Task Force mentioning or referring to Coronavirus/COVID-19.

Any and all records from NIH senior leadership mentioning or referring to Donald Trump’s tweets and Coronavirus/COVID-19

The timeframe for this search is February 1, 2020 through the date the search for responsive records is conducted.

REQUEST FOR EXPEDITED PROCESSING

This is a matter of urgency and of great public interest and relate to the life, death health and safety of citizens and therefore these records are needed in order for me to report a timely news story.

The coronavirus has resulted in more than 3,000 deaths and, according to the Centers for Disease Control, "The CDC is preparing for the new coronavirus, which has killed at least 1,115 and sickened more than 45,000 worldwide, to "take a foothold in the U.S." "At some point, we are likely to see community spread in the U.S. or in other countries," said Dr. Nancy Messonnier, director of the CDC's National Center for Immunization and Respiratory Diseases.

Beginning this year, public health officials began alerting the American public to rising cases of novel coronavirus, or COVID-19, spreading throughout the country. Shortly after the announcement of the first cases, President Donald Trump publicly announced that Vice President Mike Pence would lead the effort to combat the virus.

In press briefings since Pence's appointment, public officials have offered vastly different timelines for when more coronavirus tests would be available, how many would be available, and who would be eligible to receive one. On March 2, Stephen Hahn, the Food and Drug Administration commissioner, said that 1 million tests would be ready by the end of the week. On March 6, Pence announced that the government didn't "have enough tests today to meet what we anticipate will be the demand going forward." Pence also said that he expected 1.2 million tests would be available the following week.

Later that day, the president told the press during a visit to the Centers for Disease Control and Prevention (CDC), "As of right now and yesterday, anybody that needs a test (can have one)." On March 10, The New York Times reported that the CDC ordered health officials in Washington to stop testing individuals during the earliest days of the outbreak.

There can be no question that the spread of coronavirus has engendered "widespread and exceptional media interest." On March 11, the World Health Organization declared a global pandemic and said that more than 125,000 people had been infected so far.

The very purpose of the FOIA is to lessen the public's dependency on official government statements and open the underlying documents to public scrutiny. This is clearly an instance in which expedited processing of a FOIA request is warranted.

These records are not being requested for commercial purposes. I intend to use these records to write news stories and inform the public about actual government activity, concerning the novel coronavirus global pandemic.

BuzzFeed News is a global news organization with more than 200 journalists stationed in North America, South America, Europe, Asia and the Pacific. BuzzFeed News has been recognized as a "representative of the news media" for fee assessment purposes by every federal agency that has received our FOIA requests. Thank you for your consideration of this request.

As applicable Department regulations provide, I will anticipate your determination within ten (10) calendar days. I certify this statement to be true and correct. b6

Reasonably Foreseeable Harm. The FOIA Improvement Act of 2016 amended the FOIA as follows (5 USC 552(a)(8)):

(A) An agency shall—

(i) withhold information under this section only if—

(I) the agency reasonably foresees that disclosure would harm an interest protected by an exemption described in subsection (b); or

(II) disclosure is prohibited by law; and

(ii) (I) consider whether partial disclosure of information is possible whenever the agency determines that a full disclosure of a requested record is not possible; and

(II) take reasonable steps necessary to segregate and release nonexempt information. . . .

NIH should not fail to comply with this mandatory part of the FOIA as recently amended by Congress. The Agency is required to identify what reasonably foreseeable harm would flow from release of the information withheld, nor did it consider a partial disclosure of the information, taking reasonable steps to segregate and release nonexempt information.

INSTRUCTIONS REGARDING SEARCH

1. Request for Public Records:

Please search for any records even if they are already publicly available.

2. Request for Electronic and Paper/Manual Searches:

I request that searches of all electronic and paper/manual indices, filing systems, and locations for any and all records relating or referring to the subject of my request be conducted. I further request that the agencies conduct a search of its “soft files” as well as files in its locked cabinets.

3. Request regarding Photographs and other Visual Materials:

I request that any photographs or other visual materials responsive to my request be released to me in their original or comparable forms, quality, and resolution. For example, if a photograph was taken digitally, or if the agencies maintains a photograph digitally, I request disclosure of the original digital image file, not a reduced resolution version of that image file nor a printout and scan of that image file. Likewise, if a photograph was originally taken as a color photograph, I request disclosure of that photograph as a color image, not a black and white image. Please contact me for any clarification on this point.

4. Request for Duplicate Pages:

I request disclosure of any and all supposedly “duplicate” pages. Scholars analyze records not only for the information available on any given page, but also for the relationships between that information and information on pages surrounding it. As such, though certain pages may have been previously released to me, the existence of those pages within new context renders them functionally new pages. As such, the only way to properly analyze released information is to analyze that information within its proper context. Therefore, I request disclosure of all “duplicate” pages.

5. Request to Search Emails:

Please search for emails relating to the subject matter of my request.

6. Request for Search of Records Transferred to Other Agencies:

I request that in conducting its search, the agencies disclose releasable records even if they are available publicly through other sources outside the agencies, such as NARA.

FORMAT

I request that any releases stemming from this request be provided to me in digital format (soft-copy) on a compact disk or other like media.

FEE CATEGORY AND REQUEST FOR A FEE WAIVER

I am the senior investigative reporter for BuzzFeed News and formerly senior investigative reporter and on-air correspondent for VICE News. Additionally, my reporting has been published in The Guardian, The Wall Street Journal, The Financial Times, Salon, CBS Marketwatch, The Los Angeles Times, The Nation, Truthout, Al Jazeera English and Al Jazeera America.

I request a complete waiver of all search and duplication fees. If my request for a waiver is denied, I request that I be considered a member of the news media for fee purposes.

Under 5 U.S.C. §552(a)(4)(A)(iii), “Documents shall be furnished without any charge ... if disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester.” Disclosure in this case meets the statutory criteria, as the records sought detail the operations and activities of government. This request is also not primarily in my commercial request, as I am seeking the records as a journalist to analyze and freely release to members of the public.

If I am not granted a complete fee waiver, I request to be considered a member of the news media for fee purposes. I am willing to pay all reasonable duplication expenses incurred in processing this FOIA request.

I will appeal any denial of my request for a waiver administratively and to the courts if necessary.

Please do not hesitate to contact me if you have any questions concerning this request. Thank you. I appreciate your time and attention to this matter.

IN THE UNITED STATES DISTRICT COURT
OF THE DISTRICT OF COLUMBIA

b6

BUZZFEED INC.,
111 East 18th Street, 13th Floor
New York, NY 10003

Plaintiffs,

v.

**CENTERS FOR DISEASE CONTROL
AND PREVENTION,**
395 E Street, S.W.
Suite 9100
Washington, D.C. 20201

**U.S. DEPARTMENT OF HEALTH AND
HUMAN SERVICES,**
200 Independence Ave., S.W.
Washington, D.C. 20201

**FEDERAL EMERGENCY MANAGEMENT
AGENCY,**
500 C Street, S.W.
Washington, D.C. 20472

**U.S. DEPARTMENT OF HOMELAND
SECURITY,**
2707 Martin Luther King Jr. Avenue SE
Washington, D.C. 20528

FOOD AND DRUG ADMINISTRATION,
10903 New Hampshire Avenue
Silver Spring, MD 20993

NATIONAL INSTITUTES OF HEALTH,
9000 Rockville Pike
Bethesda, MD 20892

Defendants.

Case No. 20-CV-00722

AMENDED COMPLAINT

1. Plaintiffs, [REDACTED] **b6** and BUZZFEED INC., bring this Freedom of Information Act suit to force Defendants CENTERS FOR DISEASE CONTROL AND PREVENTION (“CDC”), U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES (“HHS”), FEDERAL EMERGENCY MANAGEMENT AGENCY (“FEMA”), U.S. DEPARTMENT OF HOMELAND SECURITY (“DHS”), FOOD AND DRUG ADMINISTRATION (“FDA”), and NATIONAL INSTITUTES OF HEALTH (“NIH”) to produce records regarding the COVID-19 pandemic and the government’s response to it. Serious questions have been raised about the accuracy of a number of different statements made by the President and others in his administration and the adequacy of the federal government’s response, and for his part, the President has claimed that media reports covering the pandemic have been ”fake” and “minimized the risk” of the virus “from the start,” and filed, through his campaign organization, defamation suits against news outlets that have run COVID-19-related political ads. Questions of this sort are the very reason the Freedom of Information Act exists, and the urgency of this information to the public is the reason the statute includes provisions for expedited processing—provisions that the Defendant agencies have failed to abide and that the Court should enforce on an accelerated basis in this case. See *Nat’l Archives & Records Admin. v. Favish*, 541 U.S. 157, 171 (2004) (FOIA is “a means for citizens to know what their Government is up to”); *Wash. Post Co. v. U.S. Dep’t of Health & Human Servs.*, 690 F.2d 252, 264 (D.C. Cir. 1982) (“Congress was all too aware of the innumerable times that agencies had withheld information under prior law only to cover up embarrassing mistakes or irregularities[, and] FOIA was designed to prevent such incidents[.]”).

PARTIES

2. Plaintiffs b6 and BUZZFEED INC. are members of the media and made the FOIA requests at issue in this case.

3. Defendant CENTERS FOR DISEASE CONTROL AND PREVENTION (“CDC”) is a federal agency subject to the Freedom of Information Act, 5 U.S.C. § 552. CDC is a component of U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES.

4. Defendant DEPARTMENT OF HEALTH AND HUMAN SERVICES (“HHS”) is a federal agency subject to the Freedom of Information Act, 5 U.S.C. § 552.

5. Defendant FEDERAL EMERGENCY MANAGEMENT SYSTEM (“FEMA”) is a federal agency subject to the Freedom of Information Act, 5 U.S.C. § 552. FEMA is a component of U.S. DEPARTMENT OF HOMELAND SECURITY.

6. Defendant U.S. DEPARTMENT OF HOMELAND SECURITY (“DHS”) is a federal agency subject to the Freedom of Information Act, 5 U.S.C. § 552.

7. Defendant FOOD AND DRUG ADMINISTRATION (“FDA”) is a federal agency subject to the Freedom of Information Act, 5 U.S.C. § 552. FDA is a component of U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES.

8. Defendant NATIONAL INSTITUTES OF HEALTH (“NIH”) is a federal agency subject to the Freedom of Information Act, 5 U.S.C. § 552. NIH is a component of U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES.

JURISDICTION AND VENUE

9. This case is brought under 5 U.S.C. § 552(a)(4)(B) and presents a federal question conferring jurisdiction on this Court. *See* 28 U.S.C. § 1331.

10. Venue is proper under 5 U.S.C. § 552(a)(4)(B).

FEBRUARY 12, 2020, FIRST FOIA REQUEST TO CDC

11. On February 12, 2020, Plaintiffs submitted a FOIA request to CDC for [1] “all emails sent and received from CDC Director mentioning or referring to Coronavirus”; [2] all internal CDC studies on the Coronavirus”; [3] “all policy and legal guidance provided to CDC and policy guidance CDC has provided to its staff on the Coronavirus”; [4] “any and all internal memos and letters mentioning or referring to the Coronavirus”; and [5] “any and all draft and final talking points on the Coronavirus.” Exhibit A.

12. Plaintiffs also requested expedited processing and a fee waiver for this request. Exhibit A.

13. On February 18, 2020, CDC acknowledged receipt of the request and assigned reference number #20-00610-FOIA to the matter. Exhibit B.

14. In that same letter, CDC stated that the request is “overly broad” and sought clarification. Exhibit B.

15. On February 18, 2020, Plaintiffs appealed CDC’s claim that the request is overly broad and specified the timeframe of the records they seek. Exhibit C.

16. On February 20, 2020, CDC rescinded its earlier letter and informed Plaintiffs that it would initiate search for the documents. Exhibit D.

17. On February 21, 2020, Plaintiffs and CDC agreed to limit the timeframe of the request to December 19, 2019 through January 31, 2020. They also agreed to limit the search to the Director, of both CDC and the Centers involved in the search, and their immediate aides or deputies. Exhibit E.

18. On February 25, 2020, CDC granted Plaintiffs expedited processing and sought an extension. Exhibit F.

19. On February 26, 2020, Plaintiffs further narrowed the timeframe of the search to February 1, 2020 through the present or when the search begins. CDC agreed to the narrowed timeframe. Exhibit G.

20. On February 28, 2020, CDC sent a letter to memorialize the scope of the request, given recent changes to date and search terms. Exhibit H.

21. As of the date of this filing, CDC has not issued a determination and has produced no records responsive to the request.

MARCH 13, 2020, SECOND FOIA REQUEST TO CDC

22. On March 13, 2020, Plaintiffs submitted a FOIA request to CDC for the following records from March 1, 2020, to the date the search is conducted: [1] “all internal CDC studies on the Coronavirus/COVID-19”; [2] “any and all draft and final talking points on the Coronavirus/COVID-19”; [3] “[a]ny and all records mentioning or referring to pharmaceuticals or other means to treat the Coronavirus/COVID-19”; and [4] [a]ny and all records mentioning or referring to the classification of discussions with [the] White House officials and officials in the Executive Office of the President and relating or referring to [the] Coronavirus/COVID-19.” Exhibit I.

23. Plaintiffs also requested expedited processing and a fee waiver. Exhibit I.

24. On March 19, 2020, CDC acknowledged receipt of the request, assigned reference number 20-00910-FOIA to the matter, and granted expedited processing. Exhibit J.

25. In that same letter, CDC placed the request on the complex track and informed Plaintiffs that it will be “unable to comply with the twenty-working-day time limit” as well as “the ten additional days provided by the statute.” Exhibit J.

26. On March 20, 2020, CDC notified Plaintiffs that the request is “overly broad” and sought clarification. Exhibit K.

27. Regarding Parts 1 and 2, CDC claimed that Plaintiffs “failed to specify a time frame and specific employees who should search.” Exhibit K.

28. Regarding Parts 3 and 4, CDC stated that “the use of phrase ‘any and all records mentioning or referring to’ are too broad in that they fail to specify employees among the estimated 12,000 and they fail to specify a time frame.” CDC also claimed that the phrase “mentioning or referring” is too vague and broad. Exhibit K.

29. On March 20, 2020, Plaintiffs clarified the request by specifying a time frame of the search to January 1, 2020, to January 31, 2020, and March 1, 2020, through the date the search is conducted. Plaintiffs also provided a list of employees to search for the responsive records. Exhibit L.

30. As of the date of this filing, CDC has not issued a determination and has produced no records responsive to the request.

FEBRUARY 12, 2020, FOIA REQUEST TO FEMA

31. On February 12, 2020, Plaintiffs submitted a FOIA request to FEMA for [1] “any and all contingency plans for a[] Coronavirus outbreak in possession of FEMA”; [2] “any and all records mentioning or referring to said FEMA contingency plan document”; and [3] “any and all records, including but not limited to emails, letters, memos, in which FEMA officials discuss any contingency plans in the event of a[] Coronavirus outbreak.” Exhibit M.

32. On February 27, 2020, FEMA acknowledged receipt of the request and assigned reference number 2020-FEFO-00371 to the matter. Exhibit N.

33. In that same letter, FEMA granted expedited processing. Exhibit N.

34. On March 5, 2020, Plaintiffs and FEMA narrowed the scope of the request to [1] “all contingency plans for the members of public for a Coronavirus outbreak in possession of FEMA” and [2] “emails, memos, discussions, letters, correspondence mentioning or referring to

FEMA contingency plans for members of the public in the event of a Coronavirus outbreak from the following FEMA officials from January 7, 2020 – February 14, 2020: Carlos Castillo, Chad Gorman, Jeffrey Jackson, Pete Gaynor, Eric Heighberger, Myung Kim, Traci Clever, Eric Leckey, David Bibo, Jeffrey Dorko, Damon Penn, Keith Turi, John Rabin.” Exhibit O.

35. On March 31, 2020, DHS informed Plaintiffs that the request is being referred to DHS for review. Exhibit P.

36. On April 1, 2020, DHS assigned a new reference number, 2020-HQFO-00792, to the matter and granted expedited processing. Exhibit Q.

37. As of the date of this filing, FEMA and DHS have not issued a determination and have produced no records responsive to the request.

MARCH 15, 2020, FOIA REQUEST TO FDA

38. On March 15, 2020, Plaintiffs submitted a FOIA request to FDA for the following records from January 1, 2020, to the date the search is conducted:

[1] all internal FDA studies on the Coronavirus/COVID-19;

[2] any and all draft and final talking points on the Coronavirus/COVID-19;

[3] any and all records mentioning or referring to pharmaceuticals or other means to treat the Coronavirus/COVID-19;

[4] any and all records mentioning or referring to the classification (SECRET, TOP SECRET, FOUO) of discussions with [the] White House officials and officials in the Executive Office of the President and relating or referring to Coronavirus/COVID-19;

[5] any and all records exchanged with the White House and the Executive Office of the President mentioning or referring to Coronavirus/COVID-19; [and]

[6] any and all emails sent or received by the Office of the Commissioner, Office of the Executive Secretariat, Office of Clinical Policy Programs, Office of the Chief Scientist, Office of External Affairs, Office of Operations, Office of Policy, Legislation and International Affairs, Center for Biologics Evaluation and Research, Office of Vaccines, Research & Review, Center for Drug Evaluation and Research, [] mentioning or referring to Coronavirus/COVID-19 AND to any tweets by President Donald Trump mentioning or referring to Coronavirus/COVID-19 AND ‘HOAX.’ You may limit the search to the directors of each office and their deputies and the

chief scientists/doctors. The timeframe of this search is January 22, 2020, through the date the search for responsive records is conducted.

Exhibit R.

39. Plaintiffs also requested expedited processing and a fee waiver. Exhibit R.

40. On March 26, 2020, FDA acknowledged receipt of the request and assigned reference number 2020-2591 to the matter. Exhibit S.

41. On March 30, 2020, FDA granted expedited processing. Exhibit T.

42. As of the date of this filing, FDA has not issued a determination and has produced no records responsive to the request.

MARCH 16, 2020, FOIA REQUEST TO NIH

43. On March 16, 2020, Plaintiffs submitted a FOIA request to NIH for the following records from February 1, 2020, to the date the search is conducted:

[1] All emails, text messages sent and received by Anthony [Fauci] mentioning or referring to Coronavirus/COVID-19;

[2] All emails and text messages sent and received by Francis Sellers Collins and his immediate deputy/aides mentioning or referring to Coronavirus/COVID-19;

[3] All internal NIH studies on the Coronavirus/COVID-19;

[4] All draft and final talking points on the Coronavirus/COVID-19;

[5] Any and all records mentioning or referring to pharmaceuticals or other means to treat the Coronavirus/COVID-19;

[6] Any and all records mentioning or referring to the classification (SECRET, TOP SECRET, FOUO) of discussions with [the] White House officials and officials in the Executive Office of the President and relating or referring to Coronavirus/COVID-19; [and]

[7] Any and all records Mr. [Fauci] and Mr. Sellers exchanged with the White House and the Executive Office of the President and any member of the Coronavirus Task Force mentioning or referring to Coronavirus/COVID-19.

Exhibit U.

44. Plaintiffs also requested a fee waiver and expedited processing. Exhibit U.

45. On March 16, 2020, NIH acknowledged receipt of the request and assigned reference number 53768 to the matter. Exhibit V.

46. On March 23, 2020, NIH granted Plaintiff's expedited processing. Exhibit W.

47. As of the date of this filing, NIH has not issued a determination and has produced no records responsive to the request.

MARCH 15, 2020, FOIA REQUEST TO HHS (COVID-19)

48. On March 15, 2020, Plaintiffs submitted a FOIA request to HHS for the following records:

[1] All internal HHS studies on the Coronavirus/COVID-19;

[2] Any and all draft and final talking points on the Coronavirus/COVID-19;

[3] A listing identifying the number of ventilators the U.S. currently has to fight Coronavirus/COVID-19;

[4] Any and all records mentioning or referring to pharmaceuticals or other means to treat the Coronavirus/COVID-19;

[5] Any and all records mentioning or referring to the classification (SECRET, TOP SECRET, FOUO) of discussions with [the] White House officials and officials in the Executive Office of the President and relating or referring to Coronavirus/COVID-19; [and]

[6] Any and all records HHS Secretary Alex Azar exchanged with the White House and the Executive Office of the President and any member of the Coronavirus Task Force mentioning or referring to Coronavirus/COVID-19.

Exhibit X.

49. Plaintiffs also requested expedited processing and a fee waiver. Exhibit X.

50. On March 24, 2020, HHS assigned reference number 2020-00701-FOIA-OS to the matter and granted expedited processing. Exhibit Y.

51. As of the date of this filing, HHS has not issued a determination and has produced no records responsive to the request.

MARCH 16, 2020, FOIA REQUEST TO HHS (CYBERATTACK)

52. On March 16, 2020, Plaintiffs submitted a FOIA request to HHS seeking “any and all records, including reports of investigation, emails, text messages, memos, letters, directives, photographs, screenshots, mentioning or referring to a cyberattack on HHS’s website that took place on March 15, 2020.” Exhibit Z.

53. As a way of background, after a preliminary investigation, officials believe that a message—spread through texts, e-mails, and social media on or around March 15, 2020—that proclaimed a “national lock down” in response to COVID-19 was related to this cyberattack.

54. Plaintiffs also requested expedited processing and a fee waiver. Exhibit Z.

55. On March 24, 2020, HHS acknowledged receipt of the request and assigned reference number 2020-00758-FOIA-OS to the matter. Exhibit AA.

56. On March 26, 2020, HHS claimed that Plaintiffs did not “reasonably describe” the records they are seeking and asked to clarify the request. Exhibit BB.

57. On March 26, 2020, Plaintiffs appealed that the requests were reasonably described in the original request and offered to narrow the request to the heads, deputies, and their immediate aides of each department. Exhibit CC.

58. HHS never acknowledged the receipt of the appeal and never responded.

59. As of the date of this filing, HHS has not issued a determination and has produced no records responsive to the request.

COUNT I – CDC’S FIRST FOIA VIOLATION

60. The above paragraphs are incorporated herein.

61. HHS and CDC are federal agencies, subject to FOIA.

62. The requested records are not exempt under FOIA.

63. HHS and CDC have refused to produce the requested materials in a timely manner.

COUNT II – CDC’S SECOND FOIA VIOLATION

64. The above paragraphs are incorporated herein.
65. HHS and CDC are federal agencies, subject to FOIA.
66. The requested records are not exempt under FOIA.
67. HHS and CDC have refused to produce the requested materials in a timely manner.

COUNT III – FEMA’S FOIA VIOLATION

68. The above paragraphs are incorporated herein.
69. DHS and FEMA are federal agencies, subject to FOIA.
70. The requested records are not exempt under FOIA.
71. DHS and FEMA have refused to produce the requested materials in a timely manner.

COUNT IV – FDA’S FOIA VIOLATION

72. The above paragraphs are incorporated herein.
73. FDA is a federal agency and subject to FOIA.
74. The requested records are not exempt under FOIA.
75. FDA has refused to produce the requested records in a timely manner.

COUNT V – NIH’S FOIA VIOLATION

76. The above paragraphs are incorporated herein.
77. NIH is a federal agency and subject to FOIA.
78. The requested records are not exempt under FOIA.
79. NIH has refused to produce the requested records in a timely manner.

COUNT VI – HHS’S FOIA VIOLATION (COVID-19)

80. The above paragraphs are incorporated herein.

81. HHS is a federal agency, subject to FOIA.
82. The requested records are not exempt under FOIA.
83. HHS refused to produce the requested records in a timely manner.

COUNT VII – HHS’S FOIA VIOLATION (CYBERATTACK)

84. The above paragraphs are incorporated herein.
85. HHS is a federal agency, subject to FOIA.
86. The requested records are not exempt under FOIA.
87. HHS refused to produce the requested records in a timely manner.

WHEREFORE, Plaintiffs ask the Court to:

- i. declare that Defendants have violated FOIA;
- ii. order Defendants to conduct a reasonable search for records and to produce the requested records;
- iii. enjoin Defendants from withholding non-exempt public records under FOIA;
- iv. award Plaintiffs attorneys’ fees and costs; and
- v. award such other relief the Court considers appropriate.

Dated: April 14, 2020

RESPECTFULLY SUBMITTED,

/s/ Matthew V. Topic

Attorney for Plaintiffs

b6

BUZZFEED INC.

Matthew Topic, D.C. Bar No. IL 0037
Joshua Burday, D.C. Bar No. IL 0042
Merrick Wayne, D.C. Bar No. IL 0058
LOEVY & LOEVY
311 North Aberdeen, 3rd Floor

Chicago, IL 60607
312-243-5900
foia@loevy.com

From: Folkers, Greg (NIH/NIAID) [E] [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=614C792839A146B9A8F87A1378519DBD-GFOLKERS]
Sent: 5/4/2020 3:41:06 PM
To: Moore, Marg (NIH/NIAID) [E] [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=6e52e0eb26d140ee829256b1c281f7aa-mamoore]; Doepel, Laurie (NIH/NIAID) [E] [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=7e395d705fce4852a2579e5a9e1b5e11-ldoepel]; Billet, Courtney (NIH/NIAID) [E] [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=7605eeb349ac41138b32fe3978e3986d-billetec]; Awwad, David (NIH/NIAID) [C] [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=0a5171ce4c4d4110abfe9aebfbdafbe7-dawwad]; Leavey, Aaron (NIH/NIAID) [E] [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=446174fbc1a4490aac68f484bcb52e9-aleavey]
CC: Schofield, Robin (NIH/NIAID) [E] [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=9ecfbb2ae42c41668cc1f07d73e3525c-schofieldrl]; Auchincloss, Hugh (NIH/NIAID) [E] [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=9304c753bb9e422c977dddab54da924b-auchincloss]; Harper, Jill (NIH/NIAID) [E] [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=0bfd6dfb8e48482fb49a5f72abfbcac8-jharper]; Gilles, Sharon (NIH/NIAID) [E] [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=339880516bcd4cddb7320d229399d09d-gillesm]; Conrad, Patricia (NIH/NIAID) [E] [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=7ea3e3ea7daa432887495d6825c9e588-conradpa]; Eisinger, Robert (NIH/NIAID) [E] [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=0bad2a8c45514ee48985880de66674ad-eisinger]; Folkers, Greg (NIH/NIAID) [E] [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=614c792839a146b9a8f87a1378519dbd-gfolkers]; Lerner, Andrea (NIH/NIAID) [E] [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53254f4fb04e4bcbabe37940b4b41887-fennellyam]; Marston, Hilary (NIH/NIAID) [E] [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ab30660917b942ffba9ae95d631116f3-marstonhd]
Subject: david, aaron RE: New litigation 53768
Attachments: NIH FOIA Request - 53768; [b6] .docx; 53768Search.docx

Aaron and David,

Can you please execute ASAP a CIT pull on all mails sent and received by Anthony Fauci mentioning or referring to Coronavirus/COVID-19 dated Feb 1, 2020 to the date of search.

From: Moore, Marg (NIH/NIAID) [E] [b6]
Sent: Monday, May 4, 2020 11:29 AM
To: Folkers, Greg (NIH/NIAID) [E] [b6]; Doepel, Laurie (NIH/NIAID) [E] [b6]
Billet, Courtney (NIH/NIAID) [E] [b6]
Cc: Schofield, Robin (NIH/NIAID) [E] [b6]; Moore, Marg (NIH/NIAID) [E] [b6]
Subject: FW: New litigation 53768
Importance: High

As you may be aware, we are being sued by Buzzfeed news. Please see the email below from Gorka (NIH FOIA Officer). Please advise on the information requested in Letter A.

Marg

From: Garcia-Malene, Gorka (NIH/OD) [E] [b6]
Sent: Monday, May 4, 2020 11:16 AM
To: Schofield, Robin (NIH/NIAID) [E] [b6]; Moore, Marg (NIH/NIAID) [E] [b6]
Cc: Bordine, Roger (NIH/OD) [E] [b6]; NIH FOIA [b6]
Subject: RE: New litigation 53768
Importance: High

Good morning,

I wanted to update you on Friday's hearing. The Court is holding the motion for a preliminary injunction in abeyance for the time being and has scheduled another hearing for May 8 to revisit the issue with more information. In advance of this Friday's hearing, DOJ would like more information from the various defendants, including NIH. I believe that I can respond to the various new questions posed thus far.

In the meantime, Plaintiff has identified what his priorities are in terms of records production (below, with my comments in brackets and blue and DOJ's in green):

- A) Emails and text messages sent and received by Anthony Fauci mentioning or referring to Coronavirus/COVID-19 dated Feb 1, 2020 to the date of search; followed by,

[Emails: Unless these records have already been produced, I'd like to seek permission from the NIAID EO to conduct an IT pull for these records. Can you seek this approval from your EO if applicable? If the records haven't already been provided to you and you receive approval from your EO to run an IT search for these records, I'll contact IT – copying you, directing them to conduct the search.]

[Texts: I can't think of a way to pull these short of asking Dr. Fauci to do that – which I don't think necessary at this time. IT may have more information on this issue.]

- B) internal NIH studies on the Coronavirus/COVID-19.

[The "studies" request was the subject of pre-suit discussions between the parties. It appears that NIH wants Plaintiffs to identify studies that are already publicly available on certain websites. We are looking for "internal" studies, not what NIH has released online or studies published by others and provided on PubMed etc. If there are no such studies beyond what was published online, please let us know. If there is an index of internal studies, we'd be happy to look at that to potentially narrow.]

[Does the above comment from DOJ help at all in terms of identifying any responsive studies? If not, can you provide a counterpoint on what more clarification NIAID would need?]

Thanks in advance for any information you can provide.

Gorka

From: Schofield, Robin (NIH/NIAID) [E] [b6]
Sent: Thursday, April 30, 2020 7:20 PM
To: Garcia-Malene, Gorka (NIH/OD) [E] [b6]; Moore, Marg (NIH/NIAID) [E]
<[b6]>
Cc: Bordine, Roger (NIH/OD) [E] [b6]; NIH FOIA [b6]
Subject: RE: New litigation 53768

NIAID FOIA is teleworking 100%. I do not know about the rest of the Institute.

Robin L. Schofield, MPS
FOIA Coordinator
National Institute of Allergy and Infectious Diseases

From: Garcia-Malene, Gorka (NIH/OD) [E] <[b6]>
Sent: Thursday, April 30, 2020 7:19 PM
To: Schofield, Robin (NIH/NIAID) [E] <[b6]>; Moore, Marg (NIH/NIAID) [E] <[b6]>
Cc: Bordine, Roger (NIH/OD) [E] <[b6]>; NIH FOIA <[b6]>
Subject: RE: New litigation 53768

Thanks, Robin. Do you know whether NIAID is teleworking 100%?

From: Schofield, Robin (NIH/NIAID) [E] <[b6]>
Sent: Thursday, April 30, 2020 7:17 PM
To: Garcia-Malene, Gorka (NIH/OD) [E] <[b6]>; Moore, Marg (NIH/NIAID) [E] <[b6]>
Cc: Bordine, Roger (NIH/OD) [E] <[b6]>; NIH FOIA <[b6]>
Subject: RE: New litigation 53768

See answers below.

Robin L. Schofield, MPS
FOIA Coordinator
National Institute of Allergy and Infectious Diseases

From: Garcia-Malene, Gorka (NIH/OD) [E] <[b6]>
Sent: Thursday, April 30, 2020 6:40 PM
To: Schofield, Robin (NIH/NIAID) [E] <[b6]>; Moore, Marg (NIH/NIAID) [E] <[b6]>
Cc: Bordine, Roger (NIH/OD) [E] <[b6]>; NIH FOIA <[b6]>
Subject: New litigation 53768
Importance: High

Hi Marg and Robin,

Please see the attached complaint in connection with NIH FOIA 53768.

For a bit of context, here's a chronology of the request thus far: The request was filed on March 16. We acknowledged, granting expedited processing, on March 23. The request was sent to NIAID that same day, and NIAID replied seeking clarification item # 3 of the request. I was informed late this afternoon that the plaintiff has filed for a preliminary injunction right out of the box, seeking to compel CDC, HHS, FEMA, DHS, FDA and NIH to produce records at a brisk clip of 2,500 pages / month. The motion for the preliminary injunction was filed and granted today, and scheduled for **tomorrow** at 10 am. Needless to say, OGC is pretty shocked at the short turnaround.

I just spoke with OGC and requested a postponement. However, OGC is not optimistic that one will be granted.

Tomorrow's hearing is intended to negotiate a briefing schedule on the Preliminary Injunction motion. What this means is that the Court wants to put some dates on the calendar for when each party will present their legal arguments for or against the production of records **before** it hears arguments on underlying merits of the case. OGC would appreciate a bit of background despite the extremely short turnaround: the judge gave the government mere hours to prepare.

If possible, for the portions applicable to NIAID, please provide what information you have on the below questions:

- 1) Has the search gone to custodians? YES
- 2) Has the search been conducted? - UNKNOWN
 - a. If not, why not?
 - b. If so, how many documents are involved?
- 3) Has the mandatory telework policy affected our processing of requests? If so, how? – NOT THUS FAR
- 4) Has the pandemic affected our processing of requests? If so, how? (I think this is our best argument...) – YES, the records custodians, particularly Dr. Fauci and his staff are working 24/7 to advise the White House, inform the public, and develop a vaccine and therapeutics for the virus.

Please provide me what you can by 9:30 am tomorrow at the latest. The more time I have on my end, the more time I have to bolster your responses on this end.

Sorry for the bad news. With any questions, I'm available at: b6

Gorka



DEPARTMENT OF HEALTH & HUMAN SERVICES

Public Health Service

Freedom of Information Office
5601 Fishers Lane, Room 6G50
Bethesda, Maryland 20892
Tel (301) 451-5109

Fax (301) 480-0904/ Email foia@niaid.nih.gov

National Institutes of Health
National Institute of Allergy
and Infectious Diseases
Bethesda, MD 20892

Memorandum

Date: April 21, 2020

To: Greg Folkers/Laurie Doepel, IOD

From: Margaret Moore
NIAID/OCGR/FOIA Office

Subject: Request for Records Pursuant to the Freedom of Information Act (FOIA)
REQUESTER: b6 #53768 – for NIAID input

Date Range: February 1, 2020 – date of search

Response Due: May 5, 2020

b6 (Buzzfeed News) has submitted a FOIA request to NIH FOIA for the following:

“All emails, text messages sent and received by Anthony Facui mentioning or referring to Coronavirus/COVID-19.

All emails and text messages sent and received by Francis Sellers Collins and his immediate deputy/aides mentioning or referring to Coronavirus/COVID-19

All internal NIH studies on the Coronavirus/COVID-19.

All draft and final talking points on the Coronavirus/COVID-19.

Any and all records mentioning or referring to pharmaceuticals or other means to treat the Coronavirus/COVID-19.

Any and all records mentioning or referring to the classification (SECRET, TOP SECRET, FOUO) of discussions with White House officials and officials in the Executive Office of the President and relating or referring to Coronavirus/COVID-19. By way of background, news reports have stated that the White House directed discussions to be classified.

Any and all records Mr. Facui and Mr. Sellers exchanged with the White House and the Executive Office of the President and any member of the Coronavirus Task Force mentioning or referring to Coronavirus/COVID-19.

Any and all records from NIH senior leadership mentioning or referring to Donald Trump's tweets and Coronavirus/COVID-19"

A copy of the request is attached (Attachment #1).

In accordance with the FOIA, the NIAID FOIA office has 20 working days in which to make a determination to grant or deny access to the records. Please search all of your electronic and hard copy files as appropriate and provide a response using the following guidelines/checklist:

- 1 complete copy of all records responsive to the request with no markings (clean copy). The clean copy must include ALL of the documents regardless of whether they are all releasable. Either hard copies or electronic copies are acceptable.
 - Hard copies
 - Single sided
 - Reverse chronological order
 - No staples or paper clips
 - Duplicates removed
 - Electronic copies
 - Same as hard copies
 - .pdf, .doc, .xls, pps etc. files are fine
 - E-mail files should be in .pst or .msg format
 - CD, USB drive or e-mail

- 1 copy of records with your indications of what you believe should be withheld using one of the Exemptions to the FOIA (highlighted copy).
 - The FOIA is a disclosure statute with 9 Exemptions. At NIH, we essentially have 4 exemptions available to us. A detailed description and links to additional information is attached to this memo (Attachment 2). If the information does not meet one of these 4 Exemptions, it CANNOT be withheld.

- A completed NIAID Search and Review Worksheet for each person who searched for and reviewed documents (Attachment 3).

Please do NOT have individuals in your Office/Division send documents directly to the NIAID FOIA Office unless specifically asked to do so. All responsive documents should be returned to you for review and collating to ensure the consistency of the requested redactions, elimination of duplicates, and completeness of the response. If the requested documents do not exist, please provide a written statement that explains how you searched for the records (which office(s) were searched; what places were searched, i.e., desk, computers, files, and boxes; and how you searched, i.e., manually, electronically, etc). A no-records response gives the requestor the

administrative right to appeal. The appeal will challenge how we searched for records. Therefore, a written statement of your search is very important.

Please note that NIAID is not required to create documents in response to a FOIA request. In addition, please let us know if you know of other NIAID individuals who have responsive records.

If you have any questions or concerns, we can be reached weekdays between 8:30 am to 5:00 pm at (301) 451-5109 or foia@niaid.nih.gov. Your assistance in this matter is greatly appreciated.

Attachment 1 – FOIA Request from b6

Attachment 2 – FOIA Exemptions

Attachment 3 – NIAID FOIA Search and Review Worksheet

Attachment 2: Exemptions from Disclosure under the FOIA

- **Exemption 3** is used for information that is not releasable because of a Federal statute other than the FOIA. One example that we have used in the recent past is the protection of information pertaining to the transport of biological agents under the Public Health Security and Bioterrorism Preparedness and Response Act of 2002. Another example is that some portions of some financial disclosure documents are exempt from release under the Ethics in Government Act.
- **Exemption 4** is used for information such as trade secrets or proprietary information. Examples of trade secrets are: a formula for a drug or a design plan for a piece of equipment. This is information that is NOT in the public domain AND is commercial or financial in nature. Exemption 4 does not protect information simply because it is not published. Exemption 4 material will be identified by the grantee/contractor. The grantee/contractor will be required to articulate how the release of the information will cause SIGNIFICANT FINANCIAL HARM. The justification should include: 1) the names of actual competitors; 2) a detailed explanation of how the information could be used to cause financial harm; and 3) the dollar value of the harm. If the grantee/contractor requests that information be withheld under Exemption 4, the NIAID FOIA Office will then send the information to the designated program official to review and indicate either concurrence or revision. **As the content matter experts, it will be up to the designated NIAID program official to determine whether the requested information meets the criteria for withholding under Exemption 4.** SBIRs are handled slightly differently. If requested by the grantee, SBIR information is protected from disclosure for 4 years under Section 8(b)(2) of Policy Directive 15 U.S.C 638.
- **Exemption 5** is used for information that would be protected in civil litigation. There are four types of information that fall under Exemption 5:
 - 1) **Deliberative Process:** information must be predecisional AND express an opinion. We use this to protect information like unfunded grant applications, reviewers' comments, staff recommendations, nominations, etc.
 - 2) **Attorney-work product:** information prepared by an attorney in contemplation of litigation
 - 3) **Attorney-client:** request for advice from NIH Legal Counsel
 - 4) **Government commercial interest:** confidential business information generated by the government (this would include Intramural research with commercial value).Exemption 5 material is discretionary, meaning we can choose not to assert it. The older the information, the harder it is to protect under Exemption 5. If challenged, the US Attorney will not defend our use of Exemption 5 unless we can articulate the harm to NIH if the information is released. PLEASE NOTE: Exemption 5 is only used for internal government documents. If anyone outside the government is included, it is no longer internal and not covered by Exemption 5.
- **Exemption 6** is used for personal information such as identifiable patient information, home phone numbers or addresses, dates of birth, social security numbers, Institutional Base Salary, etc. We have a standard list of items that we routinely withhold under Exemption 6.

NOTE: **Exemption 2** used to be available to withhold information "related solely to the internal personnel rules and practices of an agency." While this used to be interpreted very broadly, the US Supreme Court

ruling in *Milner v. Department of the Navy* severely limited the use of this Exemption. NIH FOIA has determined that Exemption 2 is no longer available to us.

Exemption 7 protects from disclosure information in a law enforcement file under certain conditions. It is only used at the NIH level.

Attachment 3: NIAID FOIA Search and Review Worksheet

To: NIAID FOIA Specialist
From: _____
Date: _____
Re: FOIA Request Number 53768 (**b6**) for NIAID input

We were asked to search for materials that respond to the above-listed FOIA request. We were asked to respond by **May 5, 2020**. The following summarizes the results of this search:

Section A

The search for responsive documents was conducted as follows:

Date someone began and completed looking: _____

Total time: It took _____ hours to search for material.

Rate 1: GS-01 – GS08

Rate 2: GS09 – GS14

Rate 3: GS15 and above

Rate of searcher: 1, 2, or 3	Time spent (minutes)	Place(s) searched and why chosen to search
---------------------------------	----------------------	--------------------------------------------

Total time: It took _____ hours to review the responsive documents.

Section B Please check the appropriate line(s).

___ Responsive information was located and is attached. I have reviewed the enclosed records and find that no material should be withheld. I approve the release of the records.

___ No responsive information was located; the places listed in Section B were searched. I have attached a memo further detailing the search.

___ Information was located, but NIAID would be harmed if certain sections were released. I have compiled the information, identified these sections, and included a justification memo explaining the harm. The information and memo are attached.

APPROVAL FOR ACTION AS MARKED:

Name Date

From: Folkers, Greg (NIH/NIAID) [E] [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=614C792839A146B9A8F87A1378519DBD-GFOLKERS]
Sent: 6/6/2021 9:13:13 PM
To: NIAID OD AM [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=8b9ef66c6c774c23bbe00d03479ce7c3-NIAID OD AM]
Subject: FW: BuzzFeed Litigation - Document Preservation Letter
Attachments: Fauci_Document Preservation Letter.pdf; NIH FOIA Request - 53768 [b6].docx; 20-722, Amended Complaint.pdf

This is the spring 2020 BuzzFeed litigation and note from HHS OGC I was referring to at the a.m. meeting

From: Driggs, Scott S (HHS/OGC) <[b6]>
Sent: Thursday, May 14, 2020 8:53 AM
To: Fauci, Anthony (NIH/NIAID) [E] <[b6]>; Conrad, Patricia (NIH/NIAID) [E] <[b6]>
Cc: Goulding, Michael (HHS/OGC) <[b6]>; Craig, Martha (HHS/OGC) <[b6]>; Gibson, Megan (OS/OGC) <[b6]>;
Subject: BuzzFeed Litigation - Document Preservation Letter

Dear Dr. Fauci,

As you may know, a lawsuit has been filed in the United States District Court for the District of Columbia concerning a Freedom of Information Act ("FOIA") request to the National Institutes of Health. In the request, Plaintiffs seek, among other things, "All emails [and] text messages sent and received by [you] mentioning or referring to Coronavirus/COVID-19." The timeframe covered by this request is February 1, 2020 to the date the search is conducted. I have attached copies of the Amended Complaint and the FOIA request for your reference. Plaintiffs have expressed interest in whether the agency will ensure potentially responsive agency records that may reside in your text message account(s) will not be deleted.

Accordingly, I write to request that you take all necessary and reasonable steps to ensure preservation of any and all agency records and potential agency records that would be responsive to and fall within the timeframe for the attached request that may reside in your text message account(s). If there is any doubt as to whether particular text messages should be retained, please preserve those messages until you have had a chance to consult with the Office of the General Counsel at the Department of Health and Human Services ("HHS").

Failure to preserve relevant records could adversely impact HHS in this matter.

Finally, to the extent you identify agency records in your possession that have not already been copied to an official HHS record-keeping system, we ask that you do so promptly. See 44 U.S.C. § 3105(1). You can send them to my attention or contact me to discuss how to facilitate their return to HHS.

I appreciate your cooperation with and attention to this matter. Please advise me by May 28, 2020, that you received and will comply with this request. Should you have any questions, please contact me or the lead attorney on this litigation: Megan Gibson, [b6]

Sincerely,

Scott

Scott S. Driggs

Acting Deputy General Counsel
Office of the General Counsel
U.S. Department of Health and Human Services
Cell: b6

From: Morens, David (NIH/NIAID) [E] [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=12DE367CC65C42879EA45D128710A383-DMORENS]
Sent: 5/22/2020 5:46:08 PM
To: Gilles, Sharon (NIH/NIAID) [E] [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=339880516bcd4cddb7320d229399d09d-gillesm]
Subject: RE: ACTION REQUIRED: FOI Case #54052 [b6] Judicial Watch)

U2!

David

David M. Morens, M.D.

CAPT, United States Public Health Service
Senior Advisor to the Director
Office of the Director
National Institute of Allergy and Infectious Diseases
National Institutes of Health
Building 31, Room 7A-03
31 Center Drive, MSC 2520
Bethesda, MD 20892-2520

b6

stants: Kimberly Barasch; Whitney Robinson)

Disclaimer: This message is intended for the exclusive use of the recipient(s) named above. It may contain information that is PROTECTED, PRIVILEGED, and/or CONFIDENTIAL, and it should not be disseminated, distributed, or copied to persons not authorized to receive such information. All sensitive documents must be properly labeled before dissemination via email. If you are not the intended recipient, any dissemination, distribution, or copying is strictly prohibited. If you have received this communication in error, please erase all copies of the message and its attachments and notify us immediately.



From: Gilles, Sharon (NIH/NIAID) [E] [b6]
Sent: Friday, May 22, 2020 11:59 AM
To: Morens, David (NIH/NIAID) [E] [b6]
Subject: RE: ACTION REQUIRED: FOI Case #54052 [b6] Judicial Watch)

Will do.

Have a great weekend!

With Appreciation,
Sharon

Sharon M. Gilles
Special Assistant to the Deputy Director
National Institute of Allergy and Infectious Diseases
The National Institutes of Health
31 Center Drive, MSC 2520 - Room 7A03B
Bethesda, Maryland 20892
Mobile: [b6]

Disclaimer:

The information in this e-mail and any of its attachments is confidential and may contain sensitive information. It should not be used by anyone who is not the original intended recipient. If you have received this e-mail in error please inform the sender and delete it from your mailbox or any other storage devices. National Institute of Allergy and Infectious Diseases (NIAID) shall not accept liability for any statement made that are sender's own and not expressly made on behalf of the NIAID by one of its representatives.

From: Morens, David (NIH/NIAID) [E] <[b6]>
Sent: Friday, May 22, 2020 11:05 AM
To: Gilles, Sharon (NIH/NIAID) [E] <[b6]>
Subject: Re: ACTION REQUIRED: FOI Case #54052 ([b6] Judicial Watch)

ShRon, that would be great if you dont mind! David

Sent from my iPhone
David M Morens
OD, NIAID, NIH

On May 22, 2020, at 10:17, Gilles, Sharon (NIH/NIAID) [E] <[b6]> wrote:

Hello David. I am not coordinating this response for everyone in OD. That said, I am happy to do this for you when I do it for Dr. Auchincloss. I am going to submit the request today. Please let me know if you would like me to do this FOI review for you as well.

With Appreciation,
Sharon

Sharon M. Gilles
Special Assistant to the Deputy Director
National Institute of Allergy and Infectious Diseases
The National Institutes of Health
31 Center Drive, MSC 2520 - Room 7A03B
Bethesda, Maryland 20892
Mobile: [b6]

Disclaimer:

The information in this e-mail and any of its attachments is confidential and may contain sensitive information. It should not be used by anyone who is not the original intended recipient. If you have received this e-mail in error please inform the sender and delete it from your mailbox or any other storage devices. National Institute of Allergy and Infectious Diseases (NIAID) shall not accept liability for any statement made that are sender's own and not expressly made on behalf of the NIAID by one of its representatives.

From: Moore, Marg (NIH/NIAID) [E] [b6]
Sent: Wednesday, April 29, 2020 9:58 AM
To: Folkers, Greg (NIH/NIAID) [E] [b6]; Doepel, Laurie (NIH/NIAID) [E] [b6]; Auchincloss, Hugh (NIH/NIAID) [E] [b6]; McGowan, John J. (NIH/NIAID) [E] [b6]; Lane, Cliff (NIH/NIAID) [E] <clane@niaid.nih.gov>; Handley, Gray (NIH/NIAID) [E] [b6]; Morens, David (NIH/NIAID) [E] [b6]; Stumpo, Dante (NIH/NIAID) [E] [b6]; Green, Wade (NIH/NIAID) [E] [b6]
Cc: Billet, Courtney (NIH/NIAID) [E] [b6]; NIAID FOIA Office [b6]
Subject: ACTION REQUIRED: FOI Case #54052 ([b6] - Judicial Watch)

Greg, Hugh, JJ, Cliff, Gray, David - Please see the attached Program Search and FOI request from Judicial Watch. We are asking you for records responsive to Item #1 only.

Dante, Wade – We are asking you for records responsive to Item #2 only.

Thank you.

Marg

From: Morens, David (NIH/NIAID) [E] [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=12DE367CC65C42879EA45D128710A383-DMORENS]
Sent: 9/10/2020 5:59:11 PM
To: Gilles, Sharon (NIH/NIAID) [E] [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=339880516bcd4cddb7320d229399d09d-gillesm]
CC: Moore, Marg (NIH/NIAID) [E] [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=6e52e0eb26d140ee829256b1c281f7aa-mamoore]
Subject: RE: ACTION REQUIRED: FOI Case #54052 **b6** - Judicial Watch)

Hallelujah! And thanks. Another one bites the dust. May the rest soon follow. Thank you!

David

David M. Morens, M.D.

CAPT, United States Public Health Service
Senior Advisor to the Director
Office of the Director
National Institute of Allergy and Infectious Diseases
National Institutes of Health
Building 31, Room 7A-03
31 Center Drive, MSC 2520
Bethesda, MD 20892-2520

b6

ants: Kimberly Barasch; Whitney Robinson)

Disclaimer: This message is intended for the exclusive use of the recipient(s) named above. It may contain information that is PROTECTED, PRIVILEGED, and/or CONFIDENTIAL, and it should not be disseminated, distributed, or copied to persons not authorized to receive such information. All sensitive documents must be properly labeled before dissemination via email. If you are not the intended recipient, any dissemination, distribution, or copying is strictly prohibited. If you have received this communication in error, please erase all copies of the message and its attachments and notify us immediately.



From: Gilles, Sharon (NIH/NIAID) [E] [b6]
Sent: Thursday, September 10, 2020 1:01 PM
To: Morens, David (NIH/NIAID) [E] [b6]
Cc: Moore, Marg (NIH/NIAID) [E] [b6]
Subject: RE: ACTION REQUIRED: FOI Case #54052 ([b6] Judicial Watch)

Hello David. I wanted to let you know I talked to Marg about this today and she advised this FOI is closed. The NIH OD handled and we can stand-down on reviewing NIAID documentation.

Wanted to close the look with you.

With Appreciation,
Sharon

Sharon M. Gilles
Special Assistant to the Deputy Director
National Institute of Allergy and Infectious Diseases
The National Institutes of Health
31 Center Drive, MSC 2520 - Room 7A03B
Bethesda, Maryland 20892
Mobile: [b6]

Disclaimer:

The information in this e-mail and any of its attachments is confidential and may contain sensitive information. It should not be used by anyone who is not the original intended recipient. If you have received this e-mail in error please inform the sender and delete it from your mailbox or any other storage devices. National Institute of Allergy and Infectious Diseases (NIAID) shall not accept liability for any statement made that are sender's own and not expressly made on behalf of the NIAID by one of its representatives.

From: Morens, David (NIH/NIAID) [E] <[b6]>
Sent: Friday, May 22, 2020 11:05 AM
To: Gilles, Sharon (NIH/NIAID) [E] <[b6]>
Subject: Re: ACTION REQUIRED: FOI Case #54052 ([b6] Judicial Watch)

ShRon, that would be great if you dont mind! David

Sent from my iPhone
David M Morens
OD, NIAID, NIH

On May 22, 2020, at 10:17, Gilles, Sharon (NIH/NIAID) [E] [b6] wrote:

Hello David. I am not coordinating this response for everyone in OD. That said, I am happy to do this for you when I do it for Dr. Auchincloss. I am going to submit the request today. Please let me know if you would like me to do this FOI review for you as well.

With Appreciation,
Sharon

Sharon M. Gilles
Special Assistant to the Deputy Director

National Institute of Allergy and Infectious Diseases
The National Institutes of Health
31 Center Drive, MSC 2520 - Room 7A03B
Bethesda, Maryland 20892
Mobile: [b6]

Disclaimer:

The information in this e-mail and any of its attachments is confidential and may contain sensitive information. It should not be used by anyone who is not the original intended recipient. If you have received this e-mail in error please inform the sender and delete it from your mailbox or any other storage devices. National Institute of Allergy and Infectious Diseases (NIAID) shall not accept liability for any statement made that are sender's own and not expressly made on behalf of the NIAID by one of its representatives.

From: Moore, Marg (NIH/NIAID) [E] <[b6]>
Sent: Wednesday, April 29, 2020 9:58 AM
To: Folkers, Greg (NIH/NIAID) [E] <[b6]>; Doepel, Laurie (NIH/NIAID) [E] <[b6]>; Auchincloss, Hugh (NIH/NIAID) [E] <[b6]>; McGowan, John J. (NIH/NIAID) [E] <[b6]>; Lane, Cliff (NIH/NIAID) [E] <[b6]>; Handley, Gray (NIH/NIAID) [E] <[b6]>; Morens, David (NIH/NIAID) [E] <[b6]>; Stumpo, Dante (NIH/NIAID) [E] <[b6]>; Green, Wade (NIH/NIAID) [E] <[b6]>
Cc: Billet, Courtney (NIH/NIAID) [E] <[b6]>; NIAID FOIA Office <[b6]>
Subject: ACTION REQUIRED: FOI Case #54052 [b6] (Judicial Watch)

Greg, Hugh, JJ, Cliff, Gray, David - Please see the attached Program Search and FOI request from Judicial Watch. We are asking you for records responsive to Item #1 only.

Dante, Wade – We are asking you for records responsive to Item #2 only.

Thank you.
Marg

From: Morens, David (NIH/NIAID) [E] [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=12DE367CC65C42879EA45D128710A383-DMORENS]
Sent: 4/29/2020 2:02:53 PM
To: Folkers, Greg (NIH/NIAID) [E] [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=614c792839a146b9a8f87a1378519dbd-gfolkers]
Subject: Fwd: ACTION REQUIRED: FOI Case #54052 (b6) Judicial Watch)
Attachments: Search54052.docx; ATTO0001.htm; PAL Request Form (1).pdf; ATTO0002.htm

Greg, repeating myself question from last week, is this something David Awwad can/is planning to help with, or should I try to do these and the others on my own. D

Sent from my iPhone
David M Morens
OD, NIAID, NIH

Begin forwarded message:

From: "Moore, Marg (NIH/NIAID) [E]" (b6)
Date: April 29, 2020 at 10:00:11 EDT
To: "Folkers, Greg (NIH/NIAID) [E]" (b6), "Doepel, Laurie (NIH/NIAID) [E]" (b6), "Auchincloss, Hugh (NIH/NIAID) [E]" (b6), "McGowan, John J. (NIH/NIAID) [E]" (b6), "Lane, Cliff (NIH/NIAID) [E]" (b6), "Handley, Gray (NIH/NIAID) [E]" (b6), "Morens, David (NIH/NIAID) [E]" (b6), "Stumpo, Dante (NIH/NIAID) [E]" (b6), "Green, Wade (NIH/NIAID) [E]" (b6)
Cc: "Billet, Courtney (NIH/NIAID) [E]" (b6) NIAID FOIA Office
Subject: ACTION REQUIRED: FOI Case #54052 (b6) Judicial Watch)

Greg, Hugh, JJ, Cliff, Gray, David - Please see the attached Program Search and FOI request from Judicial Watch. We are asking you for records responsive to Item #1 only.

Dante, Wade – We are asking you for records responsive to Item #2 only.

Thank you.
Marg



DEPARTMENT OF HEALTH & HUMAN SERVICES

Public Health Service

Freedom of Information Office
5601 Fishers Lane, Room 6G50
Bethesda, Maryland 20892
Tel (301) 451-5109

National Institutes of Health
National Institute of Allergy
and Infectious Diseases
Bethesda, MD 20892

Fax (301) 480-0904/ Email foia@niaid.nih.gov

Memorandum

Date: April 29, 2020

To: Greg Folkers/Laurie Doepel (Item #1 only)
Greg Folkers (Item #1 only)
Hugh Auchincloss (Item #1 only)
John McGowan (Item #1 only)
Cliff Lane (Item #1 only)
Gray Handley (Item #1 only)
David Morens (Item #1 only)

Dante Stumpo (Item #2 only)
Wade Green (Item #2 only)

From: Margaret Moore
NIAID/OCGR/FOIA Office

Subject: Request for Records Pursuant to the Freedom of Information Act (FOIA)
REQUESTER: b6 #54052

Date Range: January 1, 2013 to April 22, 2020

Response Due: May 13, 2020

b6

(Judicial Watch) has filed a request for the following:

1. All internal NIAID communications regarding the Wuhan Institute of Virology in Wuhan, China. The requester was asked to identify the offices or staff members that he would like searched for internal communications related to the Wuhan Institute of Virology and responded "With regards to Item 1, I would like the internal communications of the following officials: Anthony Fauci, MD; Hugh Auchincloss, M.D; John J. McGowan, Ph.D.; H. Clifford Lane, M.D.; Robert W. Eisinger, Ph.D.; Gregory K. Folkers, M.S., M.P.H.; Gray Handley, M.S.P.H.; and David M. Morens, M.D..

PLEASE NOTE: WE ARE INTERPRETING INTERNAL EMAILS TO MEAN EMAILS WITHIN NIAID ONLY.

2. All agreements, contracts and related documents between NIAID and the Wuhan Institute of Virology.
3. All records, including agreements, funds disbursement records and related NIAID communications regarding a reported \$3.7 million in grants provided by NIH to the Wuhan Institute of Virology. The requester confirmed that he is seeking a copy of the grant with the id number R01AI10964 "Understanding the Risk of Bat Coronavirus Emergence." This grant was not awarded to the Wuhan Institute of Virology, but rather to EcoHealth Alliance, Inc.

A copy of the request is attached (Attachment #1).

In accordance with the FOIA, the NIAID FOIA office has 20 working days in which to make a determination to grant or deny access to the records. Please search all of your electronic and hard copy files as appropriate and provide a response using the following guidelines/checklist:

- 1 complete copy of all records responsive to the request with no markings (clean copy). The clean copy must include ALL of the documents regardless of whether they are all releasable. Either hard copies or electronic copies are acceptable.
 - Hard copies
 - Single sided
 - Reverse chronological order
 - No staples or paper clips
 - Duplicates removed
 - Electronic copies
 - Same as hard copies
 - .pdf, .doc, .xls, pps etc. files are fine
 - E-mail files should be in .pst or .msg format
 - CD, USB drive or e-mail
- 1 copy of records with your indications of what you believe should be withheld using one of the Exemptions to the FOIA (highlighted copy).
 - The FOIA is a disclosure statute with 9 Exemptions. At NIH, we essentially have 4 exemptions available to us. A detailed description and links to additional information is attached to this memo (Attachment 2). If the information does not meet one of these 4 Exemptions, it CANNOT be withheld.
- A completed NIAID Search and Review Worksheet for each person who searched for and reviewed documents (Attachment 3).

Please do NOT have individuals in your Office/Division send documents directly to the NIAID FOIA Office unless specifically asked to do so. All responsive documents should be returned to you for review and collating to ensure the consistency of the requested redactions, elimination of duplicates, and completeness of the response. If the requested documents do not exist, please

provide a written statement that explains how you searched for the records (which office(s) were searched; what places were searched, i.e., desk, computers, files, and boxes; and how you searched, i.e., manually, electronically, etc). A no-records response gives the requestor the administrative right to appeal. The appeal will challenge how we searched for records. Therefore, a written statement of your search is very important.

Please note that NIAID is not required to create documents in response to a FOIA request. In addition, please let us know if you know of other NIAID individuals who have responsive records.

If you have any questions or concerns, we can be reached weekdays between 8:30 am to 5:00 pm at (301) 451-5109 or foia@niaid.nih.gov. Your assistance in this matter is greatly appreciated.

Attachment 1 – FOIA Request from b6

Attachment 2 – FOIA Exemptions

Attachment 3 – NIAID FOIA Search and Review Worksheet

Attachment 2: Exemptions from Disclosure under the FOIA

- **Exemption 3** is used for information that is not releasable because of a Federal statute other than the FOIA. One example that we have used in the recent past is the protection of information pertaining to the transport of biological agents under the Public Health Security and Bioterrorism Preparedness and Response Act of 2002. Another example is that some portions of some financial disclosure documents are exempt from release under the Ethics in Government Act.
- **Exemption 4** is used for information such as trade secrets or proprietary information. Examples of trade secrets are: a formula for a drug or a design plan for a piece of equipment. This is information that is NOT in the public domain AND is commercial or financial in nature. Exemption 4 does not protect information simply because it is not published. Exemption 4 material will be identified by the grantee/contractor. The grantee/contractor will be required to articulate how the release of the information will cause SIGNIFICANT FINANCIAL HARM. The justification should include: 1) the names of actual competitors; 2) a detailed explanation of how the information could be used to cause financial harm; and 3) the dollar value of the harm. If the grantee/contractor requests that information be withheld under Exemption 4, the NIAID FOIA Office will then send the information to the designated program official to review and indicate either concurrence or revision. **As the content matter experts, it will be up to the designated NIAID program official to determine whether the requested information meets the criteria for withholding under Exemption 4.** SBIRs are handled slightly differently. If requested by the grantee, SBIR information is protected from disclosure for 4 years under Section 8(b)(2) of Policy Directive 15 U.S.C 638.
- **Exemption 5** is used for information that would be protected in civil litigation. There are four types of information that fall under Exemption 5:
 - 1) **Deliberative Process:** information must be predecisional AND express an opinion. We use this to protect information like unfunded grant applications, reviewers' comments, staff recommendations, nominations, etc.
 - 2) **Attorney-work product:** information prepared by an attorney in contemplation of litigation
 - 3) **Attorney-client:** request for advice from NIH Legal Counsel
 - 4) **Government commercial interest:** confidential business information generated by the government (this would include Intramural research with commercial value).Exemption 5 material is discretionary, meaning we can choose not to assert it. The older the information, the harder it is to protect under Exemption 5. If challenged, the US Attorney will not defend our use of Exemption 5 unless we can articulate the harm to NIH if the information is released. PLEASE NOTE: Exemption 5 is only used for internal government documents. If anyone outside the government is included, it is no longer internal and not covered by Exemption 5.
- **Exemption 6** is used for personal information such as identifiable patient information, home phone numbers or addresses, dates of birth, social security numbers, Institutional Base Salary, etc. We have a standard list of items that we routinely withhold under Exemption 6.

NOTE: **Exemption 2** used to be available to withhold information "related solely to the internal personnel rules and practices of an agency." While this used to be interpreted very broadly, the US Supreme Court

ruling in *Milner v. Department of the Navy* severely limited the use of this Exemption. NIH FOIA has determined that Exemption 2 is no longer available to us.

Exemption 7 protects from disclosure information in a law enforcement file under certain conditions. It is only used at the NIH level.

Attachment 3: NIAID FOIA Search and Review Worksheet

To: NIAID FOIA Specialist
 From: _____
 Date: _____
 Re: FOIA Request Number 54052 b6

We were asked to search for materials that respond to the above-listed FOIA request. We were asked to respond by **May 13, 2020**. The following summarizes the results of this search:

Section A

The search for responsive documents was conducted as follows:

Date someone began and completed looking: _____

Total time: It took _____ hours to search for material.

Rate 1: GS-01 – GS08

Rate 2: GS09 – GS14

Rate 3: GS15 and above

Rate of searcher: 1, 2, or 3	Time spent (minutes)	Place(s) searched and why chosen to search
---------------------------------	----------------------	--------------------------------------------

Total time: It took _____ hours to review the responsive documents.

Section B Please check the appropriate line(s).

___ Responsive information was located and is attached. I have reviewed the enclosed records and find that no material should be withheld. I approve the release of the records.

___ No responsive information was located; the places listed in Section B were searched. I have attached a memo further detailing the search.

___ Information was located, but NIAID would be harmed if certain sections were released. I have compiled the information, identified these sections, and included a justification memo explaining the harm. The information and memo are attached.

APPROVAL FOR ACTION AS MARKED:

Name
Date

Submit New Request

Requester Details

To modify request details please update your requester profile or contact the our office for assistance.

b6

Judicial Watch
425 Third Street, S.W.

b6

Washington, DC 20024

Phone 1 b6

b6

Requester Default Category: Others

General Information

Institute or Center	NIAID
Institute or Center Name	NIAID
Request Type	FOIA
Requester Category	Educational/Non-Commercial/Scientific

Shipping Address

State (Other)

Request Information

Description

1. All internal NIAID communications regarding the Wuhan Institute of Virology in Wuhan, China.
2. All agreements, contracts and related documents between NIAID and the Wuhan Institute of Virology.
3. All records, including agreements, funds disbursement records and related NIAID communications regarding a reported \$3.7 million in grants provided by NIH to the Wuhan Institute of Virology.

Date Range for Record

01/01/2013

Search:From

Date Range for Record

04/22/2020

Search:To

Consent

Proof of Identity

Fee Information

Willing to Pay All Fees

No

Willing Amount

\$25

Fee Waiver Requested

Yes

Fee Waiver Request Reason

Judicial Watch, Inc. is a non-profit educational organization under Section 501(c)(3) of the Internal Revenue Code whose mission is to investigate, expose and educate the public about waste, fraud and abuse in the government.

Billing Address

State (Other)

Other Information

State (Other)

Expedite Information

Expedite Requested

No

Expedite Reason

From: Folkers, Greg (NIH/NIAID) [E] [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=614C792839A146B9A8F87A1378519DBD-GFOLKERS]
Sent: 7/3/2020 2:04:52 PM
To: Moore, Marg (NIH/NIAID) [E] [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=6e52e0eb26d140ee829256b1c281f7aa-mamoore]; Schofield, Robin (NIH/NIAID) [E] [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=9ecfbb2ae42c41668cc1f07d73e3525c-schofieldrl]; Morens, David (NIH/NIAID) [E] [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=12de367cc65c42879ea45d128710a383-dmorens]; Doepel, Laurie (NIH/NIAID) [E] [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=7e395d705fce4852a2579e5a9e1b5e11-ldoepel]; Eisinger, Robert (NIH/NIAID) [E] [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=0bad2a8c45514ee48985880de66674ad-eisinger]; Folkers, Greg (NIH/NIAID) [E] [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=614c792839a146b9a8f87a1378519dbd-gfolkers]; Lerner, Andrea (NIH/NIAID) [E] [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=53254f4fb04e4bcbabe37940b4b41887-fennellyam]; Marston, Hilary (NIH/NIAID) [E] [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ab30660917b942ffba9ae95d631116f3-marstonhd]
Subject: FOIA to NIAID Seeking Electronic Communications Regarding Terminating EcoHealth Alliance's Bat Coronavirus Grant

Fyi
"Robert" Schofield

<https://www.americanoversight.org/document/foia-to-niaid-seeking-electronic-communications-regarding-terminating-ecohealth-alliances-bat-coronavirus-grant>

July 2, 2020

VIA EMAIL

Robert Schofield
National Institute of Allergy and Infectious Diseases
Room b6
5601 Fishers Lane
Rockville, MD 20857

b6

Re: Freedom of Information Act Request

Dear FOIA officer:

Pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552, and the implementing regulations of your agency, 45 C.F.R. Part 5, American Oversight makes the following request for records.

In late April, the National Institute of Health (NIH) cancelled a grant previously awarded to EcoHealth Alliance, purportedly on the grounds that "NIH does not believe the current project outcomes align with the program goals and agency priorities."¹ This action, apparently at the direction of the White House, came after news reports suggested that the group was funding the Wuhan Institute of Virology.² Prior to the funding cancellation, however, the president of EcoHealth Alliance had confirmed to NIH that none of its current funding had been sent to the Institute, that it had not entered into a contract with the Institute, and that it would comply with any federal requirements.³ The EcoHealth Alliance's focus—studying coronaviruses in bats—is also consistent with the NIH's strategic plan for studying novel coronaviruses.⁴ Leading scientists and scientific societies

¹ Sarah Oweremohle, *Trump Cuts U.S. Research on Bat-Human Virus Transmission over China Ties*, Politico (Apr. 27, 2020, 7:02 PM), <https://www.politico.com/news/2020/04/27/trump-cuts-research-bat-human-virus-china-213076>.

² David Lim & Brianna Ehley, *Fauci Says White House Told NIH to Cancel Funding for Bat Virus Study*, Politico (July 23, 2020, 5:41 PM),

Disclaimer: Any third-party material in this email has been shared for internal use under fair use provisions of U.S. copyright law, without further verification of its accuracy/veracity. It does not necessarily represent my views nor those of NIAID, NIH, HHS, or the U.S. government.

From: Morens, David (NIH/NIAID) [E] [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=12DE367CC65C42879EA45D128710A383-DMORENS]
Sent: 7/15/2020 9:40:37 PM
To: Gilles, Sharon (NIH/NIAID) [E] [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=339880516bcd4cdbb7320d229399d09d-gillesm]
Subject: Re: Dearen (54143) - Morens
Attachments: RE: PLEASE READ -- Re: Please read and acknowledge receipt -- Actions needed regarding 2R01AI110964-06; ATT00001.htm; Morens; [b6]4143 Worksheet 071520.docx; ATT00002.htm

Yes, tomorrow should work, any time. D

Sent from my iPhone
David M Morens
OD, NIAID, NIH

On Jul 15, 2020, at 17:26, Gilles, Sharon (NIH/NIAID) [E] [b6] wrote:

Hi David. I just complete a review of your emails that were pulled for the [b6] As a reminder, the ask is as follows for April 20 – May 4:

Request/Criteria	Additional Criteria
Correspondence re discussion (whether internal or external) of President Trump's remarks April 23 at the evening White House Coronavirus Task Force news conference about the possible effectiveness of certain approaches to treating coronavirus patients	"disinfectant"; "injection"; "briefing"; "light"; "ultraviolet"; "UV"; "Lysol"; "bleach"; "deadly"; "dangerous"; "cleaning" and "toxin"

The attached email was found as potential responsive documents. Any chance you can talk at 830 tomorrow morning to discuss. Otherwise, I can talk on Friday between 230 and 330 or at 4. I am then out next week. Would like to wrap this up this week if possible. Also, should we agree on approach, attached is the completed worksheet for your signature.

MSS IN PROGR & SUBM folder:

- RE: PLEASE READ -- Re: Please read and acknowledge receipt -- Actions needed regarding 2R01AI110964-06 – recommend redaction in accordance with exemption 5 – deliberative process (information is predecisional and express and opinion0.

With Appreciation,
Sharon

Sharon M. Gilles
Special Assistant to the Deputy Director
National Institute of Allergy and Infectious Diseases
The National Institutes of Health
31 Center Drive, MSC 2520 - Room 7A03B
Bethesda, Maryland 20892
Mobile: [b6]

Disclaimer:

The information in this e-mail and any of its attachments is confidential and may contain sensitive information. It should not be used by anyone who is not the original intended recipient. If you have received this e-mail in error please inform the sender and delete it from your mailbox or any other storage devices. National Institute of Allergy and Infectious Diseases (NIAID) shall not accept liability for any statement made that are sender's own and not expressly made on behalf of the NIAID by one of its representatives.

From: Keusch, Gerald T [b6]
Sent: 4/26/2020 2:03:05 AM
To: Peter Daszak [b6]
CC: Aleksei Chmura [b6]; Morens, David (NIH/NIAID) [E] [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=12de367cc65c42879ea45d128710a383-dmorens]
Subject: RE: PLEASE READ -- Re: Please read and acknowledge receipt -- Actions needed regarding 2R01AI110964-06

Thanks Peter,

I know Dave Morens – everybody knows Dave Morens. I had another thought about this and it would be to alert Victor Dzau who works very closely with Tony, of course, and even though I consider myself a friend as well as a colleague I think Victor would have a pretty direct route to Tony. It is an issue the National Academies should be interested in, and have some traction. We need to get Peggy Hamburg involved to bring AAAS on board. It is like the Bush administration attempts to control NIH but on steroids. Anyone but an idiot would understand why it is essential to maintain our scientific connections with China so that we can engage with them to figure out what happened. What the Trump idiots are doing is totally and absolutely counterproductive. I do think – as we discussed yesterday – that for the moment keeping cool is the best strategy. But influential people need to know and its probably better if you are not directly involved.

I watched the session on COVID-19 this afternoon for the Academies meeting via Zoom or some platform. Tony, Jeremy, George Gao, Sanjay Gupta, Susan Weiss, and Richard Hatchett, All of the questions about the emergence and the reservoir or spillover host for which there is no information are the strengths of your programs and your collaborations. How absolutely stupid to close those off, but how absolutely unacceptable it is from the perspective of the separation of politics and science in a free society. That Francis would allow it is hard to believe. That Tony would allow it is even harder to believe – and for that reason I expect it is at levels below him and he is too busy at the moment trying to keep focused on rational decision making while the idiot in chief tells us to swallow a UV-C lamp or shove it up out butt – I can tell you whose butt I would shove it – and for good measure have a Chloroxitini or just do a total cleansing with H2O2 (the rationale would be if H2O is good for us wouldn't H2O2 be better, after all it would have another one of those O's whatever they are.

Dave, get in touch so we might strategize, and for certain reasons keep Peter out of the loop.

Jerry

From: Peter Daszak [b6]
Sent: Saturday, April 25, 2020 9:28 PM
To: Keusch, Gerald T [b6]
Cc: Aleksei Chmura [b6]; David Morens [b6]

b6

Subject: RE: PLEASE READ -- Re: Please read and acknowledge receipt -- Actions needed regarding 2R01AI110964-06

Importance: High

Jerry – great to read this – thanks for your support.

I also spoke with David Morens today who was equally shocked and said this has never happened. He also said there are influential people who would come to our defense at the right moment. In the meantime, he's going to talk with Greg Folkers (Chief of Staff for Tony Fauci) to find out if Tony knows, and why it happened. He's then going to let Tony know. I think you and him are on the same page in that you're both right that this is a clear political interference in NIH business. Trump said at his press briefing Friday 17th that he would 'end' the grant, and one week later I got the termination notice from NIH.

In the meantime, we're working on a short draft of how we could have easily changed the geography to the countries adjacent to China, as we proposed to Erik Stemmy and Emily Erbelding. We'll be talking with them next week early to try and find out why this happened. We won't respond to the termination notice (Michael Lauer) until we've found out more.

FYI – re. the FOIA - I'm contacting the FBI to talk about the risk of our FOIA and how I've been threatened by QANON related to this and our Chinese colleagues have had their lives threatened.

I'm not going to talk to the media about this, not our representatives, until I've tried all possible ways with NIAID/NIH to change the decision from a cancellation. I'm also very concerned that Trump could target our organization or me personally, leading to our EIDRC being nixed and we don't even have an NoA on that, so it could quietly disappear.

I'll get back in touch with you once I've found out more from Erik Stemmy, Emily Erbelding and Cristina Cassetti.

In the meantime is it OK if I email introduce you and David so you could possibly coordinate in some way, or at least stay in touch? Right now I'm feeling particularly vulnerable – the power of the President is pointed at us, the CIA, FBI and someone from Medical Defense Intelligence (or something) are interviewing staff, QAnon are threatening me, and our colleagues in China have death threats against them. That's just this week! Having you out there talking with others at this level is extremely important right now.

By the way, here's a list of our Board: <https://www.ecohealthalliance.org/board-of-directors>

It includes two people you know – Jim Hughes (former head of NCID/CDC, Rear Admiral Public Health Service Rtd, Asst. Surgeon General Rtd) and Rita Colwell (Former Head of NSF under 3 presidents: Clinton, Bush sr, Bush Jr – I think). I'll be talking with Jim Hughes tomorrow or Monday and Rita Colwell on our Board meeting Friday.

Cheers,

Peter

Peter Daszak
President

EcoHealth Alliance

460 West 34th Street
New York, NY 10001
USA

Tel.: [b6]

Website: www.ecohealthalliance.org

Twitter: [@PeterDaszak](https://twitter.com/PeterDaszak)

EcoHealth Alliance develops science-based solutions to prevent pandemics and promote conservation

From: Keusch, Gerald T [b6]
Sent: Friday, April 24, 2020 10:30 PM
To: Peter Daszak [b6]
Cc: Aleksei Chmura [b6]
Subject: RE: PLEASE READ -- Re: Please read and acknowledge receipt -- Actions needed regarding 2R01AI110964-06

Hi Peter and Aleksei,

I want to change my recommendation from earlier this evening. Put the really good Cabernet aside and drink the disinfectant instead. This is an affront to science, after the language in the first letter and your response to comply. It must be challenged. The question is not only how but also when – certainly not before the EIDRC funding comes through. And then in a smart manner. I want to chat again next week – I need the weekend off having just finished the draft report on the R&D preparedness ecosystem for NAM working with Nicki Lurie. There are some smart and very influential people I can talk to - and keep you out of the conversation – when we agree it makes sense. I mentioned Maria Freire from FNIH and Mary Woolley from Research!America. I also thought about Harold Varmus and former Representative John Porter who was a great supporter of NIH (made the doubling happen) and CDC even though he is a Republican. But I too will do nothing for a few days.

Jerry

From: Peter Daszak [b6]
Sent: Friday, April 24, 2020 6:53 PM
To: Keusch, Gerald T [b6]
Cc: Aleksei Chmura [b6]
Subject: FW: PLEASE READ -- Re: Please read and acknowledge receipt -- Actions needed regarding 2R01AI110964-06
Importance: High

Cheers,

Peter

Peter Daszak
President

EcoHealth Alliance
460 West 34th Street
New York, NY 10001
USA

Tel.: [b6]
Website: www.ecohealthalliance.org
Twitter: @PeterDaszak

EcoHealth Alliance develops science-based solutions to prevent pandemics and promote conservation

From: Lauer, Michael (NIH/OD) [E] [b6]
Sent: Friday, April 24, 2020 4:48 PM
To: Aleksei Chmura <[b6]> Peter Daszak <[b6]>
Cc: Black, Jodi (NIH/OD) [E] <[b6]>; Stemmy, Erik (NIH/NIAID) [E] <[b6]> Erbelding, Emily (NIH/NIAID) [E] <[b6]>; Linde, Emily (NIH/NIAID) [E] <[b6]> Lauer, Michael (NIH/OD) [E] <[b6]> Bulls, Michelle G. (NIH/OD) [E] <[b6]>
Subject: PLEASE READ -- Re: Please read and acknowledge receipt -- Actions needed regarding 2R01AI110964-06
Importance: High

Dear Dr. Chmura and Dr. Daszak

Please see attached.

Sincerely,
Michael S Lauer, MD

Michael S Lauer, MD
NIH Deputy Director for Extramural Research
1 Center Drive, Building 1, Room 144
Bethesda, MD 20892
Phone: [b6]
Email: [b6]

From: Aleksei Chmura [b6]
Date: Thursday, April 23, 2020 at 1:50 PM
To: "Lauer, Michael (NIH/OD) [E]" [b6]
Cc: Peter Daszak <[b6]>, "Black, Jodi (NIH/OD) [E]" [b6], "Stemmy, Erik (NIH/NIAID) [E]" [b6], "Erbelding, Emily (NIH/NIAID) [E]" [b6]
Subject: Re: Please read and acknowledge receipt -- Actions needed regarding 2R01AI110964-06

Dear Mike,

I read that we are in agreement and in compliance with all requests. Please let us know if anything further is required. We will continue in our usual close communication with our Program Officer Erik Stemmy.

Sincerely,

-Aleksei

Aleksei Chmura
Chief of Staff &
Authorized Organizational Representative

EcoHealth Alliance
460 West 34th Street, Suite 1701
New York, NY 10001

b6

(office)
(mobile)

www.ecohealthalliance.org

EcoHealth Alliance develops science-based solutions to prevent pandemics and promote conservation.

On Apr 21, 2020, at 19:28, Lauer, Michael (NIH/OD) [E] <**b6**> wrote:

Many thanks Peter for your response.

We note that:

- No monies have gone to WIV on the Type 2 award and no contract has been signed.
- You agree that you will not provide any funds to WIV until and unless directed otherwise by NIH.
- All foreign sites for the Type 1 and Type 2 awards have been documented in the progress reports submitted to NIH.

We appreciate your working with us.

Best, Mike

Michael S Lauer, MD
NIH Deputy Director for Extramural Research
1 Center Drive, Building 1, Room 144
Bethesda, MD 20892

Phone: **b6**
Email: **b6**

From: Peter Daszak <**b6**>
Date: Tuesday, April 21, 2020 at 7:07 PM
To: "Lauer, Michael (NIH/OD) [E]" <**b6**>
Cc: "Black, Jodi (NIH/OD) [E]" <**b6**>, Aleksei Chmura <**b6**>, "Stemmy, Erik (NIH/NIAID) [E]" <**b6**>, "Erbelding, Emily (NIH/NIAID) [E]" <**b6**>
Subject: RE: Please read and acknowledge receipt -- Actions needed regarding 2R01AI110964-06

Dear Michael – Confirming receipt of your email. I'm also cc'ing the following people so they're aware of this request:

1. Our AOR – Dr. Aleksei Chmura, who has access to all our records
2. My Program Officer for this award, Dr. Erik Stemmy & the Division Director (DMID), Dr. Emily Erberding, so they are informed and aware of the request and our response.

That said we need some time to go through the request for information and will provide this as quickly as we can.

However, I can categorically state that no funds form 2R01AI110964-06 have been sent to Wuhan Institute of Virology, nor has any contract been signed. Furthermore, we will comply with NIAID requirements, of course.

Concerning the request for information on all of the sites linked to this award in China, you should be aware that these are documented in our progress reports over the course of the grant. As you can understand we are under enormous pressure to generate data related to the current pandemic, and we do not want to divert staff to this effort. We are hoping the previously filed reports will satisfy this request.

We are well aware of the political concerns over the origins of this outbreak. Our collaboration with Wuhan Institute of Virology has been scientific and we have been consistently impressed with the scientific capabilities of that laboratory and its research staff. Our joint work has led to a series of critical papers published in high impact journals that served to raise awareness of the future threat coronaviruses pose for global health and therefore US national security. Scientific insights with epidemiological significance have been jointly published and our relationship has always been open and transparent and with one concern only, scientific validity. We are concerned that current actions may jeopardize 15 years of fruitful collaboration with colleagues in Wuhan, who are working at the leading edge to design vaccines and drugs that could help us fight this new threat in future years. It is quite remarkable that of the 5 vaccine candidates listed by WHO that are already in human trials, 3 have been developed in China. That said, we of course will do all we can to make sure any further questions from NIH or any Federal agency are addressed to our fullest knowledge.

Yours sincerely,

Peter Daszak
President

EcoHealth Alliance
460 West 34th Street
New York, NY 10001
USA

Tel.: b6
Website: www.ecohealthalliance.org
Twitter: [@PeterDaszak](https://twitter.com/PeterDaszak)

EcoHealth Alliance develops science-based solutions to prevent pandemics and promote conservation

From: Lauer, Michael (NIH/OD) [E] b6
Sent: Monday, April 20, 2020 4:31 PM
To: Kevin Oliva b6; Peter Daszak b6
Cc: Naomi Schrag b6; Black, Jodi (NIH/OD) [E] b6; Lauer,

Michael (NIH/OD) [E] <[b6]>

Subject: Re: Please read and acknowledge receipt -- Actions needed regarding 2R01AI110964-06

Importance: High

Thank you Kevin

- We need to work with a senior responsible business official – usually PI's and senior business officials are different people.
- When I looked you up on the web, I see the Columbia logo (see attached screenshot). Specifically, it appears to be Columbia University > Ecology, Evolution, and Environmental Biology > EcoHealth Alliance (labeled as an "Affiliation/Department"). Thus the web profile makes it look to me as if EcoHealth Alliance is linked to Columbia University.
- In any case, I'm looping in Dr. Daszak.
- We need to know all sites in China that have been in any way linked to this award (Type 1 and Type 2). We have data in NIH, but we want to make absolutely sure that we're of the same understanding.

We greatly appreciate your prompt attention to this matter.

Best, Mike

Michael S Lauer, MD
NIH Deputy Director for Extramural Research
1 Center Drive, Building 1, Room 144
Bethesda, MD 20892

Phone: [b6]
Email: [b6]

From: Kevin Olival [b6]
Date: Monday, April 20, 2020 at 4:14 PM
To: "Lauer, Michael (NIH/OD) [E]" <[b6]>
Cc: Naomi Schrag <[b6]> "Black, Jodi (NIH/OD) [E]" [b6]
Subject: Re: Please read and acknowledge receipt -- Actions needed regarding 2R01AI110964-06

Dear Mike,

I received the attached letter, however please note:

1. I am not the PI on this award. You should contact Dr. Peter Daszak [b6] who is the PI and leading this project for EcoHealth Alliance.
2. Columbia University is not involved in this NIH project, and it is not clear to me why Naomi and Columbia University were included.

Thank you,
Kevin

Kevin J. Olival, PhD
Vice President for Research

EcoHealth Alliance
460 West 34th Street, Suite [b6]

New York, NY 10001

b6

www.ecohealthalliance.org

EcoHealth Alliance develops science-based solutions to prevent pandemics *and* promote conservation

On Apr 20, 2020, at 2:16 PM, Lauer, Michael (NIH/OD) [E] wrote:

b6

Many thanks Naomi – it would be helpful for us to know about all China-based participants in this work since the Type 1 grant started in 2014 – who they were and how much money they received. The sooner you can get us that information, the better.

Best, Mike

From: Naomi Schrag <**b6**>

Date: Sunday, April 19, 2020 at 11:59 AM

To: "Lauer, Michael (NIH/OD) [E]" <**b6**>

b6, Naomi Schrag

b6

Cc: "Black, Jodi (NIH/OD) [E]" <**b6**>

Subject: RE: Please read and acknowledge receipt -- Actions needed regarding 2R01AI110964-06

Dear Dr. Lauer,

I am acknowledging receipt of this letter and will get back to you as soon as I can.

Sincerely,

Naomi Schrag

From: Lauer, Michael (NIH/OD) [E] <**b6**>

Sent: Sunday, April 19, 2020 11:00 AM

To: **b6**; Naomi Schrag <**b6**>

Cc: Black, Jodi (NIH/OD) [E] <**b6**>

Subject: Please read and acknowledge receipt -- Actions needed regarding 2R01AI110964-06

Importance: High

Dear Dr. Olival and Ms. Schrag

Please see attached.

Many thanks, Mike

Michael S Lauer, MD
NIH Deputy Director for Extramural Research
1 Center Drive, Building 1, Room 144
Bethesda, MD 20892
Phone: **b6**

Email: b6

<EcoHealth Alliance re AI grant 4 19 20.pdf>

<EcoHealth Alliance re AI grant 4 19 20[2].pdf><NoA R01AI110964-06.pdf><NoA R01AI110964-01.pdf>

Attachment 3: NIAID FOIA Search and Review Worksheet

To: NIAID FOIA Specialist
From: ___ Sharon Gilles on behalf of Dr. Morens _____
Date: ___ July 15, 2020 _____
Re: FOIA Request Number 54143 **b6**

We were asked to search for materials that respond to the above-listed FOIA request. We were asked to respond by **May 18, 2020**. The following summarizes the results of this search:

Section A

The search for responsive documents was conducted as follows:

Date someone began and completed looking: ___ 7/15/2020 _____

Total time: It took ___ ~1 ___ hour to search for material.

Rate 1: GS-01 – GS08

Rate 2: GS09 – GS14

Rate 3: GS15 and above

CIT Search:

Request/Criteria	Additional Criteria
Correspondence re discussion (whether internal or external) of President Trump’s remarks April 23 at the evening White House Coronavirus Task Force news conference about the possible effectiveness of certain approaches to treating coronavirus patients	“disinfectant”; “injection”; “briefing”; “light”; “ultraviolet”; “UV”; “Lysol”; “bleach”; “deadly”; “dangerous”; “cleaning” and “toxin”
	Documents attached to any of the above correspondence
	Unduplicated emails and documents with other custodians

Total time: It took ___ 2 ___ hours to review the responsive documents.

Section B Please check the appropriate line(s).

___ Responsive information was located and is attached. I have reviewed the enclosed records and find that no material should be withheld. I approve the release of the records.

___ No responsive information was located; the places listed in Section B were searched. I have attached a memo further detailing the search.

__X__ Information was located, but NIAID would be harmed if certain sections were released. I have compiled the information, identified these sections, and included a justification memo explaining the harm. The information and memo are attached.

APPROVAL FOR ACTION AS MARKED:

Name Date

From: Morens, David (NIH/NIAID) [E] [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=12DE367CC65C42879EA45D128710A383-DMORENS]
Sent: 10/22/2020 8:22:18 PM
To: Moore, Marg (NIH/NIAID) [E] [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=6e52e0eb26d140ee829256b1c281f7aa-mamoore]
Subject: RE: ACTION REQUIRED: PERMISSION for CIT Search Request: [b6] 54094

Oh yeah, sorry, yes granted!

David

David M. Morens, M.D.

CAPT, United States Public Health Service
Senior Advisor to the Director
Office of the Director
National Institute of Allergy and Infectious Diseases
National Institutes of Health
Building 31, Room 7A-03
31 Center Drive, MSC 2520
Bethesda, MD 20892-2520

b6

stant: Kimberly Barasch; Whitney Robinson)

Disclaimer: This message is intended for the exclusive use of the recipient(s) named above. It may contain information that is PROTECTED, PRIVILEGED, and/or CONFIDENTIAL, and it should not be disseminated, distributed, or copied to persons not authorized to receive such information. All sensitive documents must be properly labeled before dissemination via email. If you are not the intended recipient, any dissemination, distribution, or copying is strictly prohibited. If you have received this communication in error, please erase all copies of the message and its attachments and notify us immediately.



From: Moore, Marg (NIH/NIAID) [E] [b6]
Sent: Thursday, October 22, 2020 4:11 PM
To: Morens, David (NIH/NIAID) [E] [b6]
Subject: RE: ACTION REQUIRED: PERMISSION for CIT Search Request: [b6] 54094

Still need you to send me an email granting permission for the search.

From: Morens, David (NIH/NIAID) [E] [b6]
Sent: Thursday, October 22, 2020 3:55 PM
To: Moore, Marg (NIH/NIAID) [E] [b6]
Subject: RE: ACTION REQUIRED: PERMISSION for CIT Search Request [b6] 54094

Maybe you all deserve a raise for putting up with this.... Don't know how you do it, my work is stressful enough....

David

David M. Morens, M.D.

CAPT, United States Public Health Service
Senior Advisor to the Director
Office of the Director
National Institute of Allergy and Infectious Diseases
National Institutes of Health
Building 31, Room 7A-03
31 Center Drive, MSC 2520
Bethesda, MD 20892-2520

[b6]

stants: Kimberly Barasch; Whitney Robinson)

Disclaimer: This message is intended for the exclusive use of the recipient(s) named above. It may contain information that is PROTECTED, PRIVILEGED, and/or CONFIDENTIAL, and it should not be disseminated, distributed, or copied to persons not authorized to receive such information. All sensitive documents must be properly labeled before dissemination via email. If you are not the intended recipient, any dissemination, distribution, or copying is strictly prohibited. If you have received this communication in error, please erase all copies of the message and its attachments and notify us immediately.



From: Moore, Marg (NIH/NIAID) [E] [b6]
Sent: Thursday, October 22, 2020 3:53 PM
To: Morens, David (NIH/NIAID) [E] [b6]
Subject: RE: ACTION REQUIRED: PERMISSION for CIT Search Request [b6] 54094

They didn't get responses and now they're all suing for records.

From: Morens, David (NIH/NIAID) [E] <[b6]>
Sent: Thursday, October 22, 2020 3:50 PM
To: Moore, Marg (NIH/NIAID) [E] <[b6]>
Subject: RE: ACTION REQUIRED: PERMISSION for CIT Search Request [b6] 54094

Guess this will never end.....?....

David

David M. Morens, M.D.

CAPT, United States Public Health Service
Senior Advisor to the Director
Office of the Director
National Institute of Allergy and Infectious Diseases
National Institutes of Health
Building 31, Room 7A-03
31 Center Drive, MSC 2520
Bethesda, MD 20892-2520

[b6] (starts: Kimberly Barasch; Whitney Robinson)

Disclaimer: This message is intended for the exclusive use of the recipient(s) named above. It may contain information that is PROTECTED, PRIVILEGED, and/or CONFIDENTIAL, and it should not be disseminated, distributed, or copied to persons not authorized to receive such information. All sensitive documents must be properly labeled before dissemination via email. If you are not the intended recipient, any dissemination, distribution, or copying is strictly prohibited. If you have received this communication in error, please erase all copies of the message and its attachments and notify us immediately.



From: Moore, Marg (NIH/NIAID) [E] <[b6]>
Sent: Thursday, October 22, 2020 3:38 PM
To: Folkers, Greg (NIH/NIAID) [E] <[b6]>; Morens, David (NIH/NIAID) [E] <[b6]>
Lane, Cliff (NIH/NIAID) [E] <[b6]>; Graham, Barney (NIH/VRC) [E] <[b6]>; Corbett,
Kizzmekia (NIH/VRC) [E] <[b6]>; Mascola, John (NIH/VRC) [E] <[b6]>
Taubenberger, Jeffery (NIH/NIAID) [E] <[b6]>
Cc: Parrish, David (NIH/NIAID) [E] <[b6]>; Daucher, Marybeth (NIH/NIAID) [E]

b6

>; Schmidt, Beth (NIH/NIAID) [E]
; Moore, Marg (NIH/NIAID) [E] <

b6

>; Schofield, Robin (NIH/NIAID) [E]

Subject: ACTION REQUIRED: PERMISSION for CIT Search Request: b6 54094

Dear All: Seeking permission to ask CIT to search for emails **to, from or cc:** Anthony Fauci, Greg Folkers, David Morens, Jeffrey Taubenberger, Cliff Lane, Barney Graham, Kizzmekia Corbett or John Mascola **to or from** covidmail@who.eop.gov OR containing terms ("covid mail" OR "covidmail" OR "covidmail@who.eop.gov")

Date range for the Search: January 15 – October 22, 2020

We would like to run the searches together. If you would like a copy of your pst file please let me know and we can send it to you for review.

A copy of the original request is attached.

Thanks for your help.

Marg

Margaret Moore

NIAID FOIA Office

From: Morens, David (NIH/NIAID) [E] [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=12DE367CC65C42879EA45D128710A383-DMORENS]
Sent: 10/22/2020 9:46:41 PM
To: Moore, Marg (NIH/NIAID) [E] [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=6e52e0eb26d140ee829256b1c281f7aa-mamoore]
BCC: Morens, David (NIH/NIAID) [E] [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=12de367cc65c42879ea45d128710a383-dmorens]
Subject: Re: ACTION REQUIRED: PERMISSION for CIT Search Request: [b6] 54094

Given that there is no "there" there, this is a bit demoralizing. Thank you for hanging in there, we all appreciate it. D

Sent from my iPhone
David M Morens
OD, NIAID, NIH

On Oct 22, 2020, at 15:53, Moore, Marg (NIH/NIAID) [E] [b6] wrote:

They didn't get responses and now they're all suing for records.

From: Morens, David (NIH/NIAID) [E] [b6]
Sent: Thursday, October 22, 2020 3:50 PM
To: Moore, Marg (NIH/NIAID) [E] [b6]
Subject: RE: ACTION REQUIRED: PERMISSION for CIT Search Request: [b6] 54094
Guess this will never end.....?....

David

David M. Morens, M.D.

CAPT, United States Public Health Service
Senior Advisor to the Director
Office of the Director
National Institute of Allergy and Infectious Diseases
National Institutes of Health
Building 31, Room 7A-03
31 Center Drive, MSC 2520
Bethesda, MD 20892-2520

[b6]

ants: Kimberly Barasch; Whitney Robinson)

Disclaimer: This message is intended for the exclusive use of the recipient(s) named above. It may contain information that is PROTECTED, PRIVILEGED, and/or CONFIDENTIAL, and it should not be disseminated, distributed, or copied to persons not authorized to receive such information. All sensitive documents must be properly labeled before dissemination via email. If you are not the intended recipient, any dissemination, distribution, or copying is strictly prohibited. If you have received this communication in error, please erase all copies of the message and its attachments and notify us immediately.



From: Moore, Marg (NIH/NIAID) [E] <[b6]>
Sent: Thursday, October 22, 2020 3:38 PM
To: Folkers, Greg (NIH/NIAID) [E] <[b6]>; Morens, David (NIH/NIAID) [E] <[b6]>; Lane, Cliff (NIH/NIAID) [E] <[b6]>; Graham, Barney (NIH/VRC) [E] <[b6]>; Corbett, Kizzmekia (NIH/VRC) [E] <[b6]>; Mascola, John (NIH/VRC) [E] <[b6]>; Taubenberger, Jeffery (NIH/NIAID) [E] <[b6]>
Cc: Parrish, David (NIH/NIAID) [E] <[b6]>; Daucher, Marybeth (NIH/NIAID) [E] <[b6]>; Schmidt, Beth (NIH/NIAID) [E] <[b6]>; Schofield, Robin (NIH/NIAID) [E] <[b6]>; Moore, Marg (NIH/NIAID) [E] <[b6]>
Subject: ACTION REQUIRED: PERMISSION for CIT Search Request: [b6] 54094

Dear All: Seeking permission to ask CIT to search for emails **to, from or cc:** Anthony Fauci, Greg Folkers, David Morens, Jeffrey Taubenberger, Cliff Lane, Barney Graham, Kizzmekia Corbett or John Mascola **to or from** covidmail@who.eop.gov OR containing terms ("covid mail" OR "covidmail" OR "covidmail@who.eop.gov")

Date range for the Search: January 15 – October 22, 2020

We would like to run the searches together. If you would like a copy of your pst file please let me know and we can send it to you for review.

A copy of the original request is attached.

Thanks for your help.

Marg

Margaret Moore

NIAID FOIA Office

From: Morens, David (NIH/NIAID) [E] [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=12DE367CC65C42879EA45D128710A383-DMORENS]
Sent: 11/3/2020 9:58:41 PM
To: Marston, Hilary (NIH/NIAID) [E] [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ab30660917b942ffba9ae95d631116f3-marstonhd]
Subject: Re: ACTION REQUIRED: FOIA Case #55344- Seeking Permission for CIT Search of emails

Ja..... we should have our jobs recategorized as full time FOIA employees

Sent from my iPhone
David M Morens
OD, NIAID, NIH

On Nov 3, 2020, at 16:40, Marston, Hilary (NIH/NIAID) [E] [b6] wrote:

With many boring scheduling emails to sift through

From: Morens, David (NIH/NIAID) [E] [b6]
Sent: Tuesday, November 3, 2020 4:39 PM
To: Moore, Marg (NIH/NIAID) [E] [b6]
Cc: Marston, Hilary (NIH/NIAID) [E] [b6]; Smith, Steven T (NIH/NIAID) [E] [b6]; Handley, Gray (NIH/NIAID) [E] [b6]; Dominique, Jovelle (NIH/NIAID) [E] [b6]; Auchincloss, Hugh (NIH/NIAID) [E] [b6]; Feldmann, Heinrich (NIH/NIAID) [E] [b6]; Graham, Barney (NIH/VRC) [E] [b6]; Embry, Alan (NIH/NIAID) [E] [b6]; Stemmy, Erik (NIH/NIAID) [E] [b6]; Bryant, Paula (NIH/NIAID) [E] [b6]; Schofield, Robin (NIH/NIAID) [E] [b6]; Miers, Sarah (NIH/NIAID) [E] [b6]; Gilles, Sharon (NIH/NIAID) [E] [b6]; Daucher, Marybeth (NIH/NIAID) [E] [b6]
Subject: Re: ACTION REQUIRED: FOIA Case #55344- Seeking Permission for CIT Search of emails

Marg, approved.... i think this will be a dead end. D

Sent from my iPhone
David M Morens
OD, NIAID, NIH

On Nov 3, 2020, at 15:57, Moore, Marg (NIH/NIAID) [E] [b6] wrote:

Please see the attached FOIA request from [b6] (US Right to Know) seeking records between named NIAID employees and WHO **concerning the origins of COVID-19 and/or SARS-CoV-2**. We are seeking permission to have CIT run a search on your email for:

"Communications between Joe Employee and the domain who.int containing the terms ("origin" NEAR10 (Covid-19 OR SARS-CoV-2)) AND (Tedros Adhanom Ghebreyesus OR Soumya Swaminathan OR Vaseeharan Sathiyamoorthy OR Dale Fisher OR Michael Ryan OR Mike Ryan OR Bruce Aylward OR Wannian Liang OR Xiaoping Dong OR Hitoshi Takahashi OR Maria van Kerkhove OR Bin Wang OR Yong Zhang OR Lei Zhou OR Kwok-Yung Yuen OR Jeremy Farrar OR Sophia Kabir OR George Gao)"

The date range for the search is: September 1, 2019 – November 3, 2020

Please email me your approval for the search. NIH FOIA will process this request. If you would like, we can provide you with a copy of the results of the search of your email.

Best,
Marg
Margaret Moore
NIAID FOIA Office

From: Morens, David (NIH/NIAID) [E] [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=12DE367CC65C42879EA45D128710A383-DMORENS]
Sent: 11/3/2020 9:39:23 PM
To: Moore, Marg (NIH/NIAID) [E] [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=6e52e0eb26d140ee829256b1c281f7aa-mamoore]
CC: Marston, Hilary (NIH/NIAID) [E] [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ab30660917b942ffba9ae95d631116f3-marstonhd]; Smith, Steven T (NIH/NIAID) [E] [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=0a2563e1fdcf43719928186e141f6dec-smithsteve]; Handley, Gray (NIH/NIAID) [E] [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1ceb55d4b673477391c9da8a3eb3c75c-handleygr]; Dominique, Joyelle (NIH/NIAID) [E] [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=5c55f75b58f14ab2b2ccbac0a881ccae-dominiquejk]; Auchincloss, Hugh (NIH/NIAID) [E] [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=9304c753bb9e422c977dddab54da924b-auchincloss]; Feldmann, Heinrich (NIH/NIAID) [E] [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=7f4bacd16b7d4c22803a843ca5c33312-feldmannh]; Graham, Barney (NIH/VR) [E] [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=171892ff532b4c208a546e6fc7e87b8a-bgraham]; Embry, Alan (NIH/NIAID) [E] [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=882a18a10a134c49acac21cb83fd599d-embrya]; Stemmy, Erik (NIH/NIAID) [E] [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=585133d3fa194f06aa618678b2817c22-stemmyej]; Bryant, Paula (NIH/NIAID) [E] [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=49840b0edb284bd2a7c92c0f6268ee41-bryantrp]; Schofield, Robin (NIH/NIAID) [E] [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=9ecfbb2ae42c41668cc1f07d73e3525c-schofieldrl]; Miers, Sarah (NIH/NIAID) [E] [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=edb14b99d9ec49e695cd1ae80dd504d7-smiers]; Gilles, Sharon (NIH/NIAID) [E] [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=339880516bcd4cddb7320d229399d09d-gillessm]; Daucher, Marybeth (NIH/NIAID) [C] [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=4bafd57f651d449e9e7d972a3c46cb58-mdaucher]
BCC: Morens, David (NIH/NIAID) [E] [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=12de367cc65c42879ea45d128710a383-dmorens]
Subject: Re: ACTION REQUIRED: FOIA Case #55344- Seeking Permission for CIT Search of emails
Attachments: NIH WHO FOIA 11.3.20 (5).pdf

Marg, approved.... i think this will be a dead end. D

Sent from my iPhone
David M Morens
OD, NIAID, NIH

On Nov 3, 2020, at 15:57, Moore, Marg (NIH/NIAID) [E] b6 wrote:

Please see the attached FOIA request from b6 (US Right to Know) seeking records between named NIAID employees and WHO **concerning the origins of COVID-19 and/or SARS-CoV-2**. We are seeking permission to have CIT run a search on your email for: "Communications between Joe Employee and the domain who.int containing the terms ("origin" NEAR10 (Covid-19 OR SARS-CoV-2)) AND (Tedros Adhanom Ghebreyesus OR Soumya Swaminathan OR Vaseeharan Sathiyamoorthy OR Dale Fisher OR Michael Ryan OR Mike Ryan OR Bruce Aylward OR

Wannian Liang OR Xiaoping Dong OR Hitoshi Takahashi OR Maria van Kerkhove OR Bin Wang OR Yong Zhang OR Lei Zhou OR Kwok-Yung Yuen OR Jeremy Farrar OR Sophia Kabir OR George Gao)”

The date range for the search is: September 1, 2019 – November 3, 2020

Please email me your approval for the search. NIH FOIA will process this request. If you would like, we can provide you with a copy of the results of the search of your email.

Best,

Marg

Margaret Moore

NIAID FOIA Office



November 3, 2020

Gorka Garcia-Malene
Building 31 Room 5B35
9000 Rockville Pike
Bethesda, MD 20892

RE: Freedom of Information Act request

Dear Mr. Garcia-Malene:

This is a request under the Freedom of Information Act, 5 U.S.C. § 552, et seq., to the National Institutes of Health (NIH) pertaining to the following employees of the National Institute of Allergy and Infectious Diseases (NIAID):

1. **Hilary D. Marston**, Medical Officer and Policy Advisor for Pandemic Preparedness, Office of the Director
2. **Steven Smith**, Office of Global Research
3. **F. Gray Handley**, Associate Director for International Research Affairs
4. **David M. Morens**, Senior Scientific Advisor, Office of the Director
5. **Joyelle Dominique**, Acting Director, Office of Global Research
6. **Hugh Auchincloss**, NIAID Principal Deputy Director
7. **Heinz Ulrich Feldmann**, Senior Investigator, Disease Modeling and Transmission Section
8. **Barney Graham**, Deputy Director, Vaccine Research Center
9. **Alan Embry**, Chief of the Respiratory Diseases Branch, Division of Microbiology and Infectious Diseases
10. **Erik Stemmy**, Program Officer in the Respiratory Diseases Branch, Division of Microbiology and Infectious Diseases
11. **Paula Bryant**, Director, Office of Biodefense, Research Resources and Translational Research

We request copies of records created, received and/or in the possession of NIH, including cross-references that reflect communications – whether in writing or verbal communications that were later reduced to writing (including any emails and their attachments, non-email correspondence, or other forms of communication) – between the above-named employees of the NIH and the World Health Organization (WHO) **concerning the origins of COVID-19 and/or SARS-CoV-2**. WHO experts have been working to identify the origins and source of SARS-CoV-2, which causes COVID-19, but have been reticent to disclose their findings. We would like to ascertain what NIH officials know about the origins of SARS-CoV-2 from interactions with their WHO counterparts.

Pursuing truth and transparency in public health.

Part I. We request communications containing any of the following key names:

- Tedros Adhanom Ghebreyesus
- Soumya Swaminathan
- Vaseeharan Sathiyamoorthy
- Dale Fisher
- Michael Ryan OR Mike Ryan
- Bruce Aylward
- Wannian Liang
- Xiaoping Dong
- Hitoshi Takahashi
- Maria van Kerkhove
- Bin Wang
- Yong Zhang
- Lei Zhou
- Kwok-Yung Yuen
- Jeremy Farrar
- Sophia Kabir
- George Gao

The time period covered by this request is from September 1, 2019 to the present.

Please narrow the search results to exclude any published papers, media articles, organizational newsletters or other widely available published materials.

We request that you disclose these documents and materials as they become available to you, without waiting until all the documents have been assembled. If documents are denied in whole or in part, please specify which exemption(s) is (are) claimed for each passage or whole document denied. Give the number of pages in each document and the total number of pages pertaining to this request and the dates of documents withheld. We request that excised material be "blacked out" rather than "whited out" or cut out and that the remaining non-exempt portions of documents be released as provided under the Freedom of Information Act.

Please advise of any destruction of records and include the date of and authority for such destruction. As we expect to appeal any denials, please specify the office and address to which an appeal should be directed.

We are making this request on behalf of U.S. Right to Know, a 501(c)(3) nonprofit public health research organization. The records disclosed pursuant to this request will be used in the preparation of articles for dissemination to the public. Accordingly, we request that you waive all fees in the public interest because furnishing of the information sought by this request will primarily benefit the public.

Please send the documents electronically in PDF format to **b6** at **b6**

If you need additional information please call, rather than write, **b6** He can be reached at **b6**

Thank you so much for your help in filling this request.

Sincerely,

b6

Staff Scientist

Executive Director

From: Morens, David (NIH/NIAID) [E] [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=12DE367CC65C42879EA45D128710A383-DMORENS]
Sent: 11/17/2020 2:17:41 PM
To: Moore, Marg (NIH/NIAID) [E] [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=6e52e0eb26d140ee829256b1c281f7aa-mamoore]
Subject: RE: ACTION REQUIRED: FOIA Case #55344 (AMENDED) - Seeking Permission for CIT Search of emails

Marg, still fine with me, thank you,

David

David M. Morens, M.D.

CAPT, United States Public Health Service
Senior Advisor to the Director
Office of the Director
National Institute of Allergy and Infectious Diseases
National Institutes of Health
Building 31, Room 7A-03
31 Center Drive, MSC 2520
Bethesda, MD 20892-2520

b6

stands: Kimberly Barasch; Whitney Robinson)

Disclaimer: This message is intended for the exclusive use of the recipient(s) named above. It may contain information that is PROTECTED, PRIVILEGED, and/or CONFIDENTIAL, and it should not be disseminated, distributed, or copied to persons not authorized to receive such information. All sensitive documents must be properly labeled before dissemination via email. If you are not the intended recipient, any dissemination, distribution, or copying is strictly prohibited. If you have received this communication in error, please erase all copies of the message and its attachments and notify us immediately.



From: Moore, Marg (NIH/NIAID) [E] **b6**
Sent: Tuesday, November 17, 2020 8:26 AM
To: Morens, David (NIH/NIAID) [E] **b6**
Subject: RE: ACTION REQUIRED: FOIA Case #55344 (AMENDED) - Seeking Permission for CIT Search of emails

Thanks David. I neglected to amend the search dates. Correct dates are September 1, 2019 – November 16, 2020.

From: Morens, David (NIH/NIAID) [E] <[b6]>
Sent: Tuesday, November 17, 2020 8:25 AM
To: Moore, Marg (NIH/NIAID) [E] <[b6]>
Cc: Marston, Hilary (NIH/NIAID) [E] <[b6]>; Smith, Steven T (NIH/NIAID) [E] <[b6]>; Handley, Gray (NIH/NIAID) [E] <[b6]>; Dominique, Joyelle (NIH/NIAID) [E] <[b6]>; Auchincloss, Hugh (NIH/NIAID) [E] <[b6]>; Feldmann, Heinrich (NIH/NIAID) [E] <[b6]>; Graham, Barney (NIH/VRC) [E] <[b6]>; Embry, Alan (NIH/NIAID) [E] <[b6]>; Stemmy, Erik (NIH/NIAID) [E] <[b6]>; Bryant, Paula (NIH/NIAID) [E] <[b6]>; Schofield, Robin (NIH/NIAID) [E] <[b6]>; Daucher, Marybeth (NIH/NIAID) [E] <[b6]>; Miers, Sarah (NIH/NIAID) [E] <[b6]>; Gilles, Sharon (NIH/NIAID) [E] <[b6]>; Schmidt, Beth (NIH/NIAID) [E] <[b6]>
Subject: Re: ACTION REQUIRED: FOIA Case #55344 (AMENDED) - Seeking Permission for CIT Search of emails

Ok with me, thank you

Sent from my iPhone
David M Morens
OD, NIAID, NIH

On Nov 17, 2020, at 07:50, Moore, Marg (NIH/NIAID) [E] <[b6]> wrote:

Please see the attached **amended** FOIA request from [b6] (US Right to Know) seeking records between named NIAID employees and WHO **concerning the origins of COVID-19 and/or SARS-CoV-2**. The requester has amended her original request by listing search terms. We are seeking permission to have CIT run a search on your email for:

Communications between Joe Employee and the domain who.int containing the terms (“WHO-China Joint Mission” OR “Wuhan Institute of Virology” OR “WIV” OR “Wuhan NIH” OR “EcoHealth Alliance” OR “EHA” OR “Ecohealth” OR (“SARS-CoV-2” AND “animal origin”) OR (“SARS-CoV-2” AND “animal source”) OR (“COVID” AND “animal origin”) OR (“COVID” AND “animal source”) OR “OIE/FAO/WHO Origins group” OR “Independent Panel for Pandemic Preparedness and Response”) AND (“Tedros Adhanom Ghebreyesus” OR “Soumya Swaminathan” OR “Vaseeharan Sathiyamoorthy” OR “Michael Ryan” OR “Mike Ryan” OR “Bruce Aylward” OR “Wannian Liang” OR “Xiaoping Dong” OR “George Gao” OR “Wang Linfa” OR “Ian Lipkin” OR “Dale Fisher” OR “Hitoshi Takahashi” OR “Maria van Kerkhove” OR “Bin Wang” OR “Yong Zhang” OR “Lei Zhou” OR “Kwok-Yung Yuen” OR “Jeremy Farrar” OR “Sophia Kabir”)

The date range for the search is: September 1, 2019 – November 3, 2020

Please email me your approval for the search. NIH FOIA will process this request. If you would like, we can provide you with a copy of the results of the search of your email.

Thank you.

Marg
Margaret Moore
NIAID FOIA Office



November 16, 2020

Gorka Garcia-Malene
Building 31 Room 5B35
9000 Rockville Pike
Bethesda, MD 20892

RE: Freedom of Information Act request

Dear Mr. Garcia-Malene:

This is a request under the Freedom of Information Act, 5 U.S.C. § 552, et seq., to the National Institutes of Health (NIH) pertaining to the following employees of the National Institute of Allergy and Infectious Diseases (NIAID):

1. **Hilary D. Marston**, Medical Officer and Policy Advisor for Pandemic Preparedness, Office of the Director
2. **Steven Smith**, Office of Global Research
3. **F. Gray Handley**, Associate Director for International Research Affairs
4. **David M. Morens**, Senior Scientific Advisor, Office of the Director
5. **Joyelle Dominique**, Acting Director, Office of Global Research
6. **Hugh Auchincloss**, NIAID Principal Deputy Director
7. **Heinz Ulrich Feldmann**, Senior Investigator, Disease Modeling and Transmission Section
8. **Barney Graham**, Deputy Director, Vaccine Research Center
9. **Alan Embry**, Chief of the Respiratory Diseases Branch, Division of Microbiology and Infectious Diseases
10. **Erik Stemmy**, Program Officer in the Respiratory Diseases Branch, Division of Microbiology and Infectious Diseases
11. **Paula Bryant**, Director, Office of Biodefense, Research Resources and Translational Research

We request copies of records created, received and/or in the possession of NIH, including cross-references that reflect communications – whether in writing or verbal communications that were later reduced to writing (including any emails and their attachments, non-email correspondence, or other forms of communication) – between the above-named employees of the NIH and the World Health Organization (WHO) **concerning the origins of COVID-19 and/or SARS-CoV-2**. WHO experts have been working to identify the origins and source of SARS-CoV-2, which causes COVID-19, but have been reticent to disclose their findings. We would like to ascertain what NIH officials know about the origins of SARS-CoV-2 from interactions with their WHO counterparts.

Pursuing truth and transparency in public health

We request communications containing any of the following key names that also contains any of the keywords (see keywords section below):

- "Tedros Adhanom Ghebreyesus"
- "Soumya Swaminathan"
- "Vaseeharan Sathiyamoorthy"
- "Michael Ryan" OR "Mike Ryan"
- "Bruce Aylward"
- "Wannian Liang"
- "Xiaoping Dong"
- "George Gao"
- "Wang Linfa"
- "Ian Lipkin"
- "Dale Fisher"
- "Hitoshi Takahashi"
- "Maria van Kerkhove"
- "Bin Wang"
- "Yong Zhang"
- "Lei Zhou"
- "Kwok-Yung Yuen"
- "Jeremy Farrar"
- "Sophia Kabir"

Following are keywords or key-phrases OR combinations of keywords:

1. "WHO-China Joint Mission"
2. "Wuhan Institute of Virology" OR "WIV"
3. "Wuhan NIH"
4. "EcoHealth Alliance" OR "EHA" OR "Ecohealth"
5. "SARS-CoV-2" AND "animal origin" OR "SARS-CoV-2" AND "animal source"
6. "COVID" AND "animal origin" OR "COVID" AND "animal source"
7. "OIE/FAO/WHO Origins group"
8. "Independent Panel for Pandemic Preparedness and Response"

The time period covered by this request is from September 1, 2019 to the present.

Please narrow the search results to exclude any published papers, media articles, organizational newsletters or other widely available published materials.

We request that you disclose these documents and materials as they become available to you, without waiting until all the documents have been assembled. If documents are denied in whole or in part, please specify which exemption(s) is (are) claimed for each passage or whole document denied. Give the number of pages in each document and the total number of pages

pertaining to this request and the dates of documents withheld. We request that excised material be "blacked out" rather than "whited out" or cut out and that the remaining non-exempt portions of documents be released as provided under the Freedom of Information Act.

Please advise of any destruction of records and include the date of and authority for such destruction. As we expect to appeal any denials, please specify the office and address to which an appeal should be directed.

REQUEST FOR FEE WAIVER

FOIA was designed to provide citizens a broad right to access government records. FOIA's basic purpose is to "open agency action to the light of public scrutiny," with a focus on the public's "right to be informed about what their government is up to." *NARA v. Favish*, 541 U.S. 157, 171 (2004) quoting *U.S. Dep't of Justice v. Reporters Comm. for Freedom of Press*, 489 U.S. 749, 773-74 (1989) (internal quotation and citations omitted). In order to provide public access to this information, FOIA's fee waiver provision requires that "[d]ocuments shall be furnished without any charge or at a [reduced] charge," if the request satisfies the standard. 5 U.S.C. § 552(a)(4)(A)(iii). FOIA's fee waiver requirement is "liberally construed." *Judicial Watch, Inc. v. Rossotti*, 326 F.3d 1309, 1310 (D.C. Cir. 2003); *Forest Guardians v. U.S. Dept. of Interior*, 416 F.3d 1173, 1178 (10th Cir. 2005).

The 1986 fee waiver amendments were designed specifically to provide non-profit organizations such as U.S. Right to Know access to government records without the payment of fees. Indeed, FOIA's fee waiver provision was intended "to prevent government agencies from using high fees to discourage certain types of requesters and requests," which are "consistently associated with requests from journalists, scholars, and *non-profit public interest groups*." *Ettlinger v. FBI*, 596 F. Supp. 867, 872 (D. Mass. 1984) (emphasis added). As one Senator stated, "[a]gencies should not be allowed to use fees as an offensive weapon against requesters seeking access to Government information" 132 Cong. Rec. S. 14298 (statement of Senator Patrick Leahy).

I. U.S. Right to Know Qualifies for a Fee Waiver.

Under FOIA, a party is entitled to a fee waiver when "disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the [Federal] government and is not primarily in the commercial interest of the requester." 5 U.S.C. § 552(a)(4)(A)(iii). EPA's regulations at 40 C.F.R. § 2.107(l)(1)-(3) establish the same standard.

Thus, the NIH must consider six factors to determine whether a request is in the public interest: (1) whether the subject of the requested records concerns "the operations or activities of the Federal government," (2) whether the disclosure is "likely to contribute" to an understanding of government operations or activities, (3) whether the disclosure "will contribute to public understanding" of a reasonably broad audience of persons interested in the subject, (4)

whether the disclosure is likely to contribute “significantly” to public understanding of government operations or activities. *Id.* § 2.107(1)(2), (5) whether a commercial interest exists and its magnitude, and (6) the primary interest in disclosure. As shown below, U.S. Right to Know meets each of these factors.

A. The Subject of This Request Concerns “The Operations and Activities of the Government.”

The subject matter of this request concerns the operations and activities of the NIH. This request asks for the records of communications from September 1, 2019 to the present of NIH employees who have been connected with the World Health Organization’s investigations of the origins of COVID-19 and/or SARS-CoV-2.

This FOIA will provide U.S. Right to Know and the public with crucial insight into the activities of the NIH in relation to the World Health Organization’s efforts to understand the origins and spread of the COVID-19 pandemic. It is clear that a federal agency’s oversight of health, safety and security threats, both foreign and in the U.S. is a specific and identifiable activity of the government, and in this case it is the executive branch agency of the NIH. *Judicial Watch*, 326 F.3d at 1313 (“[R]easonable specificity is all that FOIA requires with regard to this factor”) (internal quotations omitted). Thus, U.S. Right to Know meets this factor.

B. Disclosure is “Likely to Contribute” to an Understanding of Government Operations or Activities.

The requested records are meaningfully informative about government operations or activities and will contribute to an increased understanding of those operations and activities by the public.

Disclosure of the requested records will allow U.S. Right to Know to convey to the public information about the NIH’s activities with the World Health Organization toward investigating the origins of the COVID-19 pandemic. Once the information is made available, U.S. Right to Know will analyze it and present it to the general public in a manner that will meaningfully enhance the public’s understanding of this topic.

Thus, the requested records are likely to contribute to an understanding of EPA’s operations and activities.

C. Disclosure of the Requested Records Will Contribute to a Reasonably Broad Audience of Interested Persons’ Understanding of the origins of the COVID-19 pandemic

The requested records will contribute to public understanding of whether the NIH’s actions concerning COVID-19 are consistent with its mission and purpose “to develop, maintain, and renew scientific human and physical resources that will ensure the Nation’s capability to

prevent disease.” As explained above, the records will contribute to public understanding of this topic.

Activities of the NIH generally, and specifically its oversight of the COVID-19 pandemic are areas of interest to a reasonably broad segment of the public. U.S. Right to Know will use the information it obtains from the disclosed records to educate the public at large about this topic. *See W. Watersheds Proj. v. Brown*, 318 F. Supp.2d 1036, 1040 (D. Idaho 2004) (finding that “WWP adequately specified the public interest to be served, that is, educating the public about the ecological conditions of the land managed by the BLM and also how ... management strategies employed by the BLM may adversely affect the environment”).

Through U.S. Right to Know’s synthesis and dissemination (by means discussed in Section II, below), disclosure of information contained in and gleaned from the requested records will contribute to a broad audience of persons who are interested in the subject matter. *Ettlinger v. FBI*, 596 F. Supp. at 876 (benefit to a population group of some size distinct from the requester alone is sufficient); *Carney v. Dept. of Justice*, 19 F.3d 807, 815 (2d Cir. 1994), *cert. denied*, 513 U.S. 823 (1994) (applying “public” to require a sufficient “breadth of benefit” beyond the requester’s own interests); *Cnty. Legal Servs. v. Dep’t of Hous. & Urban Dev.*, 405 F. Supp.2d 553, 557 (E.D. Pa. 2005) (in granting fee waiver to community legal group, court noted that while the requester’s “work by its nature is unlikely to reach a very general audience,” “there is a segment of the public that is interested in its work”).

Indeed, the public does not currently have an ability to easily evaluate the requested records, which are not currently in the public domain. *See Cnty. Legal Servs.*, 405 F. Supp.2d at 560 (because requested records “clarify important facts” about agency policy, “the CLS request would likely shed light on information that is new to the interested public.”). As the Ninth Circuit observed in *McClellan Ecological Seepage Situation v. Carlucci*, 835 F.2d 1282, 1286 (9th Cir. 1987), “[FOIA] legislative history suggests that information [has more potential to contribute to public understanding] to the degree that the information is new and supports public oversight of agency operations...”¹[1]

Disclosure of these records is not only “likely to contribute,” but is certain to contribute, to public understanding of NIH’s interactions with the World Health Organization toward finding the origins of the COVID-19 pandemic. The public is always well served when it knows how the government conducts its activities, particularly matters touching on legal questions. Hence, there can be no dispute that disclosure of the requested records to the public will educate the public about this pressing issue.

II. Disclosure is Likely to Contribute Significantly to Public Understanding of Government Operations or Activities.

¹ In this connection, it is immaterial whether any portion of U.S. Right to Know’s request may currently be in the public domain because U.S. Right to Know requests considerably more than any piece of information that may currently be available to other individuals. *See Judicial Watch*, 326 F.3d at 1315.

U.S. Right to Know is not requesting these records merely for their intrinsic informational value. Disclosure of the requested records will significantly enhance the public's understanding of what the NIH knows about the origins of SARS-CoV-2, as compared to the level of public understanding that exists prior to the disclosure. Indeed, public understanding will be *significantly* increased as a result of disclosure because the requested records will help reveal more about this subject matter.

The records are also certain to shed light on the NIH's compliance with its own mission and purpose. Such public oversight of agency action is vital to our democratic system and clearly envisioned by the drafters of the FOIA. Thus, U.S. Right to Know meets this factor as well.

III. Obtaining the Requested Records is of No Commercial Interest to U.S. Right to Know .

Access to government records, disclosure forms, and similar materials through FOIA requests is essential to U.S. Right to Know's role of educating the general public. Founded in 2014, U.S. Right to Know is a 501(c)(3) nonprofit public interest, public health organization (EIN: 46-5676616). U.S. Right to Know has no commercial interest and will realize no commercial benefit from the release of the requested records.

IV. U.S. Right to Know's Primary Interest in Disclosure is the Public Interest.

As stated above, U.S. Right to Know has no commercial interest that would be furthered by disclosure. Although even if it did have an interest, the public interest would far outweigh any pecuniary interest.

U.S. Right to Know is a non-profit organization that informs, educates, and counsels the public regarding corporate wrongdoing and government failures that threaten the integrity of our food system, our environment and our health. U.S. Right to Know has been substantially involved in the activities of numerous government agencies for over five years, and has consistently displayed its ability to disseminate information granted to it through FOIA.

In granting U.S. Right to Know's fee waivers, agencies have recognized: (1) that the information requested by U.S. Right to Know contributes significantly to the public's understanding of the government's operations or activities; (2) that the information enhances the public's understanding to a greater degree than currently exists; (3) that U.S. Right to Know possesses the expertise to explain the requested information to the public; (4) that U.S. Right to Know possesses the ability to disseminate the requested information to the general public; (5) and that the news media recognizes U.S. Right to Know as an established expert in the field of public health. U.S. Right to Know's track record of active participation in oversight of governmental activities and decision making, and its consistent contribution to the public's understanding of those activities as compared to the level of public understanding prior to disclosure are well established.

U.S. Right to Know intends to use the records requested here similarly. U.S. Right to Know's work appears frequently in news stories online and in print, radio and TV, including reporting in outlets such as *The New York Times* and *The Guardian*, as well as medical and public health journals such as the *BMJ*. Many media outlets have reported about the food and chemical industries using information obtained by U.S. Right to Know from federal agencies. Thus far in 2020, more than 700,000 people visited U.S. Right to Know's extensive website, and viewed pages a total of 1.6 million times. More than 8,500 people follow U.S. Right to Know on Facebook, and there are regular postings about transparency in issues of public health and the environment. U.S. Right to Know and its staff regularly tweet to a combined following of more than 44,000 on Twitter. U.S. Right to Know intends to use any or all of these media outlets to share with the public information obtained as a result of this request.

Public oversight and enhanced understanding of the NIH's duties is absolutely necessary. In determining whether disclosure of requested information will contribute significantly to public understanding, a guiding test is whether the requester will disseminate the information to a reasonably broad audience of persons interested in the subject. *Carney*, 19 F.3d 807. U.S. Right to Know need not show how it intends to distribute the information, because "[n]othing in FOIA, the [agency] regulation, or our case law require[s] such pointless specificity." *Judicial Watch*, 326 F.3d at 1314. It is sufficient for U.S. Right to Know to show how it distributes information to the public generally. *Id.*

Please send the documents electronically in PDF format to b6 at b6

If you need additional information please call, rather than write, b6 He can be reached at b6

Thank you so much for your help in filling this request.

Sincerely,

b6

Staff Scientist

Executive Director

From: Morens, David (NIH/NIAID) [E] [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=12DE367CC65C42879EA45D128710A383-DMORENS]
Sent: 2/25/2021 3:14:36 PM
To: Moore, Marg (NIH/NIAID) [E] [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=6e52e0eb26d140ee829256b1c281f7aa-mamoore]; Folkers, Greg (NIH/NIAID) [E] [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=614c792839a146b9a8f87a1378519dbd-gfolkers]; Auchincloss, Hugh (NIH/NIAID) [E] [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=9304c753bb9e422c977dddab54da924b-auchincloss]; Lane, Cliff (NIH/NIAID) [E] [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=2d7e368a3137473bbce161547a82f2de-clane]; Eisinger, Robert (NIH/NIAID) [E] [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=0bad2a8c45514ee48985880de66674ad-eisinger]; Handley, Gray (NIH/NIAID) [E] [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1ceb55d4b673477391c9da8a3eb3c75c-handleygr]
CC: Gilles, Sharon (NIH/NIAID) [E] [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=339880516bcd4cddb7320d229399d09d-gillesm]; Parrish, David (NIH/NIAID) [C] [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=e43d7d2d97b44074abbca871c2e0fdd2-parrishdb]; Bartok, Lauren (NIH/NIAID) [E] [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=dd8665ec7a7645deb5c1b0dafecbbd14-bartokle]; Schofield, Robin (NIH/NIAID) [E] [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=9ecfbb2ae42c41668cc1f07d73e3525c-schofieldrl]
Subject: RE: PERMISSION for CIT Search: FOI Case #54052 b6

OK with me, thanks



David M. Morens, M.D.

CAPT, United States Public Health Service
Senior Advisor to the Director
Office of the Director
National Institute of Allergy and Infectious Diseases
National Institutes of Health
Building 31, Room 7A-03
31 Center Drive, MSC 2520
Bethesda, MD 20892-2520

b6

stant: Whitney Robinson)

Disclaimer: This message is intended for the exclusive use of the recipient(s) named above. It may contain information that is PROTECTED, PRIVILEGED, and/or CONFIDENTIAL, and it should not be disseminated, distributed, or copied to persons not authorized to receive such information. All sensitive documents must be properly labeled before dissemination via email. If you are not the intended recipient, any dissemination, distribution, or copying is strictly prohibited. If you have received this communication in error, please erase all copies of the message and its attachments and notify us immediately.



From: Moore, Marg (NIH/NIAID) [E] [b6]
Sent: Wednesday, February 24, 2021 1:36 PM
To: Folkers, Greg (NIH/NIAID) [E] [b6]; Auchincloss, Hugh (NIH/NIAID) [E]
[b6] Lane, Cliff (NIH/NIAID) [E] [b6]; Eisinger, Robert (NIH/NIAID) [E]
[b6] Handley, Gray (NIH/NIAID) [E] [b6] Morens, David (NIH/NIAID) [E]
[b6]
Cc: Gilles, Sharon (NIH/NIAID) [E] [b6] Parrish, David (NIH/NIAID) [C] [b6]
Bartok, Lauren (NIH/NIAID) [E] [b6] Schofield, Robin (NIH/NIAID) [E]
Subject: PERMISSION for CIT Search: FOI Case #54052 [b6]

[b6] (Judicial Watch) submitted a FOIA request last April regarding internal communications about the Wuhan Institute of Virology (attached). The case was closed by NIH FOIA. The requester appealed and the case is now active again.

I am seeking your permission to ask CIT to search for all emails ((from (Anthony Fauci OR Hugh Auchincloss OR John J. McGowan OR H. Clifford Lane OR Robert W. Eisinger OR Gregory K. Folkers OR Gray Handley OR David M. Morens) to the domain niaid.nih.gov) OR ((to (Anthony Fauci OR Hugh Auchincloss OR John J. McGowan OR H. Clifford Lane OR Robert W. Eisinger OR Gregory K. Folkers OR Gray Handley OR David M. Morens) from the domain niaid.nih.gov)

Containing the term "Wuhan Institute" OR WIV

For the time period 01/01/2013 To 04/22/2020

In your response to this email, please let me know if you would like a copy of the results of your search.

Thank you.

Marg

From: Moore, Marg (NIH/NIAID) [E] [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6E52E0EB26D140EE829256B1C281F7AA-MAMOORE]
Sent: 2/24/2021 6:35:35 PM
To: Folkers, Greg (NIH/NIAID) [E] [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=614c792839a146b9a8f87a1378519dbd-gfolkers]; Auchincloss, Hugh (NIH/NIAID) [E] [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=9304c753bb9e422c977dddab54da924b-auchincloss]; Lane, Cliff (NIH/NIAID) [E] [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=2d7e368a3137473bbce161547a82f2de-clane]; Eisinger, Robert (NIH/OD) [E] [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=0bad2a8c45514ee48985880de66674ad-eisinger]; Handley, Gray (NIH/NIAID) [E] [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1ceb55d4b673477391c9da8a3eb3c75c-handleygr]; Morens, David (NIH/NIAID) [E] [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=12de367cc65c42879ea45d128710a383-dmorens]
CC: Gilles, Sharon (NIH/NIAID) [E] [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=339880516bcd4cddb7320d229399d09d-gillesm]; Parrish, David (NIH/NIAID) [C] [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=e43d7d2d97b44074abbca871c2e0fdd2-parrishdb]; Bartok, Lauren (NIH/NIAID) [E] [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=dd8665ec7a7645deb5c1b0dafecbbd14-bartokle]; Schofield, Robin (NIH/NIAID) [E] [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=9ecfbb2ae42c41668cc1f07d73e3525c-schofieldr]
Subject: PERMISSION for CIT Search: FOI Case #54052 (b6)
Attachments: PAL Request Form (1).pdf; RE: NIH FOIA - Assignment Notification from NIH FOIA Public Portal-Tracking # 54052

b6 (Judicial Watch) submitted a FOIA request last April regarding internal communications about the Wuhan Institute of Virology (attached). The case was closed by NIH FOIA. The requester appealed and the case is now active again.

I am seeking your permission to ask CIT to search for all emails ((from (Anthony Fauci OR Hugh Auchincloss OR John J. McGowan OR H. Clifford Lane OR Robert W. Eisinger OR Gregory K. Folkers OR Gray Handley OR David M. Morens) to the domain niaid.nih.gov) OR ((to (Anthony Fauci OR Hugh Auchincloss OR John J. McGowan OR H. Clifford Lane OR Robert W. Eisinger OR Gregory K. Folkers OR Gray Handley OR David M. Morens) from the domain niaid.nih.gov)

Containing the term "Wuhan Institute" OR WIV

For the time period 01/01/2013 To 04/22/2020

In your response to this email, please let me know if you would like a copy of the results of your search.

Thank you.
Marg

Submit New Request

Requester Details

To modify request details please update your requester profile or contact the our office for assistance.

b6

Judicial Watch
425 Third Street, S.W.

b6

Washington, DC 20024

b6

Requester Default Category: Others

General Information

Institute or Center	NIAID
Institute or Center Name	NIAID
Request Type	FOIA
Requester Category	Educational/Non-Commercial/Scientific

Shipping Address

State (Other)

Request Information

Description

1. All internal NIAID communications regarding the Wuhan Institute of Virology in Wuhan, China.
2. All agreements, contracts and related documents between NIAID and the Wuhan Institute of Virology.
3. All records, including agreements, funds disbursement records and related NIAID communications regarding a reported \$3.7 million in grants provided by NIH to the Wuhan Institute of Virology.

Date Range for Record

01/01/2013

Search:From

Date Range for Record

04/22/2020

Search:To

Consent

Proof of Identity

Fee Information

Willing to Pay All Fees

No

Willing Amount

\$25

Fee Waiver Requested

Yes

Fee Waiver Request Reason

Judicial Watch, Inc. is a non-profit educational organization under Section 501(c)(3) of the Internal Revenue Code whose mission is to investigate, expose and educate the public about waste, fraud and abuse in the government.

Billing Address

State (Other)

Other Information

State (Other)

Expedite Information

Expedite Requested

No

Expedite Reason

From: [REDACTED] b6
Sent: 4/28/2020 7:52:20 PM
To: Schofield, Robin (NIH/NIAID) [E] [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=9ecfbb2ae42c41668cc1f07d73e3525c-schofieldr]
CC: Moore, Marg (NIH/NIAID) [E] [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=6e52e0eb26d140ee829256b1c281f7aa-mamoore]
Subject: RE: NIH FOIA - Assignment Notification from NIH FOIA Public Portal-Tracking # 54052

Dear Ms. Schofield,

Thank you for your response.

With regards to Item 1, I would like the internal communications of the following officials: Anthony Fauci, MD; Hugh Auchincloss, M.D.; John J. McGowan, Ph.D.; H. Clifford Lane, M.D.; Robert W. Eisinger, Ph.D.; Gregory K. Folkers, M.S., M.P.H.; Gray Handley, M.S.P.H.; and David M. Morens, M.D..

With regards to Item 3, yes, I confirm that it is the grant with ID number R01AI110964 entitled "Understanding the Risk of Bat Coronavirus Emergence" awarded to EcoHealth Alliance, Inc. in which I am interested.

Thank you for your continued assistance with this request.

Kindest regards,

b6

Judicial Watch, Inc.

From: Schofield, Robin (NIH/NIAID) [E] [REDACTED] b6
Sent: Tuesday, April 28, 2020 2:37 PM
To: [REDACTED] b6
Cc: Moore, Marg (NIH/NIAID) [E] [REDACTED] b6
Subject: FW: NIH FOIA - Assignment Notification from NIH FOIA Public Portal-Tracking # 54052

Good afternoon [REDACTED] b6

We have received your FOIA request referenced below. Before we can begin processing your request, we need to obtain some clarification.

Item 1: Please identify the offices or staff members that you would like searched for internal communications related to the Wuhan Institute of Virology. A search of all employees is overly broad.

Item 3: "a reported \$3.7 million in grants provided by the NIH to the Wuhan Institute of Virology" is not enough information for us to identify a specific project. Please confirm whether you are seeking a copy of the grant with the id number R01AI110964 "Understanding the Risk of Bat Coronavirus Emergence." This grant was not awarded to the Wuhan Institute of Virology, but rather to EcoHealth Alliance, Inc.

Once you provide clarification on these two items, we can begin processing your request. As you can imagine, we are working under unusual circumstances. There are dozens of requests ahead of yours in the queue and we are required to process them first-in/first-out to the extent possible. Regarding item 1, email searches are particularly problematic as

our staff is primarily occupied with the pandemic response. This item will significantly delay your response. Please advise if you would like to amend your request to exclude this item.

Regards,

Robin

Robin L. Schofield, MPS
FOIA Coordinator
National Institute of Allergy and Infectious Diseases

From: [REDACTED] b6
Sent: Wednesday, April 22, 2020 11:43 AM
To: FOIA-7 <[REDACTED] b6>
Subject: NIH FOIA - Assignment Notification from NIH FOIA Public Portal-Tracking # 54052

Hi FOIA Team!

Request # 54052 was submitted through the NIH FOIA Public Portal and assigned to you for review and further processing.

Please review the request and if all required details have not been provided by the requester, be sure to use the "Stop Clock" option to ensure processing time for the request is accurately monitored while waiting for clarification/information from the requester.

Request Description:

- 1. All internal NIAID communications regarding the Wuhan Institute of Virology in Wuhan, China.*
- 2. All agreements, contracts and related documents between NIAID and the Wuhan Institute of Virology.*
- 3. All records, including agreements, funds disbursement records and related NIAID communications regarding a reported \$3.7 million in grants provided by NIH to the Wuhan Institute of Virology.*

(Date Range for Record Search: From 01/01/2013 To 04/22/2020)

From: Morens, David (NIH/NIAID) [E] [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=12DE367CC65C42879EA45D128710A383-DMORENS]
Sent: 6/29/2021 2:34:49 PM
To: [REDACTED] b6
Subject: RE: Welcometo my world! In the news this morning..... FW: The Daily Beast [Hotez]: The Unique Terror of Being a COVID Scientist After Jan. 6

Mart, I didn't realize you had anyone at Cranbrook. That's pretty fancy, if I recall.... So good for Nicklas! Isn't it weird having grandkids become adults? I had a great time driving around DC with [REDACTED] b6 a couple months ago. Now she is looking at [REDACTED] b6 and has even applied to 2 places up here, one of which is only 3 metro stops away [REDACTED] b6 which is kind of an artsy-fartsy place).

After I emailed you about all the covid craziness and that letter from the 5 politicians, I got another one from a Congressman Steube, but this one directly to me and to Tony, and not through HHS, meaning we have to handle it directly. It quotes things I wrote, but not Tony, and of course is looking for dirt that doesn't exist. Total waste of taxpayer's money. What do they think I do all day, sit around inventing deadly viruses? it would be hilarious if it wasn't so pathetic.

And this morning – DON't be alarmed – I got an email from the head of the FOIA office that NIH is in a lawsuit over release of unredacted emails previously scooped up in a FOIA, including 300 pages of mine from a few-weeks period in late 2019-early 2020, that mentioned anything possibly related to coronaviruses. In that trove of emails were a number to you and also to Katie Jardine, and they were not redacted. So some yellow-journalist or Congressman or whoever is now having fun reading about you I suppose. A lot of stuff was redacted out, but I am not sure who does this. It comes from above me. And the stuff they redact makes no sense. They don't redact people's emails, but for example, there were several emails mentioning a science colleague's [REDACTED] b6, and they didn't redact his name but did redact the [REDACTED] b6 every time it appeared. Go figure....

I actually had parts of Sat and Sun off since my old CDC friend [REDACTED] b6 and his wife [REDACTED] b6 were up here for a visit. I drove them to the Eastern Shore on Sat and to the St. Mary's City area on Sun, seeing all the beautiful watery sights and pigging out on seafood. Great to get out and about. Also, I spent a day cleaning up the place before they arrived, so now have a cleaner place than I've had in months.

I am invited to friends for the 4th of July, it's my best friend [REDACTED] b6 and his SO ([REDACTED] b6), and they always invite [REDACTED] b6, who they keep foolishly trying to fix me up with. It's a non-starter but [REDACTED] b6 is an interesting and totally charming lady so I don't care.

Not much else new. I have an idea in the back of my head to someday buy some waterfront property somewhere within 2-3 hours drive from here. NOT on the Bay or on the Atlantic Ocean but on one of the thousands of miles of estuarian and river shores in MD. I probably won't do it, I hate to spend money even when I have it, but no harm looking.

Love and [b6] d

David

David M. Morens, M.D.

CAPT, United States Public Health Service
Senior Advisor to the Director
Office of the Director
National Institute of Allergy and Infectious Diseases
National Institutes of Health
Building 31, Room 7A-03
31 Center Drive, MSC 2520
Bethesda, MD 20892-2520

b6

(Assistant: Whitney Robinson)

Disclaimer: This message is intended for the exclusive use of the recipient(s) named above. It may contain information that is PROTECTED, PRIVILEGED, and/or CONFIDENTIAL, and it should not be disseminated, distributed, or copied to persons not authorized to receive such information. All sensitive documents must be properly labeled before dissemination via email. If you are not the intended recipient, any dissemination, distribution, or copying is strictly prohibited. If you have received this communication in error, please erase all copies of the message and its attachments and notify us immediately.



From: [b6]

Sent: Monday, June 21, 2021 3:59 PM

To: Morens, David (NIH/NIAID) [E] [b6]

Subject: RE: Welcometo my world! In the news this morning..... FW: The Daily Beast [Hotez]: The Unique Terror of Being a COVID Scientist After Jan. 6

Well I'm not surprised. I purposely have not written to you because I figured you were extremely busy with work and all the scrutiny that NIH has been under and the way the press has been going after Tony Fauci. I hope that you are NOT receiving death threats like the rest of those guys are. It's ludicrous to think someone would threaten the life of ANYONE working in public service....even IF they were up to no good. That wouldn't solve anything and the thought is horrifying! I feel really badly for your boss. He went from being a total "ROCK STAR" to having his whole life's work trashed and now even his life threatened. This world is truly messed up.

The problem, as I see it, is that a scientist's view of the world is radically different than the views of most of us and we only want to BELIEVE the science if it suits us. It's a very sad fact.

On a happier subject.....our oldest [redacted] graduated from [redacted] and is officially OUT OF SCHOOL....until he starts up in the fall as a [redacted] I can't believe his [redacted] has gone THIS FAST. He had a "real" graduation ceremony, outside on the [redacted] football field....all 100 males in his class in one ceremony and then 100 girls in a separate ceremony. [redacted] had everyone over to their lakehouse for a dinner and party so we had lots of time to celebrate and have fun. WE drove a car home for the Friday graduation and then had to fly back to Florida on Sunday to continue on with our remodeling...which isn't going as quickly as we had hoped. That's another story....but you know the drill....one delay and problem after another.

Nothing much else new around here...just going from one construction zone to another.

Hang in there big bro.....

Love you!!!!

[redacted]

From: Morens, David (NIH/NIAID) [E] [redacted]

Sent: Monday, June 21, 2021 10:00 AM

To: [redacted]

Subject: Welcometo my world! In the news this morning..... FW: The Daily Beast [Hotez]: The Unique Terror of Being a COVID Scientist After Jan. 6

Hi guys, just some light morning reading from La La Land, where I live and work (see Daily Beast article below).

Not only that, but in addition to my colleagues such as Tony Fauci, Kristian Anderson, Peter Daszak, and others not named in the piece, all of whom are under nationally-organized death threat campaigns, and all of whom have to be protected 24-7 by armed security details, on 11 June I and several other NIH folks received a letter on US Senate stationary signed by 5 senators working closely with the Wuhan conspiracy theorists and the Stop the Steal crazies: Rand Paul, Ron Johnson, Josh Hawley, Rick Scott and James Lankford. This letter demands of the Secretary of HHS the production of all documents, emails, etc., related to an alleged science cover up and conspiracy, and names me personally and quotes from my emails obtained under a previous FOIA, and demands that all my documents and stuff be turned over to them. Although this is about getting my boss, not about me, in the past such investigations have led to info being turned over to the wackos who organize the death threat campaigns.

Hopefully the HHS will block this demanding letter, since it's not legal, in that it does not represent an official act of government, rather it's a grandstanding attempt of 5 senators, but I am still probably very close to joining my colleagues on the death threat list. And all of the

documents requested, amounting to many hundreds of thousands of pages, would show absolutely nothing but normal good science. Good thing I live on the **b6** of a condo, as I am a bit hard to reach in a sniper's sights.

Hopefully one day we will laugh about this!

David

David M. Morens, M.D.

CAPT, United States Public Health Service
Senior Advisor to the Director
Office of the Director
National Institute of Allergy and Infectious Diseases
National Institutes of Health
Building 31, Room 7A-03
31 Center Drive, MSC 2520
Bethesda, MD 20892-2520

b6

stant: Whitney Robinson)

Disclaimer: This message is intended for the exclusive use of the recipient(s) named above. It may contain information that is PROTECTED, PRIVILEGED, and/or CONFIDENTIAL, and it should not be disseminated, distributed, or copied to persons not authorized to receive such information. All sensitive documents must be properly labeled before dissemination via email. If you are not the intended recipient, any dissemination, distribution, or copying is strictly prohibited. If you have received this communication in error, please erase all copies of the message and its attachments and notify us immediately.



From: Folkers, Greg (NIH/NIAID) [E]: **b6**

Sent: Monday, June 21, 2021 9:04 AM

Subject: The Daily Beast [Hotez]: The Unique Terror of Being a COVID Scientist After Jan. 6

The Unique Terror of Being a COVID Scientist After Jan. 6

THE NEXT WAR

It's no coincidence that one of the first guilty pleas in connection with the Capitol riot was of an anti-vaxxer.



Peter J. Hotez

Updated Jun. 21, 2021 4:43AM ET / Published Jun. 21, 2021 3:35AM ET



Alex Wong/Getty

Being a scientist was not exactly fun during the height of the coronavirus pandemic in America. But somehow, even as cases and deaths are way down in the United States, the attacks on us are worse than ever.

Take Anthony Fauci, a punching bag for the far right since the earliest days of the outbreak. The "Fire Fauci Act," a twisted piece of legislation first introduced by Rep. Marjorie Taylor Greene in April, gained additional Republican support this past week, now reaching at least a dozen House members.

That leaders of the GOP would go out of their way to reduce Dr. Fauci's salary to zero and ultimately force his retirement must be examined for what it really is. This is no simple beef with someone who was frequently targeted by the administration and its allies under Donald Trump. It is, instead, a piece of a much larger and systematic anti-science project on the far right, one that is increasingly hard to separate from the Stop the Steal myth powering the right-wing fringe.

The attacks accelerated in the first half of 2020, when the Trump White House embarked on a deliberate anti-science disinformation campaign. The explicit language both from the president and his staff members: COVID-19 was a hoax, or else the death toll was a result of causes other than the virus. Hospital admissions reflected a catch-up in elective surgeries, and social distancing was discouraged in favor of promoting ridiculously low benchmarks for herd immunity. In response, many red-state governors prematurely relaxed social distancing and mask measures, stoking terrible waves of COVID-19 across southern states in the summer and the Midwest in the fall of 2020. Thousands lost their lives.

Also in the mix was the outrageous White House conspiracy that the Chinese Communist Party ignited the epidemic in the U.S, possibly by sending infected people into our country. Trump suggested he would fire Fauci—who he said disagreed with his Chinese travel ban—after the election, unleashing a steady stream of similar calls.

But it did not stop there. Dr. Peter Daszak, just to take one example—the head of the non-profit EcoHealth Alliance—has been routinely hounded by right-wing media as part of their fixation on the (still unresolved) Wuhan Lab Leak hypothesis. GOP Rep. Mike Gallagher has outrageously gone so far as to suggest Daszak may have conspired to block a fair probe of what happened. Scripps Research Institute virologist Kristian Andersen has had to deactivate his Twitter account due to similar aggression.

I'm also personally threatened by emails, phone calls, and on social media for my views on vaccines, including COVID-19 vaccinations. They mostly have far-right and even white nationalist leanings, telling me about impending attacks from "patriots," some imbued with Nazi imagery. As one colleague eloquently said to me recently in a text: "It's like a slow moving train coming right for us. We have more lethally armed extremists in the U.S. than anywhere, and GOP members of Congress are whipping them up right now."

I agree with Dr. Fauci when he says that these personal attacks represent an assault on American science. But this targeting has even greater implications.

In the early 20th century, the Russian writer Maxim Gorky once commented that "without science, democracy has no future." Josef Stalin understood this well and banished scientists to die or face execution in gulags during the time of the Great Purge of the 1930s, and in years afterwards. Stalin saw scientists as a threat to his ability to maintain the U.S.S.R. as a totalitarian state. Purging scientists was on his critical path to total control. It's why also similar authoritarian government-led attacks on scientists are now happening in Brazil, Nicaragua, and Venezuela.

In their quest to reassert political dominance in the aftermath of the disaster that was Jan. 6, ranking members of the GOP, including House Republicans, feel a need to target us. They are almost certainly aware that their public statements represent dog whistles to thousands of armed individuals linked to far-right extremism. It's no coincidence that one of the first guilty pleas in connection with the Capitol riot involved someone carrying an anti-vaxxer propaganda sign. Ultimately, the far-right hunt for biomedical scientists represents an essential element for totalitarian control that goes back almost 100 years.

In this context, moral courage and standing up for democratic values demands that the American people throw their full support behind scientists and scientific institutions. To do otherwise is to capitulate to the forces of insurrection.

From: Moore, Marg (NIH/NIAID) [E] [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6E52E0EB26D140EE829256B1C281F7AA-MAMOORE]
Sent: 6/28/2021 6:03:39 PM
To: Morens, David (NIH/NIAID) [E] [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=12de367cc65c42879ea45d128710a383-dmorens]
Subject: RE: ACTION REQUIRED: NIH FOIA from Congressman Steube

Thanks David.

From: Morens, David (NIH/NIAID) [E] [redacted] b6
Sent: Monday, June 28, 2021 1:50 PM
To: Moore, Marg (NIH/NIAID) [E] [redacted] b6
Subject: RE: ACTION REQUIRED: NIH FOIA from Congressman Steube

Marg, I don't seem to have any emails at all to either Peter or to Tony regarding the email in question. I don't even have a copy of the email to me. Usually I delete these kind of things every week or so because my inbox gets full. I do tend to save manuscripts, but nothing shows up related to this. Sorry.

David

David M. Morens, M.D.

CAPT, United States Public Health Service
Senior Advisor to the Director
Office of the Director
National Institute of Allergy and Infectious Diseases
National Institutes of Health
Building 31, Room 7A-03
31 Center Drive, MSC 2520
Bethesda, MD 20892-2520

b6

(Assistant: Whitney Robinson)

Disclaimer: This message is intended for the exclusive use of the recipient(s) named above. It may contain information that is PROTECTED, PRIVILEGED, and/or CONFIDENTIAL, and it should not be disseminated, distributed, or copied to persons not authorized to receive such information. All sensitive documents must be properly labeled before dissemination via email. If you are not the intended recipient, any dissemination, distribution, or copying is strictly prohibited. If you have received this communication in error, please erase all copies of the message and its attachments and notify us immediately.



From: Moore, Marg (NIH/NIAID) [E] <[redacted] b6 >
Sent: Monday, June 28, 2021 1:01 PM
To: Morens, David (NIH/NIAID) [E] <[redacted] b6 >; Erbelding, Emily (NIH/NIAID) [E] <[redacted] b6 >; Stemmy, Erik (NIH/NIAID) [E] <[redacted] b6 >
Cc: DMID FOIA Group <[redacted] b6 >; Folkers, Greg (NIH/NIAID) [E] <[redacted] b6 >; Gilles, Sharon (NIH/NIAID) [E] <[redacted] b6 >
Subject: ACTION REQUIRED: NIH FOIA from Congressman Steube

Hello All - NIH FOIA received a request from Congressman Steube (last attachment). Please see Items 2 & 3 of Mr. Steube's request. NIH FOIA is asking if David Morens, Emily Erbelding and/or Erik Stemmy replied directly to Peter Daszak in response to his April 18, 2020 email (redacted and unredacted copies attached) to ASF and David. If you could search your sent emails and forward any responsive email(s) and attachments you may have sent to Peter Daszak to me that would be appreciated. If you did not reply directly to Peter Daszak please let me know.

NIH FOIA needs your responses by cob on June 30, 2021.

Thank you.
Marg

From: Moore, Marg (NIH/NIAID) [E]
Sent: Friday, June 25, 2021 9:59 AM
To: Gilles, Sharon (NIH/NIAID) [E] <[redacted] b6 >; Folkers, Greg (NIH/NIAID) [E] <[redacted] b6 >
Cc: Schofield, Robin (NIH/NIAID) [E] <[redacted] b6 >
Subject: ACTION REQUIRED: NIH FOIA from Congressman Steube

GF/Sharon: Please see the email below and attachments from Karen Lampe (NIH FOIA) and advise. NIH FOIA is proposing that these records be re-released with the b7 (investigation) redaction removed.

From: Lampe, Karen (NIH/OD) [E] <[redacted] b6 >
Sent: Friday, June 25, 2021 9:45 AM
To: Schofield, Robin (NIH/NIAID) [E] <[redacted] b6 >; Moore, Marg (NIH/NIAID) [E] <[redacted] b6 >
Subject: NIH FOIA from Congressman Steube

Good Morning to you both. As you are probably aware, Congressman Steube has submitted the attached request for an unredacted version of the three page email between Dr. Fauci and Peter Daszak that was released to Buzzfeed last fall. At the time of that original release, the b7a redactions that we made to the document were warranted; however, to the best of our knowledge they are not now supportable. Gorka has looked at the record and would like to re-release without the b7 redactions in place, using the congressman's request to do so. We've received the ok from OD leadership to do this but are now seeking the ok from your IC. Once we have that, this will go to the OGC and AUSA on the Buzzfeed case for their decision on the matter because this directly affects their case. If they agree with this plan of

action, then it will go to HHS Oversight and the WH for their ok. HHS Oversight should be able to determine if this particular record has any bearing on any investigation that is currently open which would make the b7a redaction box still supportable.

If everyone agrees to release without redaction, the records will go first to Buzzfeed and ICAN (who've been receiving the Buzzfeed documents 15 days after Buzzfeed does), then Damien Paletta. We will answer Congressman Steube's request and post the entire b6 collection in the FOIA reading room (as we're required to do by law once we've received 3 requests for the same set of documents).

Please let me know if you have any questions or concerns.

Thanks,

Karen E. R. Lampe, Ph.D.

Freedom of Information Office

National Institutes of Health

b6



From: Moore, Marg (NIH/NIAID) [E] [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6E52E0EB26D140EE829256B1C281F7AA-MAMOORE]
Sent: 6/28/2021 5:01:24 PM
To: Morens, David (NIH/NIAID) [E] [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=12de367cc65c42879ea45d128710a383-dmorens]; Erbelding, Emily (NIH/NIAID) [E] [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=e976ebf7b14142fbb3c5c294efb334fe-erbeldingej]; Stemmy, Erik (NIH/NIAID) [E] [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=585133d3fa194f06aa618678b2817c22-stemmyej]
CC: DMID FOIA Group [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b4bed6950c6f44e9b9bf6d29aef58de5-DMID FOIA G]; Folkers, Greg (NIH/NIAID) [E] [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=614c792839a146b9a8f87a1378519dbd-gfolkers]; Gilles, Sharon (NIH/NIAID) [E] [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=339880516bcd4cddb7320d229399d09d-gillesm]
Subject: ACTION REQUIRED: NIH FOIA from Congressman Steube
Attachments: Pages from 8.31.20 production_Redacted.pdf; Pages from 8.31.20 production boxed.pdf; NIH FOIA 6_5_21-combined.pdf

Hello All - NIH FOIA received a request from Congressman Steube (last attachment). Please see Items 2 & 3 of Mr. Steube's request. NIH FOIA is asking if David Morens, Emily Erbelding and/or Erik Stemmy replied directly to Peter Daszak in response to his April 18, 2020 email (redacted and unredacted copies attached) to ASF and David. If you could search your sent emails and forward any responsive email(s) and attachments you may have sent to Peter Daszak to me that would be appreciated. If you did not reply directly to Peter Daszak please let me know.

NIH FOIA needs your responses by cob on June 30, 2021.

Thank you.
Marg

From: Moore, Marg (NIH/NIAID) [E]
Sent: Friday, June 25, 2021 9:59 AM
To: Gilles, Sharon (NIH/NIAID) [E] <[redacted] b6 [redacted]>; Folkers, Greg (NIH/NIAID) [E] <[redacted] b6 [redacted]>
Cc: Schofield, Robin (NIH/NIAID) [E] <[redacted] b6 [redacted]>
Subject: ACTION REQUIRED: NIH FOIA from Congressman Steube

GF/Sharon: Please see the email below and attachments from Karen Lampe (NIH FOIA) and advise. NIH FOIA is proposing that these records be re-released with the b7 (investigation) redaction removed.

From: Lampe, Karen (NIH/OD) [E] <[redacted] b6 [redacted]>
Sent: Friday, June 25, 2021 9:45 AM
To: Schofield, Robin (NIH/NIAID) [E] <[redacted] b6 [redacted]>; Moore, Marg (NIH/NIAID) [E] <[redacted] b6 [redacted]>
Subject: NIH FOIA from Congressman Steube

Good Morning to you both. As you are probably aware, Congressman Steube has submitted the attached request for an unredacted version of the three page email between Dr. Fauci and Peter Daszak that was released to Buzzfeed last fall. At the time of that original release, the b7a redactions that we made to the document were warranted; however, to the best of our knowledge they are not now supportable. Gorka has looked at the record and would like to re-release without the b7 redactions in place, using the congressman's request to do so. We've received the ok from OD leadership to do this but are now seeking the ok from your IC. Once we have that, this will go to the OGC and AUSA on the Buzzfeed case for their decision on the matter because this directly affects their case. If they agree with this plan of action, then it will go to HHS Oversight and the WH for their ok. HHS Oversight should be able to determine if this

particular record has any bearing on any investigation that is currently open which would make the b7a redaction box still supportable.

If everyone agrees to release without redaction, the records will go first to BuzzFeed and ICAN (who've been receiving the BuzzFeed documents 15 days after BuzzFeed does), then Damien Paletta. We will answer Congressman Steube's request and post the entire Leopold collection in the FOIA reading room (as we're required to do by law once we've received 3 requests for the same set of documents).

Please let me know if you have any questions or concerns.

Thanks,

Karen E. R. Lampe, Ph.D.

Freedom of Information Office

National Institutes of Health

b6



From: Fauci, Anthony (NIH/NIAID) [E]
Sent: Sun, 19 Apr 2020 03:29:42 +0000
To: Peter Daszak
Subject: RE: Thank you for your public comments re COVID-19's origins

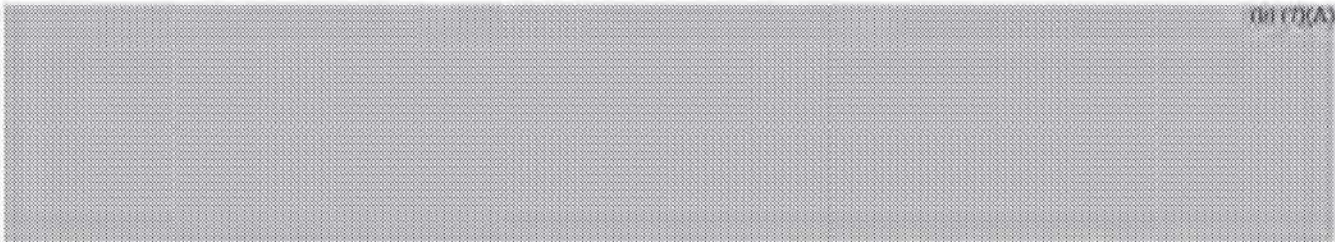
Peter:

Many thanks for your kind note.
Best regards,
Tony

From: Peter Daszak [redacted] (b) (6)
Sent: Saturday, April 18, 2020 9:43 PM
To: Morens, David (NIH/NIAID) [E] [redacted] (b) (6); Fauci, Anthony (NIH/NIAID) [E] [redacted] (b) (6) >
Cc: Stemmy, Erik (NIH/NIAID) [E] [redacted] (b) (6) >; Erbelding, Emily (NIH/NIAID) [E] [redacted] (b) (6) >; Aleksei Chmura [redacted] (b) (6)
Subject: Thank you for your public comments re COVID-19's origins
Importance: High

Tony (cc'ing David so that you might pass this on to Tony once he has a spare second)

As the PI of the R01 grant publicly targeted by Fox News reporters at the Presidential press briefing last night, I just wanted to say a personal thankyou on behalf of our staff and collaborators, for publicly standing up and stating that the scientific evidence supports a natural origin for COVID-19 from a bat-to-human spillover, not a lab release from the Wuhan Institute of Virology.



From my perspective, your comments are brave, and coming from your trusted voice, will help dispel the myths being spun around the virus' origins.

Once this pandemic's over I look forward thanking you in person and let you know how important your comments are to us all.

Cheers,

Peter

From: Fauci, Anthony (NIH/NIAID) [E]
Sent: Sun, 19 Apr 2020 03:29:42 +0000
To: Peter Daszak
Subject: RE: Thank you for your public comments re COVID-19's origins

Peter:

Many thanks for your kind note,
Best regards,
Tony

From: Peter Daszak <daszak@ecohealthalliance.org>
Sent: Saturday, April 18, 2020 9:43 PM
To: Morens, David (NIH/NIAID) [E] <DMORENS@niaid.nih.gov>; Fauci, Anthony (NIH/NIAID) [E] <AFAUCI@niaid.nih.gov>
Cc: Stemmy, Erik (NIH/NIAID) [E] <erik.stemmy@nih.gov>; Erbeling, Emily (NIH/NIAID) [E] <emily.erbeling@nih.gov>; Aleksei Chmura <chmura@ecohealthalliance.org>
Subject: Thank you for your public comments re COVID-19's origins
Importance: High

Tony (cc'ing David so that you might pass this on to Tony once he has a spare second)

As the PI of the R01 grant publicly targeted by Fox News reporters at the Presidential press briefing last night, I just wanted to say a personal thankyou on behalf of our staff and collaborators, for publicly standing up and stating that the scientific evidence supports a natural origin for COVID-19 from a bat-to-human spillover, not a lab release from the Wuhan Institute of Virology.

It's been a very hard few months as these conspiracy theorists have gradually become politicized and hardened in their stance. Especially because the work we've been doing in collaboration with Chinese virologists has given us incredible insight into the risks that these viruses represent, so that we can directly help protect our nation from bat-origin coronaviruses. We're fighting to keep the communications open with our Chinese colleagues, so that we can better address future pandemics like COVID-19.

From my perspective, your comments are brave, and coming from your trusted voice, will help dispel the myths being spun around the virus' origins.

Once this pandemic's over I look forward thanking you in person and let you know how important your comments are to us all.

Cheers,

Peter

Peter Daszak

President

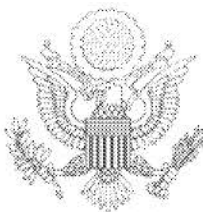
EcoHealth Alliance
460 West 34th Street
New York, NY 10001
USA

Tel.: [+1-212-380-4474](tel:+1-212-380-4474)

Website: www.ecohealthalliance.org

Twitter: [@PeterDaszak](https://twitter.com/PeterDaszak)

EcoHealth Alliance develops science-based solutions to prevent pandemics and promote conservation



Congress of the United States

House of Representatives

Washington, DC 20515

June 5, 2021

National Institute for Health
Freedom of Information Act Office
Building 31, Room 5B35
31 Center Drive, MSC 2107
Bethesda, MD 20892-2107

This is a request under the Freedom of Information Act (FOIA).

Copies of the documents identified and requested below have been previously released in response to a FOIA request by a member of the news media. In those previously released copies, email addresses were redacted under Exemption 6 and other information was redacted under Exemption 7(A). As a Member of Congress, pursuant to 5 U.S.C. § 552(d), I request a copy of these documents with all information unredacted except for information redacted under Exemption 6.

I request that a copy of the following documents be provided:

1. An email from Peter Daszak to Anthony Fauci and David Morens, with three other recipients carbon copied, sent on April 18, 2020 at 9:43 P.M. The subject of the email is "Thank you for your public comments re COVID-19's origins." A previously released, redacted version of this email is attached for identification purposes. I request a copy of this document with all information unredacted except for information redacted under Exemption 6.
2. Any replies to the email identified above, with all information unredacted except for information redacted under Exemption 6.
3. Any attachments that were sent with the email identified above or in reply to it, with all information unredacted except for information redacted under Exemption 6.

I request a waiver of all fees. Should there be associated fees, please contact my office. My staff can respond to any questions at 202-225-5792.

Sincerely,

b6

W. Gregory Steube
Member of Congress

Enclosures

From: Fauci, Anthony (NIH/NIAID) [E]
Sent: Sun, 19 Apr 2020 03:29:42 +0000
To: Peter Daszak
Subject: RE: Thank you for your public comments re COVID-19's origins

Peter:

Many thanks for your kind note.

Best regards,

Tony

From: Peter Daszak (b) (6)
Sent: Saturday, April 18, 2020 9:43 PM
To: Morens, David (NIH/NIAID) [E] (b) (6); Fauci, Anthony (NIH/NIAID) [E] (b) (6) >
Cc: Stemmy, Erik (NIH/NIAID) [E] (b) (6) >; Erbelding, Emily (NIH/NIAID) [E] (b) (6) >; Aleksei Chmura (b) (6)
Subject: Thank you for your public comments re COVID-19's origins
Importance: High

Tony (cc'ing David so that you might pass this on to Tony once he has a spare second)

As the PI of the RO1 grant publicly targeted by Fox News reporters at the Presidential press briefing last night, I just wanted to say a personal thankyou on behalf of our staff and collaborators, for publicly standing up and stating that the scientific evidence supports a natural origin for COVID-19 from a bat-to-human spillover, not a lab release from the Wuhan Institute of Virology.

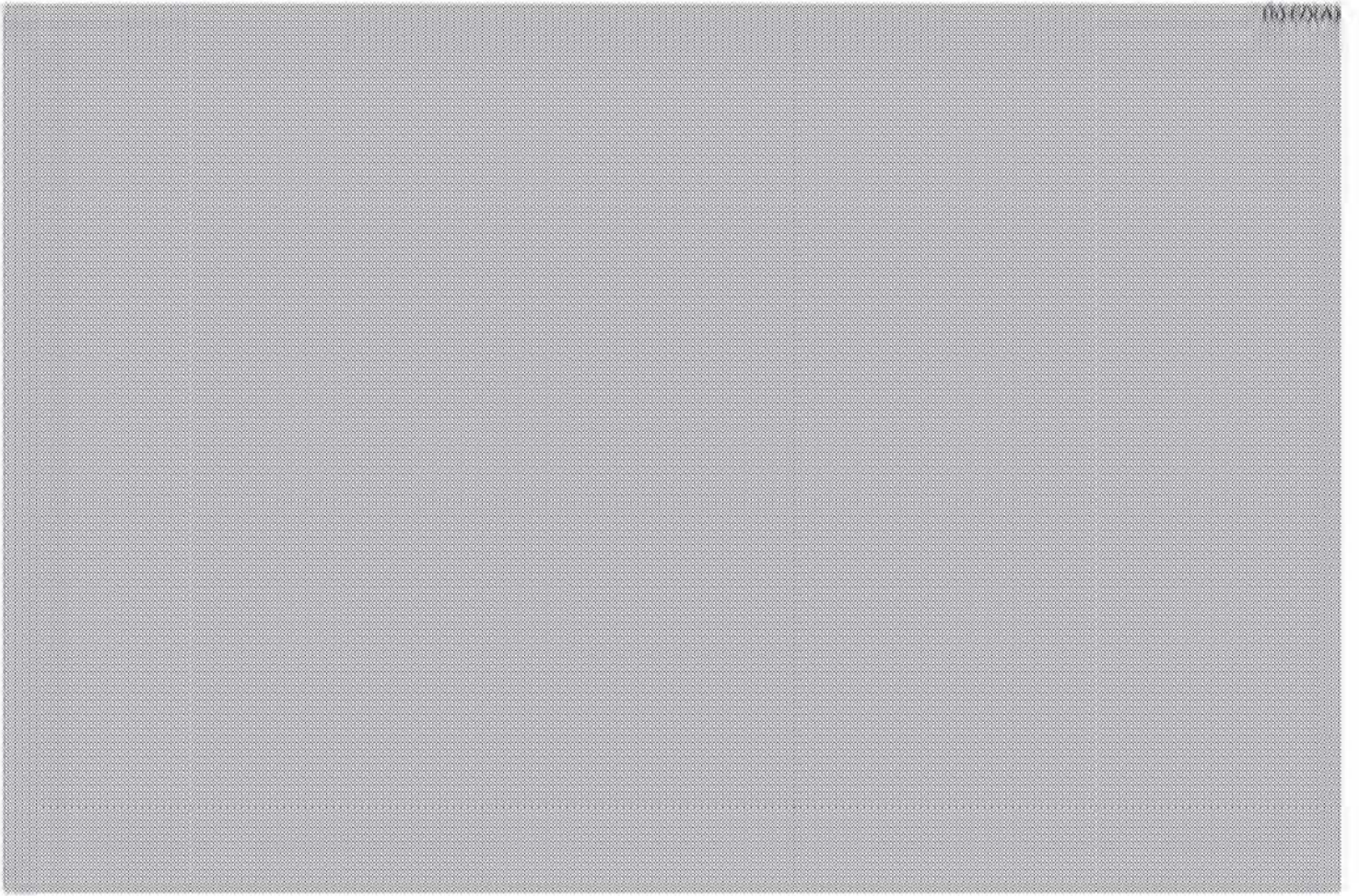
(b) (7)(C)

From my perspective, your comments are brave, and coming from your trusted voice, will help dispel the myths being spun around the virus' origins.

Once this pandemic's over I look forward thanking you in person and let you know how important your comments are to us all.

Cheers,

Peter



From: Morens, David (NIH/NIAID) [E] [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=12DE367CC65C42879EA45D128710A383-DMORENS]
Sent: 8/1/2021 8:06:32 PM
To: Taubenberger, Jeffery (NIH/NIAID) [E] [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=acf689cc4f7b4e0b841a76d8fbb07f2b-taubenberge]
Subject: RE: jeff. did you get one of thes? d FW: Records Management and Email Use: Capstone Email Retention Guidance for All NIH Staff (Non-Capstone Officials)

I know, you are a boyscout.... I was always trying to get it on with the girlscouts.....

David

David M. Morens, M.D.

CAPT, United States Public Health Service
Senior Advisor to the Director
Office of the Director
National Institute of Allergy and Infectious Diseases
National Institutes of Health
Building 31, Room 7A-03
31 Center Drive, MSC 2520
Bethesda, MD 20892-2520

b6

stant: Whitney Robinson)

Disclaimer: This message is intended for the exclusive use of the recipient(s) named above. It may contain information that is PROTECTED, PRIVILEGED, and/or CONFIDENTIAL, and it should not be disseminated, distributed, or copied to persons not authorized to receive such information. All sensitive documents must be properly labeled before dissemination via email. If you are not the intended recipient, any dissemination, distribution, or copying is strictly prohibited. If you have received this communication in error, please erase all copies of the message and its attachments and notify us immediately.



From: Taubenberger, Jeffery (NIH/NIAID) [E] b6
Sent: Sunday, August 1, 2021 3:59 PM

To: Morens, David (NIH/NIAID) [E]

b6

Subject: Re: jeff. did you get one of theses? d FW: Records Management and Email Use: Capstone Email Retention Guidance for All NIH Staff (Non-Capstone Officials)

I have always thought of my work email as public record so it doesn't change much for me.

From: "Morens, David (NIH/NIAID) [E]" <

b6

Date: Sunday, August 1, 2021 at 3:49:33 PM

To: "Taubenberger, Jeffery (NIH/NIAID) [E]"

b6

Subject: RE: jeff. did you get one of theses? d FW: Records Management and Email Use: Capstone Email Retention Guidance for All NIH Staff (Non-Capstone Officials)

Hmmm.... might be time to start being more careful....

David

David M. Morens, M.D.

CAPT, United States Public Health Service
Senior Advisor to the Director
Office of the Director
National Institute of Allergy and Infectious Diseases
National Institutes of Health
Building 31, Room 7A-03
31 Center Drive, MSC 2520
Bethesda, MD 20892-2520

b6

stant: Whitney Robinson)

Disclaimer: This message is intended for the exclusive use of the recipient(s) named above. It may contain information that is PROTECTED, PRIVILEGED, and/or CONFIDENTIAL, and it should not be disseminated, distributed, or copied to persons not authorized to receive such information. All sensitive documents must be properly labeled before dissemination via email. If you are not the intended recipient, any dissemination, distribution, or copying is strictly prohibited. If you have received this communication in error, please erase all copies of the message and its attachments and notify us immediately.



From: Taubenberger, Jeffery (NIH/NIAID) [E] [b6]
Sent: Sunday, August 1, 2021 3:45 PM
To: Morens, David (NIH/NIAID) [E] [b6]
Subject: Re: jeff. did you get one of theses? d FW: Records Management and Email Use: Capstone Email Retention Guidance for All NIH Staff (Non-Capstone Officials)

I don't know.

From: "Morens, David (NIH/NIAID) [E]" [b6]
Date: Sunday, August 1, 2021 at 3:16:12 PM
To: "Taubenberger, Jeffery (NIH/NIAID) [E]" [b6]
Subject: RE: jeff. did you get one of theses? d FW: Records Management and Email Use: Capstone Email Retention Guidance for All NIH Staff (Non-Capstone Officials)

Does it mean anything, or just as usual?

David

David M. Morens, M.D.

CAPT, United States Public Health Service
Senior Advisor to the Director
Office of the Director
National Institute of Allergy and Infectious Diseases
National Institutes of Health
Building 31, Room 7A-03
31 Center Drive, MSC 2520
Bethesda, MD 20892-2520

[b6]

stant: Whitney Robinson)

Disclaimer: This message is intended for the exclusive use of the recipient(s) named above. It may contain information that is PROTECTED, PRIVILEGED, and/or CONFIDENTIAL, and it should not be disseminated, distributed, or copied to persons not authorized to receive such information. All sensitive documents must be properly labeled before dissemination via email. If you are not the intended recipient, any dissemination, distribution, or copying is strictly prohibited. If you have received this communication in error, please erase all copies of the message and its attachments and notify us immediately.



From: Taubenberger, Jeffery (NIH/NIAID) [E]

b6

Sent: Sunday, August 1, 2021 3:10 PM

To: Morens, David (NIH/NIAID) [E]

b6

Subject: Re: jeff. did you get one of these? d FW: Records Management and Email Use: Capstone Email Retention Guidance for All NIH Staff (Non-Capstone Officials)

Yes

From: "Morens, David (NIH/NIAID) [E]" <

b6

Date: Sunday, August 1, 2021 at 3:07:45 PM

To: "Taubenberger, Jeffery (NIH/NIAID) [E]"

b6

Subject: jeff. did you get one of these? d FW: Records Management and Email Use: Capstone Email Retention Guidance for All NIH Staff (Non-Capstone Officials)

David

David M. Morens, M.D.

CAPT, United States Public Health Service

Senior Advisor to the Director

Office of the Director

National Institute of Allergy and Infectious Diseases

National Institutes of Health

Building 31, Room 7A-03

31 Center Drive, MSC 2520

Bethesda, MD 20892-2520

b6

(ant: Whitney Robinson)

Disclaimer: This message is intended for the exclusive use of the recipient(s) named above. It may contain information that is PROTECTED, PRIVILEGED, and/or CONFIDENTIAL, and it should not be disseminated, distributed, or copied to persons not authorized to receive such information. All sensitive documents must be properly labeled before dissemination via email. If you are not the intended recipient, any dissemination, distribution, or copying is strictly prohibited. If you have received this communication in error, please erase all copies of the message and its attachments and notify us immediately.



From: Gibson, Anthony (NIH/OD) [E]

b6

Sent: Friday, July 30, 2021 4:35 PM

To: b6

Subject: Records Management and Email Use: Capstone Email Retention Guidance for All NIH Staff (Non-Capstone Officials)

Good afternoon,

In your capacity as a NIH employee acting on behalf of the U.S. Government, you will create and have access to official records. Official records are materials that document the workings of the agency. They may include documents, maps, charts, photos, or other items or materials, made or received in compliance with Federal law in the transaction of agency policies, decisions, procedures, operations, or other activities of public business. Personal files are distinct from official records and pertain solely to an individual's personal or private affairs. Official records, whether paper or electronic, are considered the property of the U.S. Government. Appropriate preservation and management of official records are required by Federal law and are necessary to protect the national security, privacy, legal, and fiscal interests of the Government and persons affected by the Government's activities. It is prohibited to unlawfully remove or destroy official records and to disclose information pertaining to national security and personal privacy.

Email. Based on your current role, NIH has identified you as a Non-Capstone Official. Therefore, your NIH email is now covered by the NIH Non-Capstone Official email retention requirement of the NIH Records Management policy (<https://oma.nih.gov/dms/programs/rm/Pages/Home.aspx>) and is now considered a temporary federal record.

Beginning August 02, 2021, the NIH email records management policy will require NIH to keep all NIH staff email in its email system for seven years after date of creation. This is part of our overall compliance with the NIH Records Management Policy that you might remember from taking the annual NIH Information Security Awareness Training (Records Management module) (<https://irtsectraining.nih.gov/>). All necessary changes are implemented centrally within the NIH Email System and will be transparent to you.

What You Need to Know: From the date of creation, the NIH Email System will automatically mark the emails you send and/or receive to include attachments as a temporary federal record by default. Email records will be retained for 7 years.

What You Need to Do: Continue to manage your inbox like you always have, unless you want to mark an email as "non-record" to indicate it is not a federal record. Messages marked as "non-record" will be marked for deletion.

- If you have messages that do not fall under the definition of a federal record ([https://oma.nih.gov/dms/programs/rm/Document%20Repository/OM%20Move%20Guidance%202017/Is It a Record 202017.pdf](https://oma.nih.gov/dms/programs/rm/Document%20Repository/OM%20Move%20Guidance%202017/Is%20It%20a%20Record%202017.pdf)), you can label them as "non-record" and delete them from your inbox when no longer needed.
- You can add the "non-record" label to individual emails, groups of emails, or entire folders.
- If you are not sure whether an email qualifies as "non-record," keep the email and treat it as an official federal record.

Also, federal staff should continue to respond to congressional, Freedom of Information Act (FOIA), investigative, and audit records requests as they normally would.

What You Don't Need to Worry About:

- You do not have to start saving all your messages. The NIH Email System will automatically do that for you.
- Yes, you can still delete all emails that you no longer need from your inbox or folders.

The system will mark all your messages as "record" by default and keep them, but they will not clutter up your mailbox once you delete or move them.

How to Mark a Message as "Non-Record"

1. Open Outlook.
2. Select a message or messages.
3. Select Tags from the Home menu ribbon.
4. Select Assign Policy.
5. Under Retention Policy, select Non-Record (1-day).

For additional help and instructions on how to mark messages or folders as "non-record," see the attached NIH Email Non-Record Label Guide (for Windows or Mac) or the NIH Knowledge Base article on email management policy for records management (https://myitsm.nih.gov/selfservice/kb_view_customer.do?sysparm_article=KB0019526).

Note: Capstone Officials will receive a follow-up message about specific changes to their email.

For More Information: Visit the NIH Records Management site @ (<https://oma.nih.gov/dms/programs/rm/Pages/Home.aspx>), or see the NIH Policy Manual Chapter 1743-1, Email Records Management @ (<https://policymanual.nih.gov/1743-1>).

Questions?

If you have records management questions, email the NIH Records Management Program at nihrecordsmanagement@nih.gov, or call 301-496-4606.

If you have questions about how this requirement is being implemented, contact your local IT support staff or the NIH IT Service Desk online at <http://itservicedesk.nih.gov/> or call 301-496-4357.

Respectfully,

Anthony D. Crawley Gibson
National Institutes of Health Records Officer
Chief, Information Management Branch
Division of Compliance Management
Office of Management Assessment
Office of the Director

From: Morens, David (NIH/NIAID) [E] [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=12DE367CC65C42879EA45D128710A383-DMORENS]
Sent: 8/25/2021 7:55:59 PM
To: Billet, Courtney (NIH/NIAID) [E] [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=7605eeb349ac41138b32fe3978e3986d-billetec]
Subject: RE: Marg

I just sent Marg a nice hopefully sweet and funny email. TY for clueing me in as now that I do not have a b6, and was released from morning meeting duty (thank God!!!!!!), I never know what's going on any more.

Marg is the greatest, really! I knew her before I came to NIH, when I was in Hawaii, and she was wonderful even way back then.

David

David M. Morens, M.D.

CAPT, United States Public Health Service
Senior Advisor to the Director
Office of the Director
National Institute of Allergy and Infectious Diseases
National Institutes of Health
Building 31, Room 7A-03
31 Center Drive, MSC 2520
Bethesda, MD 20892-2520

b6

(Assistant: Whitney Robinson)

Disclaimer: This message is intended for the exclusive use of the recipient(s) named above. It may contain information that is PROTECTED, PRIVILEGED, and/or CONFIDENTIAL, and it should not be disseminated, distributed, or copied to persons not authorized to receive such information. All sensitive documents must be properly labeled before dissemination via email. If you are not the intended recipient, any dissemination, distribution, or copying is strictly prohibited. If you have received this communication in error, please erase all copies of the message and its attachments and notify us immediately.



From: Billet, Courtney (NIH/NIAID) [E] [b6]
Sent: Tuesday, August 24, 2021 11:11 AM
To: Morens, David (NIH/NIAID) [E] [b6]
Subject: RE: Marg

Yes, she was in Tony's office when I arrived, and then about 6 months in, she moved to my shop to run the FOIA office. And she has kept me laughing ever since – agree, pro-level funny!

From: Morens, David (NIH/NIAID) [E] [b6]
Sent: Tuesday, August 24, 2021 11:03 AM
To: Billet, Courtney (NIH/NIAID) [E] [b6]
Subject: RE: Marg

Wow [b6] She is such a sweetie, one of my favorite folks here. I don't remember whether she was here when you came but, if so, you may remember that she's hilariously drop dead funny, could have been a professional comedienne, honestly!

Thanks for tip[ping me off, and yes, I will drop her an email and wish her well....

David

David M. Morens, M.D.

CAPT, United States Public Health Service
Senior Advisor to the Director
Office of the Director
National Institute of Allergy and Infectious Diseases
National Institutes of Health
Building 31, Room 7A-03
31 Center Drive, MSC 2520
Bethesda, MD 20892-2520

b6

ts: Kimberly Barasch; Whitney Robinson)

Disclaimer: This message is intended for the exclusive use of the recipient(s) named above. It may contain information that is PROTECTED, PRIVILEGED, and/or CONFIDENTIAL, and it should not be disseminated, distributed, or copied to persons not authorized to receive such information. All sensitive documents must be properly labeled before dissemination via email. If you are not the intended recipient, any dissemination, distribution, or copying is strictly prohibited. If you have received this communication in error, please erase all copies of the message and its attachments and notify us immediately.



From: Billet, Courtney (NIH/NIAID) [E] <[b6]>

Sent: Tuesday, August 24, 2021 10:59 AM

To: Morens, David (NIH/NIAID) [E] <[b6]>

Subject: Marg

Is [b6] as of Friday. Doing the Irish exit – no parties! I thought you'd want to know and maybe drop her a note or something.

From: Morens, David (NIH/NIAID) [E] [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=12DE367CC65C42879EA45D128710A383-DMORENS]
Sent: 9/5/2021 4:57:49 PM
To: David Morens [REDACTED] **b6**
Subject: FW: ASF --- foia

David

David M. Morens, M.D.

CAPT, United States Public Health Service
Senior Advisor to the Director
Office of the Director
National Institute of Allergy and Infectious Diseases
National Institutes of Health
Building 31, Room 7A-03
31 Center Drive, MSC 2520
Bethesda, MD 20892-2520

b6

stant: Whitney Robinson)

Disclaimer: This message is intended for the exclusive use of the recipient(s) named above. It may contain information that is PROTECTED, PRIVILEGED, and/or CONFIDENTIAL, and it should not be disseminated, distributed, or copied to persons not authorized to receive such information. All sensitive documents must be properly labeled before dissemination via email. If you are not the intended recipient, any dissemination, distribution, or copying is strictly prohibited. If you have received this communication in error, please erase all copies of the message and its attachments and notify us immediately.



From: Folkers, Greg (NIH/NIAID) [E] [REDACTED] **b6**
Sent: Friday, September 3, 2021 9:29 AM

To: NIAID OD AM [redacted] b6 v>

Subject: RE: ASF --- foia

Further on FOIA

900 pages of EcoHealth Alliance grant materials are going out (with redactions) today under a lawsuit with First Look Institute (The Intercept). In OD.

ASF --- I do not think you need to look at this

Also, as folks may be aware, and apropos of my email late last night, Congress does not have to go through the FOIA. So the tranche from last night was not in the usual NIH FOIA channel.

From: Folkers, Greg (NIH/NIAID) [E]

Sent: Friday, September 3, 2021 12:09 AM

To: [redacted] b6


Subject: ASF --- foia

We have closely monitored foia document releases with an eye toward items that are new/different/potentially problematic in terms of people using them to cause mischief. Nothing recently has fallen into those categories

NOW -- What is new and will be released soon, perhaps tomorrow

Unredacted emails requested by minority members of House Committee on Oversight and Reform

In OD, please see

 HOGR minority requested emails

9/2/2021 9:03 PM

ASF I think it would be helpful for you to eyeball all the redacted emails now being released in un-redacted form For instance, for this entry, look at at the top one

 NIH 2157 - 2161

 NIH 2157 - 2161 redacted

We have gone through these, and the ones that might be worth a first look are:

- 2157-2161
- 2314-2324
- #14 and 15

Disclaimer: Any third-party material in this email has been shared for internal use under fair use provisions of U.S. copyright law, without further verification of its accuracy/veracity. It does not necessarily represent my views nor those of NIAID, NIH, HHS, or the U.S. government.

From: Keusch, Gerald T [k [b6]]
Sent: 9/11/2021 11:02:13 PM
To: Morens, David (NIH/NIAID) [E] [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=12de367cc65c42879ea45d128710a383-dmorens]; Peter Daszak [b6]
CC: Robert Kessler [b6]; Kristian Andersen [b6]; Eddie Holmes [edward.holmes@sydney.edu.au]; Angie Rasmussen [b6]; Jason Gale [b6]
Subject: RE: origins of SARS-CoV-2

I liked your attributed words, just wished they were more specifically targeting the nutcase contingent – which is what you no doubt were saying.

Jerry

From: Morens, David (NIH/NIAID) [E] [b6]
Sent: Saturday, September 11, 2021 2:15 PM
To: Peter Daszak [b6]
Cc: Keusch, Gerald T [b6]; Robert Kessler [b6]; Kristian Andersen [b6]; Eddie Holmes [b6]; Angie Rasmussen [b6]; Jason Gale [b6]
Subject: Re: origins of SARS-CoV-2

She seemed like a good and diligent reporter so i was kinda pissed that she misquoted me. But as i am sure you know, this is what happens when reporters scribble down notes without thinking, and then later patch it all together and edit it down. What i said to her in an hour of interview, including many addition things not in the article, was unmistakeably NOT what she wrote, at least not in that part. Grr.... d

Sent from my iPhone
David M Morens
OD, NIAID, NIH

On Sep 10, 2021, at 21:17, Peter Daszak [b6] wrote:

Yes – just saw that story – not much new in it and I did enjoy your quote even though I didn't know what you meant was a waste of time!! I think we all get it. In the end the give-away for this story is 1) the first pic they put up (the ubiquitous me in a car in front of the WIV with security guards) and 2) the quotes they highlight in giant font which are about the lab leak, nothing else... Tedious to be honest.

I've pasted it because it's subscription only and you shouldn't be giving them money...



Members of the World Health Organization team tasked with investigating the origins of COVID-19 arrive at Wuhan Institute of Virology earlier this year.

PHOTOGRAPH BY THOMAS PETER, REUTERS.

SCIENCE

CORONAVIRUS COVERAGE

Why it's so tricky to trace the origin of COVID-19

A 90-day investigation into the source of SARS-CoV-2 has shown consensus that the virus was not engineered. But many other elements remain a mystery.

BY PRIYANKA RUNWAL

PUBLISHED SEPTEMBER 10, 2021

• 20 MIN READ

After 20 months, 219 million cases, and more than four million deaths, we've learned a lot about the COVID-19 pandemic. But the most polarizing question and central mystery remains: We still don't know where the virus that started it all actually came from. Most experts were not surprised in late August when a 90-day investigation by the U.S. intelligence community came up empty-handed on the origin of the

SARS-CoV-2 virus. A brief, one-page unclassified summary released on August 27 revealed the only point on which the intelligence community agreed: that the virus was “not developed as a biological weapon.”

Understanding where, when, and how this pandemic started is important information for public health officials seeking to control its spread and even prevent future outbreaks. If the source of the virus is found to be bats or another animal, as many experts suspect, preventative measures might include curtailing contact between that animal and those living or working in close proximity. Measures could involve regular surveillance of animals and humans living where the virus is endemic to reduce the likelihood of future spillover—when a virus is transmitted to a human, directly or via a host animal, triggering an outbreak.

The results may also lead to broader policy decisions to curb deforestation and habitat fragmentation, and to block human settlements in known viral hot zones. Knowing where the pandemic virus arose could also lead to changes in human behavior, such as reducing demand for bushmeat and wildlife-derived products that drive the illegal wildlife trade. And if the virus is instead found to have leaked from a lab, that finding would no doubt spur scientists and policy-makers to find safer ways to study these pathogens.

Historically looking back, we can have lab leaks.

JESSE BLOOMVIROLOGIST

That’s why scientists support a thorough, evidence-based investigation for the origins of COVID-19. But similar inquiries during past epidemics have taken months to years to yield answers, and in several cases, the mystery remains unresolved.

“Science takes time,” says Arinjay Banerjee, a virologist at the University of Saskatchewan in Canada. “To go back and confidently identify the source is a difficult task.”

Earlier this year, an international World Health Organization team visited the city of Wuhan, China, to assess the evidence China had provided about the origin of SARS-CoV-2. In a report that summarized their findings, the WHO suggested that it was “likely to very likely” that

the virus first spread from infected bats to humans via an intermediate host animal.

This was the case with the 2002 SARS-CoV outbreak—the first pandemic of the 21st century; the virus most likely spilled over from cave-dwelling horseshoe bats in China to palm civets sold in live animal markets, where it reached humans. Similarly, the 2012 MERS-CoV epidemic is suspected to have originated in bats and was later transmitted to dromedary camels, which infected humans.

That WHO report also deemed a laboratory leak from the Wuhan Institute of Virology, known for its work with coronaviruses, as “extremely unlikely.” But the conclusion sparked backlash from scientists and governments around the world, who argued that it’s still too early to rule out a lab leak based on the evidence in hand. Other experts caution that political motivations could drive people to hasty conclusions.

“There is a progenitor virus out there somewhere, and we should look for it,” says David Morens, senior scientific adviser on epidemiology to Anthony Fauci, director of the National Institute of Allergy and Infectious Diseases. “But at some point, it crosses over from doing due diligence to wasting time and being crazy. We may have seen that point already.”

Here’s what we know so far about the scientific investigation into the origin of the pandemic, and what still needs to be done to find clear answers.

What evidence do virus detectives seek?

Tracing the origin of a virus requires extensive fieldwork, thorough forensics, and a fair bit of luck. The laborious endeavor can take years until scientists have the evidence they need to point to a source.

For diseases originating from animals, that evidence is typically a genetic match between virus sequences obtained from an animal and those from some of the first confirmed patients. The match may not be 100 percent, because viruses gather mutations or new genes over time and as they jump hosts. But with enough investigation, scientists have found nearly perfect matches of around 99 percent or better for some viruses—including the ones responsible for two previous coronavirus outbreaks.

Cat-like tree-dwelling palm civets, considered a delicacy and sold in street markets, quickly became the focus during the 2002-04 outbreak of Severe Acute Respiratory Syndrome (SARS) that emerged in China's Guangdong Province, which resulted in more than 8,000 cases and nearly 800 deaths in 29 countries. Some of the first SARS cases included several infected restaurant chefs handling a variety of animals. Blood tests of animal traders in the region showed higher prevalence of antibodies against the SARS-associated coronavirus compared to healthy controls, with the highest levels recorded among those who traded primarily in masked palm civets.

A 2003 paper also showed that the nasal swab of a masked palm civet obtained from a live animal market in Guangdong yielded a 99.8 percent match between the full genome sequence of the SARS-CoV-like virus isolated from the civet and virus from a human. This indicated that the SARS-CoV-like virus had recently infected civets at the market.

But it became evident that these furry mammals weren't the original sources, as the virus was mostly absent among farmed masked palm civets prior to reaching the markets, and it was not widely circulating in its wild populations. Suspecting bats to be the natural reservoirs, given that they harbor other zoonotic viruses, researchers sampled blood, fecal, and throat swabs of bats in regions across China and in Hong Kong.

More than 10 years later, they identified horseshoe bats in a remote cave in southwestern China's Yunnan Province sporting virus strains that contain all the genetic pieces recorded in viral genomes from human patients. It's possible the strain that precipitated the 2002 epidemic was a product of recombination of different genetic strains found in these bats.

Scientists later used lessons from tracing the origins of the SARS virus to investigate the source of the 2012 Middle East Respiratory Syndrome (MERS) coronavirus outbreak, which infected more than 2,000 people in 37 countries and killed nearly 900.

The virus was first isolated from a 60-year-old businessman who died of severe pneumonia and multi-organ failure in June 2012 in a hospital in Jeddah, Saudi Arabia. Early efforts to trace the source focused on bats. In Saudi Arabia, throat swab, urine, fecal, and blood samples from wild bats, including those occurring in the area where the first patient lived and worked, showed indications of a MERS-like coronavirus in one

Egyptian tomb bat fecal sample. But without a full genome sequence, the role of bats could not be evaluated.

Meanwhile, anecdotal reports suggested some patients had been exposed to dromedary camels or goats. A 2013 study found antibodies against MERS in blood samples collected from retired racing camels in Oman, which were missing in blood from European sheep, goats, and cattle. Similar blood surveys conducted in several countries within the Arabian Peninsula, Egypt, and Spain's Canary Islands also showed the presence of antibodies in camel blood, indicating the hoofed mammals were once infected by the virus.

But the strongest evidence of dromedary camels' involvement came from Qatar in October 2013, where a camel herd owner and his co-worker were diagnosed with MERS. Nasal swab tests indicated five of 14 camels on their farm were MERS-positive. Further, whole viral genome sequences obtained from humans and camels were 99.5 to 99.9 percent identical.

Scientists believe camels are the intermediate hosts and suspect bats to be the original reservoirs of MERS-CoV. That's because some bat species, like the vesper bats in South Africa, harbor viruses that are related to the one that causes MERS. But there's still an evolutionary gap between those bat viruses and the human or camel versions.

"We still haven't found those viruses that are very, very close," says virologist Chantal Reusken at the Dutch Institute for Public Health and the Environment in the Netherlands.

This is all weaponized politically, which is unfortunate.

DARRYL FALZARANO VIROLOGIST

What we know so far about COVID-19's origin story

One key difference with the SARS and MERS outbreaks is that scientists were able to identify the intermediate animal sources within months of their onset. For COVID-19, that link remains unknown.

In December 2019, some of the early COVID-19 cases in Wuhan were reported among vendors linked to the Huanan market, which was selling wild and farmed animals including badgers, racoon dogs, civets, hare, rats, snakes, and crocodiles.

Between January 1, when the market was closed, and March 2020, officials with the Chinese Center for Disease Control and Prevention collected more than 900 swab samples of floors, walls, or surfaces of objects from the Huanan market, its drainage system, and the surrounding markets. They found that 73 samples were SARS-CoV-2 positive.

The Chinese CDC also collected more than 2,000 fecal and body swab samples from alive or frozen animals in Huanan and other markets in Wuhan, from animals raised by some Huanan market suppliers, and from several wild animals found in nearby provinces in southern China.

According to the WHO report, all those samples tested negative for SARS-CoV-2, and in some cases, for antibodies against the virus. But this sampling missed many live animals typically sold when the markets were open. Similar tests of thousands of livestock and poultry samples collected from across China in 2018, 2019, and 2020 as part of routine animal surveillance also tested negative for SARS-CoV-2.

Last year, scientists detected SARS-CoV-2-like virus strains in Sunda pangolin tissue samples that were seized in anti-smuggling operations in southern China in 2017 and 2018. Sought for their meat and scales used in traditional Chinese medicine, these pangolins are among the world's most trafficked mammals. But with only an 85.5 to 92.4 percent match between the human SARS-CoV-2 genome sequence and those obtained from pangolins, scientists can't mark them as the relevant hosts. Also, a team surveying Wuhan's wet markets between May 2017 and November 2019 found no pangolins being sold there.

And as was the case with MERS, comparing genome sequences from early COVID-19 patients with SARS-like coronavirus sequences directly from bats hasn't yet yielded a close enough match, either.

So far, the closest relative is a coronavirus labelled RaTG13. It was discovered in Chinese horseshoe bats near a cave in Yunnan shortly after six miners fell sick and three of them died due to an unknown respiratory illness in 2012. RaTG13 shares 96.2 percent of its genome with human SARS-CoV-2. A coronavirus dubbed RmYN02 and derived from Malayan horseshoe bat poop collected in Yunnan Province in 2019 is 93.3 percent similar.

Scientists have also identified SARS-CoV-2-related viruses in bats outside China. This January a team isolated a coronavirus sequence

showing a 92.6 percent match from two Shamel's horseshoe bats sampled in Cambodia in 2010. And in February a coronavirus named RacCS203 taken from acuminate horseshoe bats in Thailand's Chachoengsao Province showed 91.5 percent similarity in its genetic code.

Matches above 90 percent may sound high, but in genomic terms it's a wide evolutionary gap. After all, humans and bonobos are an 98.7 percent genetic match.

“The big problem is that bats are everywhere and there are so many species with a huge diversity of viruses, including coronaviruses,” says Bart Haagmans, a virologist at the Erasmus Medical Center in the Netherlands. “It's difficult to find the bats with the virus that started the outbreak.”

Why the lab-leak suspicion persists

Many scientists believe that SARS-CoV-2 originated in nature and is unlikely a product of laboratory engineering. In a March 2020 *Nature Medicine* study, for instance, Kristian Andersen, a virologist at the Scripps Research Institute in La Jolla, California, and his colleagues showed that some genetic features once considered unique to SARS-CoV-2—and thus potentially human-made—are found in nature. They found features like the furin cleavage site, which facilitates the virus's entry into human cells, and the receptor binding domain that allows the virus to anchor itself to human cells, also present in related viruses isolated from Malayan pangolins and bats.

But despite its likely natural origin, the theory that SARS-CoV-2 could have escaped from a laboratory continues to pique the interest of some scientists, several politicians, and many in the larger public sphere.

Part of the suspicion comes from the fact that the pandemic emerged very close to the Wuhan Institute of Virology, where researchers have been surveying bats for coronaviruses and maintaining a database of samples and virus sequences. “People look at the coincidence,” Andersen says.

The institute's location doesn't surprise him, though. Wuhan is an extremely connected and populous city with several wet markets, and in the past, bat coronaviruses have been identified from the larger region.

“There are labs close to where outbreaks can happen, and where these outbreaks happen is where you want to study them,” Andersen says.

Still, experts and observers argue it’s possible members of the Wuhan Institute of Virology staff were infected due to safety lapses while working with the SARS-CoV-2 virus or during fieldwork, and then they inadvertently spread the disease.

What’s frustrating is that with some transparency, it can all be cleared up.

DARRYL FALZARANOVIROLOGIST

In a letter published in *Science* on May 14, some scientists suggested that the possibility of the virus escaping from the lab was not given due consideration during the WHO investigation. In a March 30 press briefing, WHO program manager Peter Ben Embarek, who led the COVID-19 fact-finding mission to China said: “Since [the lab leak theory] was not the key or main focus of the joint studies, it did not receive the same depth of attention and work as the other hypotheses.”

The Wuhan institute’s leading bat virologist Shi Zhengli said her laboratory records didn’t indicate any match between virus samples her team had collected from China’s bat caves and SARS-CoV-2 sequences. However, the WHO-China team couldn’t access those records.

Laboratory accidents aren’t unheard of. In Singapore, Taiwan, and China, four researchers in labs studying the SARS virus were accidentally infected in the aftermath of the initial outbreak. In 2014, dozens of workers at the U.S. Centers for Disease Control and Prevention in Atlanta were potentially exposed to live anthrax bacteria resulting from a breach in safety procedures.

“Historically looking back, we can have lab leaks,” says Jesse Bloom, a virologist at the Fred Hutchinson Cancer Research Center and lead author of the *Science* letter. “To be confident about what happened, we need more investigation.”

Fresh controversy erupted when a May 23 *Wall Street Journal* story reported that an undisclosed U.S. intelligence report claimed three researchers at the Wuhan institute sought hospital care in November 2019 for “symptoms consistent with both COVID-19 and common seasonal illness.” The identity of those researchers or the exact illness they had still remains unknown.

The WHO report found no records of COVID-19-related illness or evidence of infection among the institute's staff prior to December 2019. However, the team didn't have access to raw patient data from 174 early COVID-19 cases identified in Wuhan, half of which weren't connected to the Huanan market. This information could aid the quest to trace the pandemic's origin.

"What's frustrating is that with some transparency, it can all be cleared up," says virologist Darryl Falzarano at the University of Saskatchewan. "This is all weaponized politically, which is unfortunate."

What happens next

Several molecular dating analyses have suggested that SARS-CoV-2 was potentially circulating as early as October 2019. The WHO report therefore recommends searching for SARS-CoV-2 antibodies in stored blood bank samples. This could help resolve the timeline for when the virus emerged, but the search for what started the pandemic may be a long and arduous one.

"You may have to spend the next 10 years sampling animals to find something that's really close," Falzarano says. "But you may not even find that perfect linkage."

The WHO team recommends searching for SARS-CoV-2-related viral sequences and antibodies in horseshoe bats mainly in southern China and in East and Southeast Asia. Similar surveys for potential intermediate host species could include pangolins, minks, rabbits, raccoon dogs, and domesticated cats, all of which have been infected by SARS-CoV-2 in the recent past.

Other projects include tracing wildlife farms that supplied markets in Wuhan and testing susceptible animals and people interacting with them, and analyzing the role of cold chains and frozen foods as a transmission source.

Recently, unpublished grant proposals and annual reports obtained by The Intercept gave insight into National Institutes of Health-funded coronavirus research in Wuhan in collaboration with New York-based non-profit EcoHealth Alliance.

In sophisticated, high-security facilities called Biosafety Level 3 labs, scientists tested the ability of new bat coronaviruses to infect

humanized mice cells. These tests often used hybrid viruses created using a previously known SARS-like strain as the backbone and adding what's called a spike protein from a new virus that facilitates its entry into cells.

"It's standard virology research and it's addressing a really key question: What are the potential viruses that could emerge [as a potential threat to humans] and where are they found," says Andersen, who reviewed the documents on National Geographic's request. To him, the information doesn't indicate that SARS-CoV-2 was engineered in the Wuhan laboratory as the backbone strain used in their experiments is not the backbone of SARS-CoV-2.

Still, even before the grant documents came to light, some pundits were wondering if the laboratory will be investigated further for conducting any risky experiments or biosafety breaches.

"We don't know exactly what happened," Bloom says. "So, we can't rule out all possibilities"

Editor's Note: This story originally misspelled the name of the virologist at the Scripps Research Institute in La Jolla. It is Kristian Andersen.

Cheers,

Peter

Peter Daszak
President

EcoHealth Alliance
520 Eighth Avenue, Suite 1200
New York, NY 10018-6507
USA

Tel.: b6
Website: www.ecohealthalliance.org
Twitter: [@PeterDaszak](https://twitter.com/PeterDaszak)

EcoHealth Alliance develops science-based solutions to prevent pandemics and promote conservation

From: Morens, David (NIH/NIAID) [E] [b6]
Sent: Friday, September 10, 2021 4:33 PM
To: Peter Daszak <[b6]>; Gerald Keusch <[b6]>; Robert Kessler
[b6] Kristian Andersen <[b6]>; Eddie Holmes
[b6] Angie Rasmussen <[b6]>; Jason Gale
Subject: Fwd: origins of SARS-CoV-2

This lady totally misquotes me because she didn't read her own notes and didn't let me go over the text as agreed to. The « waste of time » comment was about chasing lab leaks, not searching for viral origins

Grrrrrr..... d

Sent from my iPhone
David M Morens
OD, NIAID, NIH

Begin forwarded message:

From: Priyanka Runwal <[b6]>
Date: September 10, 2021 at 16:24:14 EDT
To: "Morens, David (NIH/NIAID) [E]" <[b6]>
Subject: Re: origins of SARS-CoV-2

Hi David,
The story was finally published
today: <https://www.nationalgeographic.com/science/article/why-its-so-tricky-to-trace-the-origin-of-covid-19>
I really appreciate you taking the time to speak with me and sharing your insights.

On Tue, Sep 7, 2021 at 12:52 PM Priyanka Runwal
<[b6]> wrote:

[b6]

On Tue, Sep 7, 2021 at 12:51 PM Priyanka Runwal
<[b6]> wrote:

Sounds good. Thank you.
I'm at [b6] Call me anytime.

On Tue, Sep 7, 2021 at 12:45 PM Morens, David (NIH/NIAID) [E]
<[b6]> wrote:

No, but give me a number to call you. In a meeting now but should be free within the hour

David

David M. Morens, M.D.

CAPT, United States Public Health Service

Senior Advisor to the Director
Office of the Director
National Institute of Allergy and Infectious Diseases
National Institutes of Health
Building 31, Room 7A-03
31 Center Drive, MSC 2520
Bethesda, MD 20892-2520

b6

assistants: Kimberly Barasch; Whitney Robinson)

Disclaimer: This message is intended for the exclusive use of the recipient(s) named above. It may contain information that is PROTECTED, PRIVILEGED, and/or CONFIDENTIAL, and it should not be disseminated, distributed, or copied to persons not authorized to receive such information. All sensitive documents must be properly labeled before dissemination via email. If you are not the intended recipient, any dissemination, distribution, or copying is strictly prohibited. If you have received this communication in error, please erase all copies of the message and its attachments and notify us immediately.



From: Priyanka Runwal **b6**

Sent: Tuesday, September 7, 2021 12:37 PM

To: Morens, David (NIH/NIAID) [E] <**b6**>

Subject: Re: origins of SARS-CoV-2

Thank you for your reply. I can call you now or any other convenient time you prefer.

Is this the best number to reach you: b6

On Tue, Sep 7, 2021 at 12:26 PM Morens, David (NIH/NIAID) [E]

b6 wrote:

Sure, let me know.....

David

David M. Morens, M.D.

CAPT, United States Public Health Service

Senior Advisor to the Director

Office of the Director

National Institute of Allergy and Infectious Diseases

National Institutes of Health

Building 31, Room 7A-03

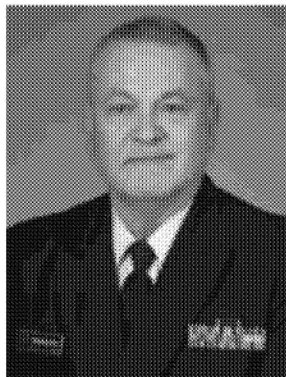
31 Center Drive, MSC 2520

Bethesda, MD 20892-2520

b6

assistants: Kimberly Barasch; Whitney Robinson)

Disclaimer: This message is intended for the exclusive use of the recipient(s) named above. It may contain information that is PROTECTED, PRIVILEGED, and/or CONFIDENTIAL, and it should not be disseminated, distributed, or copied to persons not authorized to receive such information. All sensitive documents must be properly labeled before dissemination via email. If you are not the intended recipient, any dissemination, distribution, or copying is strictly prohibited. If you have received this communication in error, please erase all copies of the message and its attachments and notify us immediately.



From: Priyanka Runwal <[b6]>
Sent: Tuesday, September 7, 2021 12:26 PM
To: Morens, David (NIH/NIAID) [E] <[b6]>
Subject: Re: origins of SARS-CoV-2

Dear David,

We spoke a while ago and my editor is looking to publish the story tomorrow.

I have, of course, included quotes from our earlier interview, but would you have any comment on the FOIA-ed grant proposals and suggestions of gain-of-function research The Intercept story
cites:<https://theintercept.com/2021/09/06/new-details-emerge-about-coronavirus-research-at-chinese-lab/>

Your input would be helpful to our readers. I wouldn't take more than 10 minutes of your time. Let me know. Thank you.

On Fri, Jul 30, 2021 at 5:46 PM Priyanka Runwal

<[b6]> wrote:

Thank you so much, David.

On Fri, Jul 30, 2021 at 3:50 PM Morens, David (NIH/NIAID) [E]

<[b6]> wrote:

Hi Priyanka, attached is the article I mentioned that came out yesterday, explaining in part why legitimate scientists are afraid to speak out about the "origins" stories.

David

David M. Morens, M.D.

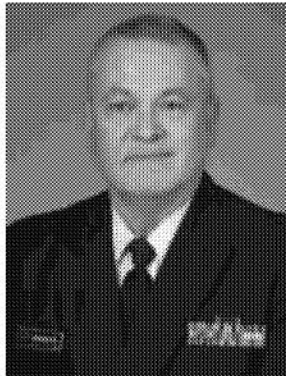
CAPT, United States Public Health Service

Senior Advisor to the Director
Office of the Director
National Institute of Allergy and Infectious Diseases
National Institutes of Health
Building 31, Room 7A-03
31 Center Drive, MSC 2520
Bethesda, MD 20892-2520

b6

(Assistant: Whitney Robinson)

Disclaimer: This message is intended for the exclusive use of the recipient(s) named above. It may contain information that is PROTECTED, PRIVILEGED, and/or CONFIDENTIAL, and it should not be disseminated, distributed, or copied to persons not authorized to receive such information. All sensitive documents must be properly labeled before dissemination via email. If you are not the intended recipient, any dissemination, distribution, or copying is strictly prohibited. If you have received this communication in error, please erase all copies of the message and its attachments and notify us immediately.



From: Priyanka Runwal

b6

Sent: Thursday, July 29, 2021 6:36 PM

To: Morens, David (NIH/NIAID) [E]

b6

Subject: Re: origins of SARS-CoV-2

Hi David,

Here are my questions:

1) Given past pandemics, what about the SARS-CoV-2 origin narrative/debate surprises you?

2) As an expert, what's the proof you're looking for to pin down the origin--either in nature or the much-debated lab leak/engineering?

Essentially, what evidence will convince you of the rightful SARS-CoV-2 origin.

3) In the same context, what are key data/pieces of evidence we should have had by now but are missing? This could touch on the early surveillance China did and the WHO team reviewed.

4) Are there any questions about the origin that we (media) aren't asking or science we aren't understanding/appreciating that we should?

Please let me know when and what number to call you tomorrow. Thanks

On Thu, Jul 29, 2021 at 10:47 AM Morens, David (NIH/NIAID) [E]

b6

> wrote:

Great, TY,



David M. Morens, M.D.

CAPT, United States Public Health Service

Senior Advisor to the Director

Office of the Director

National Institute of Allergy and Infectious Diseases

National Institutes of Health

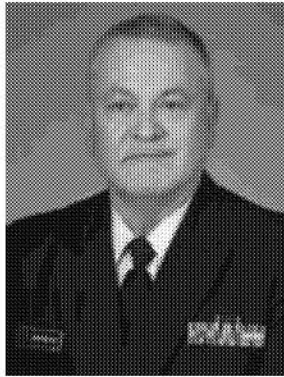
Building 31, Room 7A-03

31 Center Drive, MSC 2520
Bethesda, MD 20892-2520

b6

(Assistant: Whitney Robinson)

Disclaimer: This message is intended for the exclusive use of the recipient(s) named above. It may contain information that is PROTECTED, PRIVILEGED, and/or CONFIDENTIAL, and it should not be disseminated, distributed, or copied to persons not authorized to receive such information. All sensitive documents must be properly labeled before dissemination via email. If you are not the intended recipient, any dissemination, distribution, or copying is strictly prohibited. If you have received this communication in error, please erase all copies of the message and its attachments and notify us immediately.



From: Priyanka Runwal [REDACTED] **b6**

Sent: Thursday, July 29, 2021 10:15 AM

To: Morens, David (NIH/NIAID) [E] [REDACTED] **b6**

Subject: Re: origins of SARS-CoV-2

Later tomorrow works for me.

I really appreciate you making the time.

I'll send some questions your way this afternoon. Thanks again.

On Thu, Jul 29, 2021 at 10:03 AM Morens, David (NIH/NIAID) [E]

[REDACTED] **b6** wrote:

Possibly later tomorrow... My schedule is a bit messed up until next Tuesday as I am both working and have guests in town. My best times are typically late afternoons, like 4 or 5ish.... Also, it would be helpful if you could send me a few more sentences about specifically what you are looking for, so that I can perhaps pull out some of the key manuscripts, Ty,

David

David M. Morens, M.D.

CAPT, United States Public Health Service

Senior Advisor to the Director
Office of the Director
National Institute of Allergy and Infectious Diseases
National Institutes of Health
Building 31, Room 7A-03
31 Center Drive, MSC 2520
Bethesda, MD 20892-2520

b6

(Assistant: Whitney Robinson)

Disclaimer: This message is intended for the exclusive use of the recipient(s) named above. It may contain information that is PROTECTED, PRIVILEGED, and/or CONFIDENTIAL, and it should not be disseminated, distributed, or copied to persons not authorized to receive such information. All sensitive documents must be properly labeled before dissemination via email. If you are not the intended recipient, any dissemination, distribution, or copying is strictly prohibited. If you have received this communication in error, please erase all copies of the message and its attachments and notify us immediately.



From: Priyanka Runwal <[redacted] b6 [redacted]>
Sent: Thursday, July 29, 2021 10:05 AM
To: Morens, David (NIH/NIAID) [E] <[redacted] b6 [redacted]>
Subject: Re: origins of SARS-CoV-2

Hi David,

Thank you so much for your email.

I'm happy to work around your schedule to make this interview possible.

Would anytime this week work for you?

On Thu, Jul 29, 2021 at 9:56 AM Morens, David (NIH/NIAID) [E] <[redacted] b6 [redacted]> wrote:

Hi Priyanka, our media office here suggested you may want to speak to me about the origins of SARS-CoV-2. Happy to do that, schedules permitting.

David

David M. Morens, M.D.

CAPT, United States Public Health Service

Senior Advisor to the Director

Office of the Director

National Institute of Allergy and Infectious Diseases

National Institutes of Health

Building 31, Room 7A-03

31 Center Drive, MSC 2520

Bethesda, MD 20892-2520

b6

(Assistant: Whitney Robinson)

Disclaimer: This message is intended for the exclusive use of the recipient(s) named above. It may contain information that is PROTECTED, PRIVILEGED, and/or CONFIDENTIAL, and it should not be disseminated, distributed, or copied to persons not authorized to receive such information. All sensitive documents must be properly labeled before dissemination via email. If you are not the intended recipient, any dissemination, distribution, or copying is strictly prohibited. If you have received this communication in error, please erase all copies of the message and its attachments and notify us immediately.



Best,

Priyanka Runwal

b6

Science, environment & health journalist

Bylines: The New York Times, Scientific American, STAT, National Geographic, Audubon Magazine, Science News, Live Science, others

--

Best,

Priyanka Runwal

b6

Science, environment & health journalist

Bylines: The New York Times, Scientific American, STAT, National Geographic, Audubon Magazine, Science News, Live Science, others

--

Best,

Priyanka Runwal

@ b6

Science, environment & health journalist

Bylines: The New York Times, Scientific American, STAT, National Geographic, Audubon Magazine, Science News, Live Science, others

--

Best,

Priyanka Runwal

b6

Science, environment & health journalist

Bylines: The New York Times, Scientific American, STAT, National Geographic, Audubon Magazine, Science News, Live Science, others

--

Best,

Priyanka Runwal

b6

Science, environment & health journalist

Bylines: The New York Times, Scientific American, STAT, National Geographic, Audubon Magazine, Science News, Live Science, others

--

Best,

Priyanka Runwal

b6

Science, environment & health journalist

Bylines: The New York Times, Scientific American, STAT, National Geographic, Audubon Magazine, Science News, Live Science, others

--

Best,

Priyanka Runwal

b6

Science, environment & health journalist

Bylines: The New York Times, Scientific American, STAT, National Geographic, Audubon Magazine, Science News, Live Science, others

--

Best,

Priyanka Runwal

b6

Science, environment & health journalist

Bylines: The New York Times, Scientific American, STAT, National Geographic, Audubon Magazine, Science News, Live Science, others

--

Best,

Priyanka Runwal

b6

Science, environment & health journalist

Bylines: The New York Times, Scientific American, STAT, National Geographic, Audubon Magazine, Science News, Live Science, others

Disclaimer

The information contained in this communication from the sender is confidential. It is intended solely for use by the recipient and others authorized to receive it. If you are not the recipient, you are hereby notified that any disclosure, copying, distribution or taking action in relation of the contents of this information is strictly prohibited and may be unlawful.

This email has been scanned for viruses and malware, and may have been automatically archived by Mimecast, a leader in email security and cyber resilience. Mimecast integrates email defenses with brand protection, security awareness training, web security, compliance and other essential capabilities. Mimecast helps protect large and small organizations from malicious activity, human error and technology failure; and to lead the movement toward building a more resilient world. To find out more, visit our website.

From: Taubenberger, Jeffery (NIH/NIAID) [E] [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=ACF689CC4F7B4E0B841A76D8FBB07F2B-TAUBENBERGE]
Sent: 9/7/2021 6:14:49 PM
To: Morens, David (NIH/NIAID) [E] [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=12de367cc65c42879ea45d128710a383-dmorens]
Subject: Re: fyi

Thanks

From: "Morens, David (NIH/NIAID) [E]" <[REDACTED] b6 >
Date: Tuesday, September 7, 2021 at 2:14:09 PM
To: "Taubenberger, Jeffery (NIH/NIAID) [E]" <[REDACTED] b6 >
Subject: RE: fyi

Not sure., Just had a long talk with Sebastian. Will follow up tomorrow

David

David M. Morens, M.D.

CAPT, United States Public Health Service
Senior Advisor to the Director
Office of the Director
National Institute of Allergy and Infectious Diseases
National Institutes of Health
Building 31, Room 7A-03
31 Center Drive, MSC 2520
Bethesda, MD 20892-2520

[REDACTED] b6 (Contacts: Kimberly Barasch; Whitney Robinson)

Disclaimer: This message is intended for the exclusive use of the recipient(s) named above. It may contain information that is PROTECTED, PRIVILEGED, and/or CONFIDENTIAL, and it should not be disseminated, distributed, or copied to persons not authorized to receive such information. All sensitive documents must be properly labeled before dissemination via email. If you are not the intended recipient, any dissemination, distribution, or copying is strictly prohibited. If you have received this communication in error, please erase all copies of the message and its attachments and notify us immediately.



From: Taubenberger, Jeffery (NIH/NIAID) [E] [redacted] **b6**
Sent: Tuesday, September 7, 2021 12:59 PM
To: Morens, David (NIH/NIAID) [E] [redacted] **b6**
Subject: fyi

Re FOIA of PD's grants. I noticed this (see screen shot) when glancing through them. No further mention of "pangolin" in word search. I wonde4r what pangolin CoV clones?

From: Morens, David (NIH/NIAID) [E] [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=12DE367CC65C42879EA45D128710A383-DMORENS]
Sent: 9/16/2021 6:14:29 PM
To: Schofield, Robin (NIH/NIAID) [E] [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=9ecfbb2ae42c41668cc1f07d73e3525c-schofieldr]
Subject: RE: Request for Permission to Conduct CIT Search: [b6] 7014

Well, that's just as bad.... Sorry you have to deal with this crap

David

David M. Morens, M.D.

CAPT, United States Public Health Service
Senior Advisor to the Director
Office of the Director
National Institute of Allergy and Infectious Diseases
National Institutes of Health
Building 31, Room 7A-03
31 Center Drive, MSC 2520
Bethesda, MD 20892-2520

[b6]

cc: (cc: Kimberly Barasch; Whitney Robinson)

Disclaimer: This message is intended for the exclusive use of the recipient(s) named above. It may contain information that is PROTECTED, PRIVILEGED, and/or CONFIDENTIAL, and it should not be disseminated, distributed, or copied to persons not authorized to receive such information. All sensitive documents must be properly labeled before dissemination via email. If you are not the intended recipient, any dissemination, distribution, or copying is strictly prohibited. If you have received this communication in error, please erase all copies of the message and its attachments and notify us immediately.



From: Schofield, Robin (NIH/NIAID) [E] [b6]
Sent: Thursday, September 16, 2021 2:13 PM
To: Morens, David (NIH/NIAID) [E] [b6]
Subject: RE: Request for Permission to Conduct CIT Search: [b6] #57014

You wouldn't believe the volumes we deal with. It's not 30,000 emails; it is 30,000 pages. I will let you know how it turns out.

From: Morens, David (NIH/NIAID) [E: b6]
Sent: Thursday, September 16, 2021 2:10 PM
To: Schofield, Robin (NIH/NIAID) [E: b6]
Subject: RE: Request for Permission to Conduct CIT Search: b6 57014

Yikes, that seems impossible..... Maybe the problem is the name "Daszak"? He's a famous scientist with hundreds of things in the literature and hundreds or more mentions in the press stuff that Greg sends out....

I have known him and even published with him for 15-20 years, but there is no way we have sent 30,000 emails over the years. But if these FOIA people want all that stuff, I have no problem.

David

David M. Morens, M.D.

CAPT, United States Public Health Service
Senior Advisor to the Director
Office of the Director
National Institute of Allergy and Infectious Diseases
National Institutes of Health
Building 31, Room 7A-03
31 Center Drive, MSC 2520
Bethesda, MD 20892-2520

b6

(Contacts: Kimberly Barasch; Whitney Robinson)

Disclaimer: This message is intended for the exclusive use of the recipient(s) named above. It may contain information that is PROTECTED, PRIVILEGED, and/or CONFIDENTIAL, and it should not be disseminated, distributed, or copied to persons not authorized to receive such information. All sensitive documents must be properly labeled before dissemination via email. If you are not the intended recipient, any dissemination, distribution, or copying is strictly prohibited. If you have received this communication in error, please erase all copies of the message and its attachments and notify us immediately.



From: Schofield, Robin (NIH/NIAID) [E] <[b6]>
Sent: Thursday, September 16, 2021 2:06 PM
To: Morens, David (NIH/NIAID) [E] <[b6]>
Subject: RE: Request for Permission to Conduct CIT Search: [b6] #57014

FYI – this search produced over 30,000 pages so I am going back to the requester to try to narrow it.

Thank you.

Robin

Robin L. Schofield, MPS
Government Information Specialist
Freedom of Information and Privacy Act Branch OM/OD/NHLBI/FOIA Service Center
FOIA Line: 301-496-9737
Fax: [b6]

From: Morens, David (NIH/NIAID) [E] <[b6]>
Sent: Thursday, September 16, 2021 8:15 AM
To: Schofield, Robin (NIH/NIAID) [E] <[b6]>
Cc: Folkers, Greg (NIH/NIAID) [E] <[b6]> Harper, Jill (NIH/NIAID) [E] <[b6]>
Subject: Re: Request for Permission to Conduct CIT Search: [b6] #57014

Sorry, yes i do. I have been on leave and just back today. d

Sent from my iPhone
David M Morens
OD, NIAID, NIH

On Sep 16, 2021, at 07:14, Schofield, Robin (NIH/NIAID) [E] <[b6]> wrote:

Good morning David,

Kindly advise whether you grant permission for the CIT search described below.

Thank you.

Robin

Robin L. Schofield, MPS
Government Information Specialist
Freedom of Information and Privacy Act Branch OM/OD/NHLBI/FOIA Service Center
FOIA Line: 301-496-9737
Fax: 3 [b6]

From: Schofield, Robin (NIH/NIAID) [E]
Sent: Monday, September 13, 2021 12:53 PM
To: Morens, David (NIH/NIAID) [E] <[b6]>
Cc: Folkers, Greg (NIH/NIAID) [E] <[b6]> Harper, Jill (NIH/NIAID) [E]
<[b6]>
Subject: Request for Permission to Conduct CIT Search: [b6] #57014

Good morning David,

[b6] has submitted a FOIA request for a copy of: "correspondence between David Morens and Peter Daszak from October 1, 2019 through the present. All e-mail correspondence to/from David Morens containing the term "Daszak" from October 1, 2019 through the present. All e-mail correspondence to/from David Morens containing the term "gain of function" from October 1, 2019 through the present."

I am requesting permission to have CIT conduct the following search of your emailboxes:

Emails (to: David Morens and from: daszak@ecohealthalliance.org) OR (from: David Morens to: daszak@ecohealthalliance.org)

Emails to or from David Morens containing the terms Daszak OR "gain of function"

The time period for both searches is October 1, 2019 through September 13, 2021.

Thank you.

Robin

Robin L. Schofield, MPS
Government Information Specialist
Freedom of Information and Privacy Act Branch OM/OD/NHLBI/FOIA Service Center
FOIA Line: 301-496-9737
Fax: [b6]

From: NIH FOIA [b6]
Sent: Thursday, September 9, 2021 8:45 AM
To: NHLBI FOIA REQUEST (NIH/NHLBI) [b6]
Cc: NIH FOIA [b6], NIAID FOIA Office [b6], Manheim, Marianne (NIH/NHLBI) [E] [b6]
Subject: NIAID for Direct [b6] FW: New FOIA request received for National Institutes of Health

Good Morning,

Please see the attached/below request for direct response regarding a copy of "correspondence between David Morens and Peter Daszak from October 1, 2019 through the present. All e-mail correspondence to/from David Morens containing the term "Daszak" from October 1, 2019 through the

present. All e-mail correspondence to/from David Morens containing the term "gain of function" from October 1, 2019 through the present."

Morens is an NIAID employee.

Thank you.

Roger Bordine

Program Support
Freedom of Information Office
National Institutes of Health
Building 31, Room 5B35
31 Center Drive
Bethesda, MD 20892

b6



From: National.FOIAPortal@usdoj.gov <National.FOIAPortal@usdoj.gov>

Sent: Wednesday, September 8, 2021 5:40 PM

To: NIH FOIA <nihfoia@od.nih.gov>

Subject: New FOIA request received for National Institutes of Health

Hello,

A new FOIA request was submitted to your agency component:

The following list contains the entire submission submitted September 08, 2021 05:40:02pm ET, and is formatted for ease of viewing and

Contact information

First name
Last name
Mailing Address

City
State/Province
Postal Code
Country
Phone
Company/Organization
Email

b6

Request

Request ID 255641

Confirmation ID 255116

Request description All e-mail correspondence between David Morens and Peter Daszak from October 1, 2019 through the present. All e-mail correspondence to/from David Morens containing the term "Daszak" from October 1, 2019 through the present. All e-mail correspondence to/from David Morens containing the term "gain of function" from October 1, 2019 through the present.

Supporting documentation

Fees

Request category ID	other
Fee waiver	no
Willing to pay	100

Expedited processing

Expedited Processing	no
----------------------	----

The following table contains the entire submission, and is formatted for ease of copy/pasting into a spreadsheet.

request_id	confirmation_id	address_city	address_country	address_line1	address_line2	address_state_province	add
------------	-----------------	--------------	-----------------	---------------	---------------	------------------------	-----

255641	255116
--------	--------

b6

From: Morens, David (NIH/NIAID) [E] [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=12DE367CC65C42879EA45D128710A383-DMORENS]
Sent: 9/16/2021 7:30:34 PM
To: Schofield, Robin (NIH/NIAID) [E] [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=9ecfbb2ae42c41668cc1f07d73e3525c-schofieldr]
BCC: Morens, David (NIH/NIAID) [E] [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=12de367cc65c42879ea45d128710a383-dmorens]
Subject: Re: Question Regarding FOIA Request #57014

no need for me to look unless u think i need to

Sent from my iPhone
David M Morens
OD, NIAID, NIH

On Sep 16, 2021, at 15:20, Schofield, Robin (NIH/NIAID) [E] <[b6]> wrote:

FYI – amended request 554 pages. When I am done with them, I will send them to Sharon Gilles for IOD review unless you want to look at them first.

Robin

From: [b6]
Sent: Thursday, September 16, 2021 3:04 PM
To: Schofield, Robin (NIH/NIAID) [E] [b6]
Subject: Re: Question Regarding FOIA Request #57014

Robin,

At this time I'll limit the request to e-mail correspondence between David Morens and Peter Daszak from October 1, 2019 through the present.

I will follow-up with a gain of function FOIA at a later time.

Thanks,

[b6]

On Thu, Sep 16, 2021 at 1:58 PM Schofield, Robin (NIH/NIAID) [E] <[b6]> wrote:

Thank you for the response [b6], but I am unclear. So, you are not willing to limit your request to emails between Drs. Morens and Daszak? You want an additional keyword search of Dr. Morens' email files on the term "gain of function" for the time period January 1, 2020 through March 31, 2020? Is that correct?

Please advise.

Robin

Robin L. Schofield, MPS

Government Information Specialist

Freedom of Information and Privacy Act Branch OM/OD/NHLBI/FOIA Service Center

FOIA Line: 301-496-9737

Fax: [b6]

From: [b6]
Sent: Thursday, September 16, 2021 2:53 PM
To: Schofield, Robin (NIH/NIAID) [E] <[b6]>
Subject: Re: Question Regarding FOIA Request #57014

Hi Robin,

I'll agree to accept the e-mails between Dr. Morens and Daszac.

Also, for the purposes of limiting the scope, I'm OK to limit the "gain of function" search request from January 1, 2020 through March 31, 2020.

Thanks,

[b6]

On Thu, Sep 16, 2021 at 1:00 PM Schofield, Robin (NIH/NIAID) [E]

[b6]

wrote:

Good afternoon [b6]

I am contacting you regarding your recent FOIA request for documents from the e-mailboxes of Dr. David Morens to or from Dr. Peter Daszac or containing the terms Daszac or "gain of function". Our e-Discovery unit has run the searches and the results are over 30,000 pages. The NIAID and NIH FOIA Offices are inundated with requests at this time, and as we have previously discussed, you will receive responsive documents in a more timely manner if you can target your request to a reasonable volume. Would you be willing to amend your request to exclude the second part and agree to accept emails between Dr. Morens and Dr. Daszac? We are already processing several related requests for documents of other members of Dr. Morens' office for you so once you receive some of those documents, you would be able to possibly come in with a new, more targeted request if you were still interested in more documents.

Please advise.

Thank you.

Robin

Robin L. Schofield, MPS

Government Information Specialist

Freedom of Information and Privacy Act Branch OM/OD/NHLBI/FOIA Service Center

FOIA Line: 301-496-9737

Fax:

[b6]

From: Taubenberger, Jeffery (NIH/NIAID) [E] [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=ACF689CC4F7B4E0B841A76D8FBB07F2B-TAUBENBERGE]
Sent: 10/6/2021 6:34:24 PM
To: Morens, David (NIH/NIAID) [E] [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=12de367cc65c42879ea45d128710a383-dmorens]
Subject: Re: 2 things

I think you qualify for whatever position the people hiring you want you in. I can't see how you wouldn't qualify if that was the institute's (ASF) wish.

From: "Morens, David (NIH/NIAID) [E]" [b6]
Date: Wednesday, October 6, 2021 at 12:21:47 PM
To: "Folkers, Greg (NIH/NIAID) [E]" [b6]
Subject: RE: 2 things

Hmmm.... It seems that I don't qualify for either of these...., but thanks for sending.... Any idea is worth considering....

David

David M. Morens, M.D.

CAPT, United States Public Health Service
Senior Advisor to the Director
Office of the Director
National Institute of Allergy and Infectious Diseases
National Institutes of Health
Building 31, Room 7A-03
31 Center Drive, MSC 2520
Bethesda, MD 20892-2520

[b6]

(Assistant: Whitney Robinson)

Disclaimer: This message is intended for the exclusive use of the recipient(s) named above. It may contain information that is PROTECTED, PRIVILEGED, and/or CONFIDENTIAL, and it should not be disseminated, distributed, or copied to persons not authorized to receive such information. All sensitive documents must be properly labeled before dissemination via email. If you are not the intended recipient, any dissemination, distribution, or copying is strictly prohibited. If you have received this communication in error, please erase all copies of the message and its attachments and notify us immediately.



From: Folkers, Greg (NIH/NIAID) [E] [redacted] **b6**
Sent: Wednesday, October 6, 2021 12:04 PM
To: Morens, David (NIH/NIAID) [E] [redacted] **b6**
Subject: RE: 2 things

D

There is a staff clinician

<https://oir.nih.gov/sourcebook/personnel/ipds-appointment-mechanisms/staff-clinician>

and senior clinician

<https://oir.nih.gov/sourcebook/personnel/ipds-appointment-mechanisms/senior-clinician>

there used to something called “senior research clinician” but I cant find a link

From: Morens, David (NIH/NIAID) [E] [redacted] **b6**
Sent: Wednesday, October 6, 2021 11:32 AM
To: Folkers, Greg (NIH/NIAID) [E] [redacted] **b6**
Subject: RE: 2 things

Thanks, will keep all tyhis in mind. Jeff T also mentioned to me this morning that there is a job desription within NIAID called senior staff clinician and that various people have been hired into it using Title 38 or Title 42. He says that it’s little used but easy to hire via it.

David

David M. Morens, M.D.

CAPT, United States Public Health Service
Senior Advisor to the Director
Office of the Director
National Institute of Allergy and Infectious Diseases

National Institutes of Health
Building 31, Room 7A-03
31 Center Drive, MSC 2520
Bethesda, MD 20892-2520

b6

istant: Whitney Robinson)

Disclaimer: This message is intended for the exclusive use of the recipient(s) named above. It may contain information that is PROTECTED, PRIVILEGED, and/or CONFIDENTIAL, and it should not be disseminated, distributed, or copied to persons not authorized to receive such information. All sensitive documents must be properly labeled before dissemination via email. If you are not the intended recipient, any dissemination, distribution, or copying is strictly prohibited. If you have received this communication in error, please erase all copies of the message and its attachments and notify us immediately.



From: Folkers, Greg (NIH/NIAID) [E]

b6

Sent: Wednesday, October 6, 2021 10:38 AM

To: Morens, David (NIH/NIAID) [

b6

Subject: RE: 2 things

D

I would not up bring the foia'd email proactively / he prob has moved on the foia requests continue to roll in –there is apparently a huge queue u might ask T directly if he would be amenable to keeping u on team as a consultant/contractor

From: Morens, David (NIH/NIAID) [E] [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=12DE367CC65C42879EA45D128710A383-DMORENS]
Sent: 1/21/2022 8:50:38 PM
To: Schofield, Robin (NIH/NHLBI) [E] [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=9ecfbb2ae42c41668cc1f07d73e3525c-schofieldr]
CC: Harper, Jill (NIH/NIAID) [E] [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=0bfd6dfb8e48482fb49a5f72abfbac8-jharper]
BCC: Morens, David (NIH/NIAID) [E] [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=12de367cc65c42879ea45d128710a383-dmorens]
Subject: Re: NIAID for Direct [b6] - FW: [EXTERNAL] FOIA request
Attachments: image001.png; David Morens FOIA.pdf

sure

Sent from my iPhone
David M Morens
OD, NIAID, NIH

On Jan 21, 2022, at 15:36, Schofield, Robin (NIH/NHLBI) [E] [b6] wrote:

Good afternoon David,

[b6] of US Right to Know has submitted a request for:

...all email correspondence to or from Dr. Morens (including CC, BCC and attachments) with the following email domains and organizations:

- @ecohealthalliance.org
- "EcoHealth Alliance"

The date range for the request is from 1/1/2016 to the present.

I am seeking permission to request a CIT search of your email for these records.

Thank you.

Robin

Robin L. Schofield
NHLBI FOIA Service Center

From: NIH FOIA [b6]
Sent: Friday, January 21, 2022 1:31 PM
To: NHLBI FOIA REQUEST (NIH/NHLBI) [b6]
Cc: Manheim, Marianne (NIH/NHLBI) [E] [b6] NIH FOIA [b6] Schofield, Robin (NIH/NHLBI) [E] [b6]
Subject: NIAID for Direct [b6] FW: [EXTERNAL] FOIA request

Good Afternoon,

Please see the attached request for direct response regarding a copy of correspondence to and from Dr. Morens at NIAID.

Thank you.

Roger Bordine

Program Support
Freedom of Information Office
National Institutes of Health
Building 31, Room 5B35
31 Center Drive
Bethesda, MD 20892

b6

From: [REDACTED] **b6**
Sent: Friday, January 21, 2022 1:26 PM
To: NIH FOIA; [REDACTED] **b6**
Subject: [EXTERNAL] FOIA request

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and are confident the content is safe.

Dear NIH staff,

Please see the attached FOIA request. As always, thanks so much for your help with this request.

Best,

b6



January 21, 2022

Gorka Garcia-Malene
Freedom of Information Officer
National Institutes of Health
Building 31 Room 5B35
9000 Rockville Pike
Bethesda, MD 20892

Via email: nihfoia@mail.nih.gov

RE: Freedom of Information Act request

Dear Mr. Garcia-Malene:

This is a request under the Freedom of Information Act, 5 U.S.C. § 552, et seq., to the National Institutes of Health ("NIH") seeking the production of documents. We request a complete and thorough search for records about Dr. David M. Morens, senior scientific advisor, office of the director, at the National Institute of Allergy and Infectious Diseases.

We request records of all email correspondence to or from Dr. Morens (including CC, BCC and attachments) with the following email domains and organizations:

- @ecohealthalliance.org
- "EcoHealth Alliance"

The date range for the request is from 1/1/2016 to the present.

We request that you disclose these documents and materials as they become available to you, without waiting until all the documents have been assembled. If documents are denied in whole or in part, please specify which exemption(s) is (are) claimed for each passage or whole document denied. Give the number of pages in each document and the total number of pages pertaining to this request and the dates of documents withheld. We request that excised material be "blacked out" rather than "whited out" or cut out and that the remaining non-exempt portions of documents be released as provided under the Freedom of Information Act.

Please advise of any destruction of records and include the date of and authority for such destruction. As we expect to appeal any denials, please specify the office and address to which an appeal should be directed.

REQUEST FOR FEE WAIVER

Pursuing truth and transparency in public health

FOIA was designed to provide citizens a broad right to access government records. FOIA's basic purpose is to "open agency action to the light of public scrutiny," with a focus on the public's "right to be informed about what their government is up to." *NARA v. Favish*, 541 U.S. 157, 171 (2004) quoting *U.S. Dep't of Justice v. Reporters Comm. for Freedom of Press*, 489 U.S. 749, 773-74 (1989) (internal quotation and citations omitted). In order to provide public access to this information, FOIA's fee waiver provision requires that "[d]ocuments shall be furnished without any charge or at a [reduced] charge," if the request satisfies the standard. 5 U.S.C. § 552(a)(4)(A)(iii). FOIA's fee waiver requirement is "liberally construed." *Judicial Watch, Inc. v. Rossotti*, 326 F.3d 1309, 1310 (D.C. Cir. 2003); *Forest Guardians v. U.S. Dept. of Interior*, 416 F.3d 1173, 1178 (10th Cir. 2005).

The 1986 fee waiver amendments were designed specifically to provide non-profit organizations such as U.S. Right to Know access to government records without the payment of fees. Indeed, FOIA's fee waiver provision was intended "to prevent government agencies from using high fees to discourage certain types of requesters and requests," which are "consistently associated with requests from journalists, scholars, and *non-profit public interest groups*." *Ettlinger v. FBI*, 596 F. Supp. 867, 872 (D. Mass. 1984) (emphasis added). As one Senator stated, "[a]gencies should not be allowed to use fees as an offensive weapon against requesters seeking access to Government information" 132 Cong. Rec. S. 14298 (statement of Senator Patrick Leahy).

I. U.S. Right to Know Qualifies for a Fee Waiver.

Under FOIA, a party is entitled to a fee waiver when "disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the [Federal] government and is not primarily in the commercial interest of the requester." 5 U.S.C. § 552(a)(4)(A)(iii).

Thus, the NIH must consider six factors to determine whether a request is in the public interest: (1) whether the subject of the requested records concerns "the operations or activities of the Federal government," (2) whether the disclosure is "likely to contribute" to an understanding of government operations or activities, (3) whether the disclosure "will contribute to public understanding" of a reasonably broad audience of persons interested in the subject, (4) whether the disclosure is likely to contribute "significantly" to public understanding of government operations or activities. *Id.* § 2.107(1)(2), (5) whether a commercial interest exists and its magnitude, and (6) the primary interest in disclosure. As shown below, U.S. Right to Know meets each of these factors.

A. The Subject of This Request Concerns "The Operations and Activities of the Government."

The subject matter of this request concerns the NIH's work with the EcoHealth Alliance, and its funding of potentially dangerous virological research.

This FOIA will provide U.S. Right to Know and the public with crucial insight into NIH's knowledge of potentially dangerous virus research that was being conducted with NIH

funding. It is clear that a federal agency's oversight of health, safety and security threats, both foreign and in the U.S. is a specific and identifiable activity of the government, and in this case, it is the executive branch agency of the NIH. *Judicial Watch*, 326 F.3d at 1313 (“[R]easonable specificity is all that FOIA requires with regard to this factor”) (internal quotations omitted). Thus, U.S. Right to Know meets this factor.

B. Disclosure is “Likely to Contribute” to an Understanding of Government Operations or Activities.

The requested records are meaningfully informative about government operations or activities and will contribute to an increased understanding of those operations and activities by the public.

Disclosure of the requested records will allow U.S. Right to Know to convey to the public information about the NIH's activities and funding of research with potentially pathogenic viruses. Once the information is made available, U.S. Right to Know will analyze it and present it to the general public in a manner that will meaningfully enhance the public's understanding of this topic.

Thus, the requested records are likely to contribute to an understanding of the NIH's activities and operations in relation to understanding and mitigating pandemics.

C. Disclosure of the Requested Records Will Contribute to a Reasonably Broad Audience of Interested Persons' Understanding of NIAID Funding of Research on Dangerous Pathogens.

The requested records will contribute to public understanding of whether the NIH's funding and oversight of research with potentially dangerous pathogens are consistent with its mission and purpose “to develop, maintain, and renew scientific human and physical resources that will ensure the Nation's capability to prevent disease.” As explained above, the records will contribute to public understanding of this topic.

Activities of the NIH generally, and specifically its oversight of research with viruses of pandemic and spillover potential are areas of interest to a reasonably broad segment of the public. U.S. Right to Know will use the information it obtains from the disclosed records to educate the public at large about this topic. *See W. Watersheds Proj. v. Brown*, 318 F. Supp.2d 1036, 1040 (D. Idaho 2004) (finding that “WWP adequately specified the public interest to be served, that is, educating the public about the ecological conditions of the land managed by the BLM and also how ... management strategies employed by the BLM may adversely affect the environment”).

Through U.S. Right to Know's synthesis and dissemination (by means discussed in Section II, below), disclosure of information contained in and gleaned from the requested records will contribute to a broad audience of persons who are interested in the subject matter. *Ettlinger v. FBI*, 596 F. Supp. at 876 (benefit to a population group of some size distinct

from the requester alone is sufficient); *Carney v. Dept. of Justice*, 19 F.3d 807, 815 (2d Cir. 1994), *cert. denied*, 513 U.S. 823 (1994) (applying “public” to require a sufficient “breadth of benefit” beyond the requester’s own interests); *Cnty. Legal Servs. v. Dep’t of Hous. & Urban Dev.*, 405 F. Supp.2d 553, 557 (E.D. Pa. 2005) (in granting fee waiver to community legal group, court noted that while the requester’s “work by its nature is unlikely to reach a very general audience,” “there is a segment of the public that is interested in its work”).

Indeed, the public does not currently have an ability to easily evaluate the requested records, which are not currently in the public domain. *See Cnty. Legal Servs.*, 405 F. Supp.2d at 560 (because requested records “clarify important facts” about agency policy, “the CLS request would likely shed light on information that is new to the interested public.”). As the Ninth Circuit observed in *McClellan Ecological Seepage Situation v. Carlucci*, 835 F.2d 1282, 1286 (9th Cir. 1987), “[FOIA] legislative history suggests that information [has more potential to contribute to public understanding] to the degree that the information is new and supports public oversight of agency operations... .”¹

Disclosure of these records is not only “likely to contribute,” but is certain to contribute, to public understanding of NIH’s funding of research with potentially pathogenic organisms and mitigating the risks to the public. The public is always well served when it knows how the government conducts its activities, particularly matters touching on legal questions. Hence, there can be no dispute that disclosure of the requested records to the public will educate the public about this pressing issue.

II. Disclosure is Likely to Contribute Significantly to Public Understanding of Government Operations or Activities.

U.S. Right to Know is not requesting these records merely for their intrinsic informational value. Disclosure of the requested records will significantly enhance the public’s understanding of what the NIH knows about pathogens with pandemic potential, as compared to the level of public understanding that exists prior to the disclosure. Indeed, public understanding will be *significantly* increased as a result of disclosure because the requested records will help reveal more about this subject matter.

The records are also certain to shed light on the NIH’s compliance with its own mission and purpose. Such public oversight of agency action is vital to our democratic system and clearly envisioned by the drafters of the FOIA. Thus, U.S. Right to Know meets this factor as well.

III. Obtaining the Requested Records is of No Commercial Interest to U.S. Right to Know.

¹ In this connection, it is immaterial whether any portion of U.S. Right to Know’s request may currently be in the public domain because U.S. Right to Know requests considerably more than any piece of information that may currently be available to other individuals. *See Judicial Watch*, 326 F.3d at 1315.

Access to government records, disclosure forms, and similar materials through FOIA requests is essential to U.S. Right to Know's role of educating the general public. Founded in 2014, U.S. Right to Know is a 501(c)(3) nonprofit public interest, public health organization (EIN: 46-5676616). U.S. Right to Know has no commercial interest and will realize no commercial benefit from the release of the requested records.

IV. U.S. Right to Know's Primary Interest in Disclosure is the Public Interest.

As stated above, U.S. Right to Know has no commercial interest that would be furthered by disclosure. Although even if it did have an interest, the public interest would far outweigh any pecuniary interest.

U.S. Right to Know is a non-profit organization that informs, educates, and counsels the public regarding corporate wrongdoing and government failures that threaten the integrity of our food system, our environment and our health. U.S. Right to Know has been substantially involved in the activities of numerous government agencies for over five years, and has consistently displayed its ability to disseminate information granted to it through FOIA.

In granting U.S. Right to Know's fee waivers, agencies have recognized: (1) that the information requested by U.S. Right to Know contributes significantly to the public's understanding of the government's operations or activities; (2) that the information enhances the public's understanding to a greater degree than currently exists; (3) that U.S. Right to Know possesses the expertise to explain the requested information to the public; (4) that U.S. Right to Know possesses the ability to disseminate the requested information to the general public; (5) and that the news media recognizes U.S. Right to Know as an established expert in the field of public health. U.S. Right to Know's track record of active participation in oversight of governmental activities and decision making, and its consistent contribution to the public's understanding of those activities as compared to the level of public understanding prior to disclosure are well established.

U.S. Right to Know intends to use the records requested here similarly. U.S. Right to Know's work appears frequently in news stories online and in print, radio and TV, including reporting in outlets such as *The New York Times* and *The Guardian*, as well as medical and public health journals such as the *BMJ*. Many media outlets have reported about the food and chemical industries using information obtained by U.S. Right to Know from federal agencies. In 2021, more than 525,000 people visited U.S. Right to Know's extensive website, and viewed pages more than one million times. More than 9,300 people follow U.S. Right to Know on Facebook, and there are regular postings about transparency in issues of public health and the environment. U.S. Right to Know and its staff regularly tweet to a combined following of more than 38,000 on Twitter. U.S. Right to Know intends to use any or all of these media outlets to share with the public information obtained as a result of this request.

Public oversight and enhanced understanding of the NIH's duties is absolutely necessary. In determining whether disclosure of requested information will contribute significantly to

public understanding, a guiding test is whether the requester will disseminate the information to a reasonably broad audience of persons interested in the subject. *Carney*, 19 F.3d 807. U.S. Right to Know need not show how it intends to distribute the information, because “[n]othing in FOIA, the [agency] regulation, or our case law require[s] such pointless specificity.” *Judicial Watch*, 326 F.3d at 1314. It is sufficient for U.S. Right to Know to show how it distributes information to the public generally. *Id.*

Please send the documents electronically in PDF format to [redacted] b6
If you need additional information please call, rather than write me at [redacted] b6

Thank you for your help in filling this request.

Sincerely,

[redacted] b6

From: Harper, Jill (NIH/NIAID) [E] [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0BFD6DFB8E48482FB49A5F72ABFCBAC8-JHARPER]
Sent: 2/1/2022 1:50:27 PM
To: Harper, Jill (NIH/NIAID) [E] [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=0bfd6dfb8e48482fb49a5f72abfcba8-jharper]; Morens, David (NIH/NIAID) [E] [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=12de367cc65c42879ea45d128710a383-dmorens]
Subject: Discuss FOIA
Location: Microsoft Teams Meeting
Start: 2/2/2022 8:00:00 PM
End: 2/2/2022 8:15:00 PM
Show Time As: Tentative

Required Attendees: Morens, David (NIH/NIAID) [E]

Microsoft Teams meeting

Join on your computer or mobile app
[Click here to join the meeting](#)

Or call in (audio only)

b6

United States, Bethesda

Phone Conference ID: **b6**

[Find a local number](#) | [Reset PIN](#)

[Learn More](#) | [Meeting options](#)

From: Fowler, Karen (NIH/NIAID) [C] [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=2C353F2AE5454D2FB88ED9BC9A71B8A9-FOWLERK]
Sent: 2/1/2022 2:16:10 PM
To: Morens, David (NIH/NIAID) [E] [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=12de367cc65c42879ea45d128710a383-dmorens]
Subject: RE: foia meeting

Hi David,

I will move the meeting to 3:30 p.m. tomorrow.

Yes, Microsoft teams is on our computer. You can use it as another meeting option and it's located in the same area on the calendar where the zoom icon is located, the name is New Teams Meeting. For your meeting with Jill - open the invite and click on the link.

Take care!!!
Karen

-----Original Message-----

From: Morens, David (NIH/NIAID) [E] <[REDACTED] b6 >
Sent: Tuesday, February 1, 2022 9:09 AM
To: Fowler, Karen (NIH/NIAID) [C] <[REDACTED] b6 >
Subject: Re: foia meeting

Yes, thanks. Also can you fill me in on what is Microsoft Team? Never heard of that. Is it on my computer somewhere, or is it like zoom where you just send a link? david

Sent from my iPhone
David M Morens
OD, NIAID, NIH

> On Feb 1, 2022, at 09:04, Fowler, Karen (NIH/NIAID) [C] <[REDACTED] b6 > wrote:

>
> Good morning David,
>
> I hope all is well!!
>
> Can you meet at 3:30 p.m. tomorrow, Wednesday, February 2?
>
> Regards,
> Karen

> -----Original Message-----

> From: Harper, Jill (NIH/NIAID) [E] <[REDACTED] b6 >
> Sent: Tuesday, February 1, 2022 8:59 AM
> To: Morens, David (NIH/NIAID) [E] <[REDACTED] b6 >
> Cc: Fowler, Karen (NIH/NIAID) [C] <[REDACTED] b6 >; Harper, Jill (NIH/NIAID) [E]
> Subject: RE: foia meeting

> No, Karen can adjust to accommodate meeting with ASF. Thanks.

> -----Original Message-----

> From: Morens, David (NIH/NIAID) [E] <[REDACTED] b6 >
> Sent: Tuesday, February 1, 2022 8:56 AM
> To: Harper, Jill (NIH/NIAID) [E] <[REDACTED] b6 >
> Subject: foia meeting

> Jill, got the foia email. I have my regular meeting with Tony at that exact time. Shall i try to reschedule it? d

>
> Sent from my iPhone
> David M Morens
> OD, NIAID, NIH

From: Taubenberger, Jeffery (NIH/NIAID) [E] [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=ACF689CC4F7B4E0B841A76D8FBB07F2B-TAUBENBERGE]
Sent: 2/7/2022 6:14:31 PM
To: Schofield, Robin (NIH/NHLBI) [E] [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=9ecfbb2ae42c41668cc1f07d73e3525c-schofieldr]
CC: Morens, David (NIH/NIAID) [E] [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=12de367cc65c42879ea45d128710a383-dmorens]; Harper, Jill (NIH/NIAID) [E] [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=0bfd6dfb8e48482fb49a5f72abfcbac8-jharper]
Subject: Re: NIH FOIA - Assignment Notification from NIH FOIA Public Portal-Tracking # 57811

Good morning,

Thank you for letting me know. Given the multiple search terms requested I think it would be most efficient to have CIT conduct the search.

Best regards,

Jeff

Jeffery K. Taubenberger, M.D., Ph.D.,
Chief, Viral Pathogenesis and Evolution Section
Deputy Chief, Laboratory of Infectious Diseases
National Institute of Allergy and Infectious Diseases
National Institutes of Health
33 North Drive, Room 3E19A.2 MSC 3203
Bethesda, MD 20892-3203 USA

b6

Disclaimer: The information in this e-mail and any of its attachments is confidential and may contain sensitive information. It should not be used by anyone who is not the original intended recipient. If you have received this e-mail in error please inform the sender and delete it from your mailbox or any other storage devices. National Institute of Allergy and Infectious Diseases shall not accept liability for any statements made that are sender's own and not expressly made on behalf of NIAID.

From: "Schofield, Robin (NIH/NHLBI) [E]" **b6**
Date: Monday, February 7, 2022 at 8:06 AM
To: "Taubenberger, Jeffrey (NIH/NIAID) [E]" **b6**
Cc: "Morens, David (NIH/NIAID) [E]" **b6**, "Harper, Jill (NIH/NIAID) [E]" **b6**
Subject: FW: NIH FOIA - Assignment Notification from NIH FOIA Public Portal-Tracking # 57811

Good morning Dr. Taubenberger,

We have received a FOIA request from [b6] of the Whistleblower Protection Project (WHIPP) for your emails with Drs. Morens and Daszak for containing the terms Conornavirus, Wuhan, laboratory leak, evolution, evolutionary theory, Covid-19, conference call, EcoHealth, narrative, SARS-CoV, gain of function, GoF, or China. (Date Range for Record Search: From 02/02/2020 To 02/29/2020)

We are already processing a request for Dr. Morens' communications with Dr. Daszak so we just need to search your files. Please let me know if you will be conducting the search yourself or you would prefer that we request the search from CIT.

Thank you.

Robin

Robin L. Schofield
NHLBI FOIA Service Center

From: FOIA_noreply@nih.gov [b6]
Sent: Saturday, February 5, 2022 10:10 PM
To: NHLBI FOIA REQUEST (NIH/NHLBI) [b6]
Subject: NIH FOIA - Assignment Notification from NIH FOIA Public Portal-Tracking # 57811

Hi FOIA Team!

Request # 57811 was submitted through the NIH FOIA Public Portal and assigned to you for review and further processing.

Please review the request and if all required details have not been provided by the requester, be sure to use the "Stop Clock" option to ensure processing time for the request is accurately monitored while waiting for clarification/information from the requester.

Request Description:

All emails between David Morens, Jeffery Taubenberger and/or Peter Daszak that mention Conornavirus, Wuhan, laboratory leak, evolution, evolutionary theory, Covid-19, conference call, EcoHealth, narrative, SARS-CoV, gain of function, GoF, or China. (Date Range for Record Search: From 02/02/2020 To 02/29/2020)

From: Folkers, Greg (NIH/NIAID) [E] [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=614C792839A146B9A8F87A1378519DBD-GFOLKERS]
Sent: 3/1/2022 7:14:35 PM
To: Schofield, Robin (NIH/NHLBI) [E] [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=9ecfbb2ae42c41668cc1f07d73e3525c-schofieldr]; Awwad, David (NIH/NIAID) [C] [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=0a5171ce4c4d4110abfe9aebfbdafbe7-dawwad]; Morens, David (NIH/NIAID) [E] [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=12de367cc65c42879ea45d128710a383-dmorens]
CC: Gilles, Sharon (NIH/NIAID) [E] [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=339880516bcd4cddb7320d229399d09d-gillesm]; Harper, Jill (NIH/NIAID) [E] [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=0bfd6dfb8e48482fb49a5f72abfcba8-jharper]
Subject: RE: NIH FOIA Request for NIAID Input - 57917

For asf pls do a cit search

Ty, robin

From: Schofield, Robin (NIH/NHLBI) [E] [b6]
Sent: Tuesday, March 1, 2022 2:12 PM
To: Folkers, Greg (NIH/NIAID) [E] [b6]; Awwad, David (NIH/NIAID) [C] [b6]; Morens, David (NIH/NIAID) [E] [b6]
Cc: Gilles, Sharon (NIH/NIAID) [E] [b6]; Harper, Jill (NIH/NIAID) [E] [b6]
Subject: FW: NIH FOIA Request for NIAID Input - 57917

Good afternoon,

[b6] of WHIPP has submitted a request for communications between, amongst, and/or including Anthony S. Fauci, M.D., Hugh Auchincloss, M.D., David M. Morens, M.D., and/or Lawrence A. Tabak, D.D.S., Ph.D. from December 2019 through the end of March 2020, regarding and/or related to any of the following terms or similarly related terms and phrases: "biodefense," "biodefense strategy," "basic research," "genomics research," and/or "the expansion of research infrastructure."

Please advise whether you would like me to conduct a CIT search for emails to or from Drs. Fauci, Auchincloss or Morens containing the terms biodefense OR "biodefense strategy" OR "basic research" OR "genomics research" OR "the expansion of research infrastructure" for the time period 12/1/19 – 3/31/20.

Thank you.

Robin

Robin L. Schofield
NHLBI FOIA Service Center

From: NIH FOIA [b6]
Sent: Tuesday, March 1, 2022 1:42 PM
To: NHLBI FOIA REQUEST (NIH/NHLBI) [b6]
Cc: Manheim, Marianne (NIH/NHLBI) [E] [b6]; Schofield, Robin (NIH/NHLBI) [E]

b6

NIH FOIA

b6

Subject: NIH FOIA Request for NIAID Input - 57917

Good Afternoon,

Please see the attached request for NIAID input regarding a copy of any documentation reflecting communications (verbal or written) between, amongst, and/or including Anthony S. Fauci, M.D., Hugh Auchincloss, M.D., David M. Morens, M.D., and/or Lawrence A. Tabak, D.D.S., Ph.D. from December 2019 through the end of March 2020, regarding and/or related to any of the following terms or similarly related terms and phrases: "biodefense," "biodefense strategy," "basic research," "genomics research," and/or "the expansion of research infrastructure."

Thank you.

Roger Bordine

Program Support

Freedom of Information Office

National Institutes of Health

Building 31, Room 5B35

31 Center Drive

Bethesda, MD 20892

b6



National Institutes of Health
Turning Discovery Into Health

From:

b6

Sent: Saturday, February 19, 2022 1:01 AM

To: NIH FOIA

b6

Subject: NIH FOIA - Assignment Notification from NIH FOIA Public Portal-Tracking # 57917

Hi FOIA Team!

Request # 57917 was submitted through the NIH FOIA Public Portal and assigned to you for review and further processing.

Please review the request and if all required details have not been provided by the requester, be sure to use the "Stop Clock" option to ensure processing time for the request is accurately monitored while waiting for clarification/information from the requester.

Request Description:

Any documentation reflecting communications (verbal or written) between, amongst, and/or including Anthony S. Fauci, M.D., Hugh Auchincloss, M.D., David M. Morens, M.D., and/or Lawrence A. Tabak, D.D.S., Ph.D. from December 2019 through the end of March 2020, regarding and/or related to any of the following terms or similarly related terms and phrases: biodefense, biodefense strategy, basic research, genomics research, the expansion of research infrastructure, including discussions of whether pandemic diseases emerge naturally or are deliberately introduced as an act of bioterrorism, the infectious agent and how it causes disease, and developing tools to diagnose, treat and prevent infection with that microbe, discussions regarding fundamental basic research needed to better understand infectious agents, etc. from December 2019 through March 31, 2020. (Date Range for Record Search: From 12/01/2019 To 03/31/2020)

From: Morens, David (NIH/NIAID) [E] [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=12DE367CC65C42879EA45D128710A383-DMORENS]
Sent: 3/1/2022 7:56:17 PM
To: Schofield, Robin (NIH/NHLBI) [E] [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=9ecfbb2ae42c41668cc1f07d73e3525c-schofieldr]; Folkers, Greg (NIH/NIAID) [E] [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=614c792839a146b9a8f87a1378519dbd-gfolkers]; Awwad, David (NIH/NIAID) [C] [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=0a5171ce4c4d4110abfe9aebfdbafbe7-dawwad]
CC: Gilles, Sharon (NIH/NIAID) [E] [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=339880516bcd4cddb7320d229399d09d-gillesm]; Harper, Jill (NIH/NIAID) [E] [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=0bfd6dfb8e48482fb49a5f72abfcba8-jharper]
Subject: RE: NIH FOIA Request for NIAID Input - 57917

Yes, please do...

Thank you,



David M. Morens, M.D.

CAPT, United States Public Health Service
Senior Advisor to the Director
Office of the Director
National Institute of Allergy and Infectious Diseases
National Institutes of Health
Building 31, Room 7A-03
31 Center Drive, MSC 2520
Bethesda, MD 20892-2520

b6

(Contacts: Kimberly Barasch; Whitney Robinson)

Disclaimer: This message is intended for the exclusive use of the recipient(s) named above. It may contain information that is PROTECTED, PRIVILEGED, and/or CONFIDENTIAL, and it should not be disseminated, distributed, or copied to persons not authorized to receive such information. All sensitive documents must be properly labeled before dissemination via email. If you are not the intended recipient, any dissemination, distribution, or copying is strictly prohibited. If you have received this communication in error, please erase all copies of the message and its attachments and notify us immediately.



From: Schofield, Robin (NIH/NHLBI) [E] [b6]
Sent: Tuesday, March 1, 2022 2:12 PM
To: Folkers, Greg (NIH/NIAID) [E] [b6]; Awwad, David (NIH/NIAID) [C] [b6]
Morens, David (NIH/NIAID) [E] [b6]
Cc: Gilles, Sharon (NIH/NIAID) [E] [b6]; Harper, Jill (NIH/NIAID) [E] [b6]
Subject: FW: NIH FOIA Request for NIAID Input - 57917

Good afternoon,

[b6] of WHIPP has submitted a request for communications between, amongst, and/or including Anthony S. Fauci, M.D., Hugh Auchincloss, M.D., David M. Morens, M.D., and/or Lawrence A. Tabak, D.D.S., Ph.D. from December 2019 through the end of March 2020, regarding and/or related to any of the following terms or similarly related terms and phrases: “biodefense,” “biodefense strategy,” “basic research,” “genomics research,” and/or “the expansion of research infrastructure.”

Please advise whether you would like me to conduct a CIT search for emails to or from Drs. Fauci, Auchincloss or Morens containing the terms biodefense OR “biodefense strategy” OR “basic research” OR “genomics research” OR “the expansion of research infrastructure” for the time period 12/1/19 – 3/31/20.

Thank you.

Robin

Robin L. Schofield
NHLBI FOIA Service Center

From: NIH FOIA [b6]
Sent: Tuesday, March 1, 2022 1:42 PM
To: NHLBI FOIA REQUEST (NIH/NHLBI) [b6]
Cc: Manheim, Marianne (NIH/NHLBI) [E] [b6]; Schofield, Robin (NIH/NHLBI) [E]
[b6] NIH FOIA [b6]
Subject: NIH FOIA Request for NIAID Input - 57917

Good Afternoon,

Please see the attached request for NIAID input regarding a copy of any documentation reflecting communications (verbal or written) between, amongst, and/or including Anthony S. Fauci, M.D., Hugh Auchincloss, M.D., David M. Morens, M.D., and/or Lawrence A. Tabak, D.D.S., Ph.D. from December 2019 through the end of March 2020, regarding and/or related to any of the following terms or similarly related terms and phrases: “biodefense,” “biodefense strategy,” “basic research,” “genomics research,” and/or “the expansion of research infrastructure.”

Thank you.

Roger Bordine
Program Support
Freedom of Information Office
National Institutes of Health
Building 31, Room 5B35
31 Center Drive
Bethesda, MD 20892

b6



From: [redacted] **b6**
Sent: Saturday, February 19, 2022 1:01 AM
To: NIH FOIA <[redacted] **b6**>
Subject: NIH FOIA - Assignment Notification from NIH FOIA Public Portal-Tracking # 57917

Hi FOIA Team!

Request # 57917 was submitted through the NIH FOIA Public Portal and assigned to you for review and further processing.

Please review the request and if all required details have not been provided by the requester, be sure to use the "Stop Clock" option to ensure processing time for the request is accurately monitored while waiting for clarification/information from the requester.

Request Description:

Any documentation reflecting communications (verbal or written) between, amongst, and/or including Anthony S. Fauci, M.D., Hugh Auchincloss, M.D., David M. Morens, M.D., and/or Lawrence A. Tabak, D.D.S., Ph.D. from December 2019 through the end of March 2020, regarding and/or related to any of the following terms or similarly related terms and phrases: biodefense, biodefense strategy, basic research, genomics research, the expansion of research infrastructure, including discussions of whether pandemic diseases emerge naturally or are deliberately introduced as an act of bioterrorism, the infectious agent and how it causes disease, and developing tools to diagnose, treat and prevent infection with that microbe, discussions regarding fundamental basic research needed to better understand infectious agents, etc. from December 2019 through March 31, 2020. (Date Range for Record Search: From 12/01/2019 To 03/31/2020)

From: Schofield, Robin (NIH/NHLBI) [E] [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=9ECFBB2AE42C41668CC1F07D73E3525C-SCHOFIELDRL]
Sent: 3/1/2022 7:11:32 PM
To: Folkers, Greg (NIH/NIAID) [E] [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=614c792839a146b9a8f87a1378519dbd-gfolkers]; Awwad, David (NIH/NIAID) [C] [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=0a5171ce4c4d4110abfe9aebfbdafbe7-dawwad]; Morens, David (NIH/NIAID) [E] [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=12de367cc65c42879ea45d128710a383-dmorens]
CC: Gilles, Sharon (NIH/NIAID) [E] [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=339880516bcd4cddb7320d229399d09d-gillesm]; Harper, Jill (NIH/NIAID) [E] [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=0bfd6dfb8e48482fb49a5f72abfcba8-jharper]
Subject: FW: NIH FOIA Request for NIAID Input - 57917
Attachments: PAL Request Form - 2022-03-01T131822.481.pdf

Good afternoon,

b6 of WHIPP has submitted a request for communications between, amongst, and/or including Anthony S. Fauci, M.D., Hugh Auchincloss, M.D., David M. Morens, M.D., and/or Lawrence A. Tabak, D.D.S., Ph.D. from December 2019 through the end of March 2020, regarding and/or related to any of the following terms or similarly related terms and phrases: "biodefense," "biodefense strategy," "basic research," "genomics research," and/or "the expansion of research infrastructure."

Please advise whether you would like me to conduct a CIT search for emails to or from Drs. Fauci, Auchincloss or Morens containing the terms biodefense OR "biodefense strategy" OR "basic research" OR "genomics research" OR "the expansion of research infrastructure" for the time period 12/1/19 – 3/31/20.

Thank you.

Robin

Robin L. Schofield
NHLBI FOIA Service Center

From: NIH FOIA <**b6**>
Sent: Tuesday, March 1, 2022 1:42 PM
To: NHLBI FOIA REQUEST (NIH/NHLBI) <**b6**>
Cc: Manheim, Marianne (NIH/NHLBI) [E] <**b6**>; Schofield, Robin (NIH/NHLBI) [E] <**b6**>; NIH FOIA <**b6**>
Subject: NIH FOIA Request for NIAID Input - 57917

Good Afternoon,

Please see the attached request for NIAID input regarding a copy of any documentation reflecting communications (verbal or written) between, amongst, and/or including Anthony S. Fauci, M.D., Hugh Auchincloss, M.D., David M. Morens, M.D., and/or Lawrence A. Tabak, D.D.S., Ph.D. from December 2019 through the end of March 2020, regarding and/or related to any of the following terms or similarly related terms and phrases: "biodefense," "biodefense strategy," "basic research," "genomics research," and/or "the expansion of research infrastructure."

Thank you.

Roger Bordine
Program Support
Freedom of Information Office
National Institutes of Health
Building 31, Room 5B35
31 Center Drive
Bethesda, MD 20892

b6



From: [redacted] **b6**
Sent: Saturday, February 19, 2022 1:01 AM
To: NIH FOIA [redacted] **b6**
Subject: NIH FOIA - Assignment Notification from NIH FOIA Public Portal-Tracking # 57917

Hi FOIA Team!

Request # 57917 was submitted through the NIH FOIA Public Portal and assigned to you for review and further processing.

Please review the request and if all required details have not been provided by the requester, be sure to use the "Stop Clock" option to ensure processing time for the request is accurately monitored while waiting for clarification/information from the requester.

Request Description:

Any documentation reflecting communications (verbal or written) between, amongst, and/or including Anthony S. Fauci, M.D., Hugh Auchincloss, M.D., David M. Morens, M.D., and/or Lawrence A. Tabak, D.D.S., Ph.D. from December 2019 through the end of March 2020, regarding and/or related to any of the following terms or similarly related terms and phrases: biodefense, biodefense strategy, basic research, genomics research, the expansion of research infrastructure, including discussions of whether pandemic diseases emerge naturally or are deliberately introduced as an act of bioterrorism, the infectious agent and how it causes disease, and developing tools to diagnose, treat and prevent infection with that microbe, discussions regarding fundamental basic research needed to better understand infectious agents, etc. from December 2019 through March 31, 2020. (Date Range for Record Search: From 12/01/2019 To 03/31/2020)

Submit New Request

Requester Details

To modify request details please update your requester profile or contact the our office for assistance.

b6

WHIPP
7901 4th Street N

b6

St. Petersburg, FL 33702

b6

Requester Default Category: Others

General Information

Institute or Center	OD
Institute or Center Name	OD
Request Type	FOIA
Requester Category	Others

Shipping Address

State (Other)

Request Information

Description	Any documentation reflecting communications (verbal or written) between, amongst, and/or including Anthony S. Fauci, M.D., Hugh Auchincloss, M.D., David M. Morens, M.D., and/or Lawrence A. Tabak, D.D.S., Ph.D. from December 2019 through the end of March 2020, regarding and/or related to any of the following terms or similarly related terms and phrases: biodefense, biodefense strategy, basic research, genomics research, the expansion of research infrastructure, including discussions of whether pandemic diseases emerge naturally or are deliberately introduced as an act of bioterrorism, the infectious agent and how it causes disease, and developing tools to diagnose, treat and prevent infection with that microbe, discussions regarding fundamental basic research needed to better understand infectious agents, etc. from December 2019 through March 31, 2020.
Date Range for Record Search:From	12/01/2019
Date Range for Record Search:To	03/31/2020
Description Document	

Fee Information

Willing to Pay All Fees	Yes
Willing Amount	\$25
Fee Waiver Requested	No
Fee Waiver Request Reason	

Billing Address

State (Other)

Other Information

State (Other)

Expedite Information

Expedite Requested
Expedite Reason

No

From: Morens, David (NIH/NIAID) [E] [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=12DE367CC65C42879EA45D128710A383-DMORENS]
Sent: 4/14/2022 3:56:01 PM
To: David Morens; [REDACTED] b6
BCC: Morens, David (NIH/NIAID) [E] [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=12de367cc65c42879ea45d128710a383-dmorens]
Subject: Fwd: CIT Search Request: NIAID IOD FOIA Request 58170

Sent from my iPhone
David M Morens
OD, NIAID, NIH

Begin forwarded message:

From: "Morens, David (NIH/NIAID) [E]" [REDACTED] b6
Date: April 14, 2022 at 07:48:35 EDT
To: David Morens; [REDACTED] b6
Subject: Fwd: CIT Search Request: NIAID IOD FOIA Request 58170

Sent from my iPhone
David M Morens
OD, NIAID, NIH

Begin forwarded message:

From: "Barasch, Kimberly (NIH/NIAID) [E]" [REDACTED] b6
Date: April 14, 2022 at 07:46:57 EDT
To: "West, Elisabeth (NIH/NHLBI) [E]" [REDACTED] b6, "Awwad, David (NIH/NIAID) [C]" <[REDACTED] b6>, "Folkers, Greg (NIH/NIAID) [E]" [REDACTED] b6
Cc: "Harper, Jill (NIH/NIAID) [E]" [REDACTED] b6, "Manheim, Marianne (NIH/NHLBI) [E]" <[REDACTED] b6>, "Schofield, Robin (NIH/NHLBI) [E]" [REDACTED] b6, "Conrad, Patricia (NIH/NIAID) [E]" [REDACTED] b6, "Doepel, Laurie (NIH/NIAID) [E]" <[REDACTED] b6>, "Morens, David (NIH/NIAID) [E]" <[REDACTED] b6>
Subject: RE: CIT Search Request: NIAID IOD FOIA Request 58170

Hi Beth,
Okay for CIT to search.

Thank you,

Kim Barasch
Office of the Director
National Institute of Allergy & Infectious Diseases

[REDACTED] b6

From: West, Elisabeth (NIH/NHLBI) [E] [b6]
Sent: Wednesday, April 13, 2022 4:15 PM
To: Awwad, David (NIH/NIAID) [C] [b6] Folkers, Greg (NIH/NIAID) [E] [b6]
Cc: Harper, Jill (NIH/NIAID) [E] [b6] Manheim, Marianne (NIH/NHLBI) [E] [b6] Schofield, Robin (NIH/NHLBI) [E] [b6]; Conrad, Patricia (NIH/NIAID) [E] [b6] Doepel, Laurie (NIH/NIAID) [E] [b6] Morens, David (NIH/NIAID) [E] [b6] Barasch, Kimberly (NIH/NIAID) [E] [b6]
Subject: CIT Search Request: NIAID IOD FOIA Request 58170
Importance: High

Good afternoon,

We have received a FOIA request from [b6] freelance journalist, on 4/13/22 (attached). I am reaching to you specifically for item 3 of his request:

- **communications among NIAID IOD/OCGR staff regarding this paper:**
“Enhanced attraction of sand fly vectors of Leishmania infantum to dogs infected with zoonotic visceral leishmaniasis”
<https://journals.plos.org/plosntds/article?id=10.1371/journal.pntd.0009647>
- date range: **July 21, 2021 and date of search**

I am seeking permission to request a CIT search of the following emails:

- Anthony Fauci
- Greg Folkers
- Patricia Conrad
- Kimberly Barasch
- David Morens
- Laurie Doepel

Please let me know if you have any questions.

Attached:

- Request

Thank you,
Beth

Elisabeth West
Government Information Specialist
NIH/NHLBI/OM/FOIA Service Center
Rockledge One, 4th Floor

[b6]

From: Morens, David (NIH/NIAID) [E] [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=12DE367CC65C42879EA45D128710A383-DMORENS]
Sent: 4/18/2022 12:37:21 PM
To: West, Elisabeth (NIH/NHLBI) [E] [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=8549e870641b4b78b9aae16f2486bf50-westea]
CC: Harper, Jill (NIH/NIAID) [E] [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=0bfd6dfb8e48482fb49a5f72abfcbac8-jharper]; Manheim, Marianne (NIH/NHLBI) [E] [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=da86306719544197849b5a678839c0f5-manheimmj]
BCC: Morens, David (NIH/NIAID) [E] [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=12de367cc65c42879ea45d128710a383-dmorens]
Subject: Re: CIT Search Request: NIAID IOD FOIA Request 58170
Attachments: NIAID leishmaniasis study FOIA.pdf

Beth, that's fine. David

Sent from my iPhone
David M Morens
OD, NIAID, NIH

On Apr 18, 2022, at 07:25, West, Elisabeth (NIH/NHLBI) [E] [b6] wrote:

Good morning David,

Per my below email please indicate if we have permission to conduct a CIT search for your emails regarding:

- “Enhanced attraction of sand fly vectors of Leishmania infantum to dogs infected with zoonotic visceral leishmaniasis”
<https://journals.plos.org/plosntds/article?id=10.1371/journal.pntd.0009647>
- For date range: **July 21, 2021 and date of search**

If you have any questions please do not hesitate to contact me.

Thank you,
Beth

From: West, Elisabeth (NIH/NHLBI) [E]
Sent: Wednesday, April 13, 2022 4:15 PM
To: Awwad, David (NIH/NIAID) [C] [b6]; Folkers, Greg (NIH/NIAID) [E]
[b6]
Cc: Harper, Jill (NIH/NIAID) [E] [b6]; Manheim, Marianne (NIH/NHLBI) [E]
[b6]; Schofield, Robin (NIH/NHLBI) [E] [b6]; Conrad, Patricia (NIH/NIAID) [E] [b6]; Doepel, Laurie (NIH/NIAID) [E]
[b6]; Morens, David (NIH/NIAID) [E] [b6]; Barasch, Kimberly (NIH/NIAID) [E] [b6]
Subject: CIT Search Request: NIAID IOD FOIA Request 58170

Importance: High

Good afternoon,

We have received a FOIA request from [b6] freelance journalist, on 4/13/22 (attached). I am reaching to you specifically for item 3 of his request:

- **communications among NIAID IOD/OCGR staff regarding this paper:** “Enhanced attraction of sand fly vectors of Leishmania infantum to dogs infected with zoonotic visceral leishmaniasis”
<https://journals.plos.org/plosntds/article?id=10.1371/journal.pntd.0009647>
- date range: **July 21, 2021 and date of search**

I am seeking permission to request a CIT search of the following emails:

- Anthony Fauci
- Greg Folkers
- Patricia Conrad
- Kimberly Barasch
- David Morens
- Laurie Doepel

Please let me know if you have any questions.

Attached:

- Request

Thank you,

Beth

Elisabeth West

Government Information Specialist
NIH/NHLBI/OM/FOIA Service Center
Rockledge One, 4th Floor

b6

April 12, 2022

b6

FOIA REQUEST TO NIAID

This is a request under the Freedom of Information Act, 5 USC 552.

I request the following records:

- Research Performance Progress Reports (annual, interim, and final) filed to the National Institute of Allergy and Infectious Diseases for the grant R21AI13048, "A live attenuated vaccine for leishmaniasis," awarded to Prof Abhay Satoskar of Ohio State University and and Prof Elyes Zhioua of the Institut Pasteur de Tunis, Tunisia, from July 1, 2018.
- Notices of award for the grant R21AI1304 (initial award in 2018 and 2019 continuation).
- Email communication (To, From, and CC'd) involving any of 1) staff in the office of NIAID director Anthony Fauci, including Dr Fauci 2) staff in the NIAID Office of Communications and Government Relations, 3) Shaden Kamhawi of the NIAID Vector Molecular Biology Section, 4) NIAID program official Annie Mo, regarding the paper "Enhanced attraction of sand fly vectors of *Leishmania infantum* to dogs infected with zoonotic visceral leishmaniasis," from July 27, 2021 through the date the search for responsive records is conducted, including but not limited to communication with Profs Satoskar and Zhioua.

I request these records in electronic format, such as PDF documents.

Reasonably Foreseeable Harm. The FOIA Improvement Act of 2016 amended the FOIA as follows (5 USC 552(a)(8)):

(A) An agency shall—

(i) withhold information under this section only if—

(I) the agency reasonably foresees that disclosure would harm an interest protected by an exemption described in subsection (b); or

(II) disclosure is prohibited by law; and

(ii) (I) consider whether partial disclosure of information is possible whenever the agency determines that a full disclosure of a requested record is not possible; and

(II) take reasonable steps necessary to segregate and release nonexempt information.

NIAID should not fail to meet the requirements of Section 552(a)(8) when processing my request and release responsive records to me in full or at least in part.

In the event some portions of the requested records are properly exempt from disclosure, please disclose any reasonably segregable non-exempt portions of the requested records. If it is your position that a document contains non-exempt segments, but that those non-exempt segments are so dispersed throughout the document as to make segregation impossible, please state what portion of the document is non-exempt, and how the material is dispersed throughout the document. If a request is denied in whole, please state specifically that it is not reasonable to segregate portions of the record for release.

Fee benefit

I am a representative of the news media, who has written extensively for BuzzFeed News. As such, I am entitled to be placed in the "news media, educational, or scientific requesters" category. As such, I should only be charged for duplication fees beyond the first 100 pages. Further, I assert that this request is in the public interest, because it is likely to contribute significantly to public understanding of the operations and activities of the government, and therefore request a fee waiver.

Fee waiver

Please waive any applicable fees. Release of the information is not primarily in my commercial interest and will contribute significantly to public understanding of government operations and activities. 5 U.S.C. § 552(a)(4)(A)(iii). Specifically, release of these records will help resolve the confusion and controversy surrounding the source of funding for the research described in the paper referenced above (see <https://www.washingtonpost.com/investigations/2021/11/19/fauci-beagle-white-coat-was-te/>).

As I am making this request as a journalist and this information is of timely value, I would appreciate your communicating with me by telephone or email, if you have questions regarding this request.

I look forward to your reply within 20 business days, as the statute requires.

Sincerely,

b6

From: David Morens [b6]
Sent: 8/1/2022 5:52:15 PM
To: Hotez, Peter Jay [b6]
CC: Keusch, Gerald T [b6]; Peter Daszak [b6]; Morens, David (NIH/NIAID) [E] [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=12de367cc65c42879ea45d128710a383-dmorens]; Aleksei Chmura [b6]; Roberts, Rich [b6]; Jeff Sturchio [b6]
Subject: [EXTERNAL] Re: Upcoming hearing from a Senate Subcommittee on gain of function research

Guys, you are still sending to my NIH email. Please delete any email for me EXCEPT [b6]

TY, d
David M. Morens, MD

[b6]

IMPORTANT: My gmail frequently sends incoming messages to Trash, which is apparently not correctable. If you don't hear from me in a reasonable time, please try again, call, or use my NIH email address

IMPORTANT: For US Government-related email, please also reply to my NIAID address

On Mon, Aug 1, 2022 at 1:47 PM Hotez, Peter Jay [b6] wrote:
I'm surprised Research America is not on this helping? Or Victor Dzau?

Peter Hotez, MD, PhD, DSc (hon), FASTMH, FAAP

Dean, National School of Tropical Medicine
Professor, Departments of Pediatrics, Molecular Virology & Microbiology
Health Policy Scholar
Baylor College of Medicine

Texas Children's Hospital Endowed Chair of Tropical Pediatrics
Co-Director, Texas Children's Hospital Center for Vaccine Development

University Professor, Baylor University

Faculty Fellow, Hagler Institute for Advanced Study
Senior Fellow, Scowcroft Institute of International Affairs
Texas A&M University

Baker Institute Fellow in Disease & Poverty and Adjunct Professor of Bioengineering, Rice University
Adjunct Professor, University of Texas, School of Public Health

Donate to our COVID-19 Vaccine Development

E-mail:
Twitter:
Skype:
Linked:

b6

Amazon Author Center: <https://www.amazon.com/Peter-J.-Hotez/e/B001HPIC48>

Daily Beast Contributor <https://www.thedailybeast.com/author/peter-j-hotez>

Like us on Facebook <https://www.facebook.com/BCMNationalSchoolOfTropicalMedicine/>

Senior Coordinator / Executive Support: Douglas Soriano

b6



iPhone

On Aug 1, 2022, at 12:40 PM, Keusch, Gerald T <[b6](#)> wrote:

Yes. This is set up to disparage Tony Fauci and further the impact of disinformation in the Congress.

We need to be getting out the people to contact their Senators and Congressmen and Women whether or not they are on any relevant committees.

Jerry

Sent from my iPhone

On Aug 1, 2022, at 12:17 PM, Hotez, Peter Jay <[b6](#)> wrote:

Ok

Peter Hotez, MD, PhD, DSc (hon), FASTMH, FAAP

Dean, National School of Tropical Medicine

Professor, Departments of Pediatrics, Molecular Virology & Microbiology

Health Policy Scholar

Baylor College of Medicine

Texas Children's Hospital Endowed Chair of Tropical Pediatrics

Co-Director, Texas Children's Hospital Center for Vaccine Development

University Professor, Baylor University

Faculty Fellow, Hagler Institute for Advanced Study
Senior Fellow, Scowcroft Institute of International Affairs
Texas A&M University

Baker Institute Fellow in Disease & Poverty and Adjunct Professor of
Bioengineering, Rice University
Adjunct Professor, University of Texas, School of Public Health

Donate to our [COVID-19 Vaccine Development](#)

E-mail
Twitter
Skype
LinkedIn

b6

Amazon Author Center: <https://www.amazon.com/Peter-J.-Hotez/e/B001HPIC48>

Daily Beast Contributor <https://www.thedailybeast.com/author/peter-j-hotez>

Like us on

Facebook <https://www.facebook.com/BCMNationalSchoolOfTropicalMedicine/>

Senior Coordinator / Executive Support: [Douglas Soriano](#)

b6



iPhone

On Aug 1, 2022, at 11:14 AM, Peter Daszak

← **b6** wrote:

Re. commenting on this – I think you should wait to see if it gets any publicity first, otherwise you might inadvertently amplify their impact..

Re. November – I worry that our lives will be made miserable by constant harassment from what could be Republican-led

Congressional committees. If this HSGAC group is any indication, they expect us to just dump all of our emails for the last dozen years or more so that they can go through them and find sentences that support their narrative when quoted out of context. It's not just utterly disingenuous, it's also dangerous because it drives the public hate campaigns and efforts to attack us in many other ways.

We've managed to avoid a couple of serious efforts to defund us so far, and are only working with this committee to try and avoid even more pressure, but we know they're talking to many other groups to build their 'case'. On our last call, they asked us for not only any emails to govt agencies, but emails between staff members. I pointed out that it's against our org's policy to snoop on staff conversations, and they smugly told us we should get used to requests for documents because we'll "soon be doing a lot more of them".

Cheers,

Peter

Peter Daszak

President

EcoHealth Alliance

520 Eighth Avenue, Suite 1200

New York, NY 10018-6507

USA

Tel.: [b6]

Website: www.ecohealthalliance.org

Twitter: [@PeterDaszak](https://twitter.com/PeterDaszak)

EcoHealth Alliance develops science-based solutions to prevent pandemics and promote conservation

From: Hotez, Peter Jay [b6]
Sent: Monday, August 1, 2022 11:47 AM
To: Peter Daszak [b6]
Cc: Morens, David (NIH/NIAID) [E] [b6]
David Morens [b6]; Keusch, Gerald T
[b6]; Aleksei Chmura
[b6] Roberts, Rich
[b6]
Subject: Re: Upcoming hearing from a Senate Subcommittee on gain of function research

Should I publicize this with my usual commentary?

Peter Hotez, MD, PhD, DSc (hon), FASTMH, FAAP
Dean, National School of Tropical Medicine
Professor, Departments of Pediatrics, Molecular Virology &
Microbiology
Health Policy Scholar
Baylor College of Medicine

Texas Children's Hospital Endowed Chair of Tropical Pediatrics
Co-Director, Texas Children's Hospital Center for Vaccine
Development

University Professor, Baylor University

Faculty Fellow, Hagler Institute for Advanced Study
Senior Fellow, Scowcroft Institute of International Affairs
Texas A&M University

Baker Institute Fellow in Disease & Poverty and Adjunct
Professor of Bioengineering, Rice University
Adjunct Professor, University of Texas, School of Public Health

Donate to our [COVID-19 Vaccine Development](#)

E-mail
Twitter
Skype:
Linked

b6

Amazon Author Center: <https://www.amazon.com/Peter-J.-Hotez/e/B001HPIC48>

Daily Beast

Contributor <https://www.thedailybeast.com/author/peter-j-hotez>

Like us on

Facebook <https://www.facebook.com/BCMNationalSchoolOfTropicalMedicine/>

~~Senior Coordinator / Executive Support:~~ [Douglas Soriano](#)

b6



iPhone

On Aug 1, 2022, at 10:20 AM, Peter Daszak

b6

wrote:

Dear all (David – I didn't cc Jeff Taubenberger because you've all been using his NIH address which would be subject to Congressional requests and to FoIA),

I just spotted this upcoming HSGAC
Subcommittee on Emerging Threats and Spending

Oversight hearing on Wednesday, on one of the lab leaker's social media feeds.

<https://www.hsgac.senate.gov/subcommittees/etso/hearings/revisiting-gain-of-function-research-what-the-pandemic-taught-us-and-where-do-we-go-from-here>

The three speakers are all non-virologists, and have been attacking all research that tries to get to the bottom of COVID origins, unless it's pushing a China lab leak agenda.

- Richard Ebright has been attacking EcoHealth's work ever since the pandemic as part of his long term criticism of recombinant virus technology. He was part of the Cambridge Group that ended up pausing recombinant viral research in the past, and is extremely vocal (and quite offensively) about our work, which he uses to try to leverage attacks against Dr. Fauci, NIAID, NIH in general.
- Stephen Quay is pretty much on the edge of being a quack at this point having made many public statements about HIV inserts in the virus etc.
- Kevin Esvelt is calling for research identifying viruses in wildlife as a way to get ahead of pandemics to be closed down, following his criticisms of CRISPR etc.

It looks like this is another effort by Rand Paul to drum up some public interest from his base, perhaps?

Cheers,

Peter

Peter Daszak

President

EcoHealth Alliance

520 Eighth Avenue, Suite 1200

New York, NY 10018-6507

USA

Tel.: [b6]

Website: www.ecohealthalliance.org

Twitter: [@PeterDaszak](https://twitter.com/PeterDaszak)

EcoHealth Alliance develops science-based solutions to prevent pandemics and promote conservation

From: Hotez, Peter Jay [b6]
Sent: Tuesday, July 26, 2022 11:51 AM
To: Morens, David (NIH/NIAID) [E]
[b6]
Cc: David Morens [b6]
Peter Daszak [b6]
Keusch, Gerald T <[b6]> Aleksei
Chmura [b6]
Roberts, Rich <[b6]> Taubenberger,
Jeffery (NIH/NIAID) [E]

b6

Subject: Re: [EXTERNAL] Re:

Oh ok

Peter Hotez, MD, PhD, DSc (hon), FASTMH, FAAP

Dean, National School of Tropical Medicine
Professor, Departments of Pediatrics, Molecular
Virology & Microbiology
Health Policy Scholar
Baylor College of Medicine

Texas Children's Hospital Endowed Chair of
Tropical Pediatrics
Co-Director, Texas Children's Hospital Center for
Vaccine Development

University Professor, Baylor University

Faculty Fellow, Hagler Institute for Advanced
Study
Senior Fellow, Scowcroft Institute of International
Affairs
Texas A&M University

Baker Institute Fellow in Disease & Poverty and
Adjunct Professor of Bioengineering, Rice
University
Adjunct Professor, University of Texas, School of
Public Health

Donate to our COVID-19 Vaccine Development

E-mail
Twitter
Skype
LinkedIn

b6

Amazon Author
Center: [https://www.amazon.com/Peter-J.-
Hotez/e/B001HPIC48](https://www.amazon.com/Peter-J.-Hotez/e/B001HPIC48)

Daily Beast
Contributor <https://www.thedailybeast.com/author/peter-j-hotez>
Like us on
Facebook <https://www.facebook.com/BCMNationalSchoolOfTropicalMedicine/>

Senior Coordinator / Executive Support: Douglas Soriano

b6

iPhone

On Jul 26, 2022, at 11:22 AM,
Morens, David (NIH/NIAID) [E]
<[b6] wrote:

Peter, I do not have a
link. These pdfs came directly
from the journal.

David

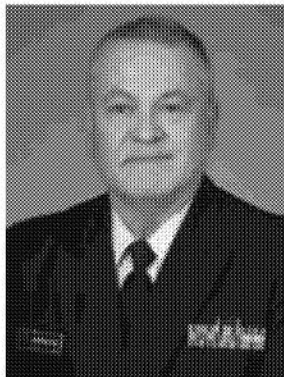
David M. Morens, M.D.

Senior Advisor to the Director
Office of the Director
National Institute of Allergy and
Infectious Diseases
National Institutes of Health
Building 31, Room 7A-03

31 Center Drive, MSC 2520
Bethesda, MD 20892-2520

b6

Disclaimer: This message is intended for the exclusive use of the recipient(s) named above. It may contain information that is PROTECTED, PRIVILEGED, and/or CONFIDENTIAL, and it should not be disseminated, distributed, or copied to persons not authorized to receive such information. All sensitive documents must be properly labeled before dissemination via email. If you are not the intended recipient, any dissemination, distribution, or copying is strictly prohibited. If you have received this communication in error, please erase all copies of the message and its attachments and notify us immediately.



From: Hotez, Peter Jay

b6

Sent: Monday, July 25, 2022 5:20 PM

To: David Morens

b6

Cc: Morens, David (NIH/NIAID)

[E] <**b6**>

Peter Daszak

b6

Keusch, Gerald T

b6

Aleksei Chmura

b6

Roberts, Rich <**b6**>

Taubenberger, Jeffery

(NIH/NIAID) [E]

b6

Subject: [EXTERNAL] Re:

Do you have the link so i can put it out on social media? I had trouble finding it

Peter Hotez, MD, PhD, DSc (hon), FASTMH, FAAP

Dean, National School of Tropical Medicine

Professor, Departments of Pediatrics, Molecular Virology & Microbiology
Health Policy Scholar
Baylor College of Medicine

Texas Children's Hospital Endowed Chair of Tropical Pediatrics
Co-Director, Texas Children's Hospital Center for Vaccine Development

University Professor, Baylor University

Faculty Fellow, Hagler Institute for Advanced Study
Senior Fellow, Scowcroft Institute of International Affairs
Texas A&M University

Baker Institute Fellow in Disease & Poverty and Adjunct Professor of Bioengineering, Rice University
Adjunct Professor, University of Texas, School of Public Health

Donate to our COVID-19 Vaccine Development

E-mail:
Twitter:
Skype:
LinkedIn:

b6

Amazon Author
Center: <https://www.amazon.com/Peter-J.-Hotez/e/B001HPIC48>
Daily Beast
Contributor <https://www.thedailybeast.com/author/peter-j-hotez>
Like us on
Facebook <https://www.facebook.com/BCMNationalSchoolOfTropicalMedicine/>

Senior Coordinator / Executive
Support: Douglas Soriano

b6

iPhone

On Jul 25, 2022, at
5:07 PM, David
Morens

b6

CAUTION:

This email is not
from a BCM Source.
Only click links or
open attachments
you know are safe.

Attempt no. 2, per
Rich, the two
attachments fell
off..... dmm
David M. Morens,
MD

b6

IMPORTANT: My
gmail frequently
sends incoming
messages to Trash,
which is apparently
not correctable. If
you don't hear from
me in a reasonable
time, please try
again, call, or use my
NIH email address

IMPORTANT:
For US
Government-related
email, please also
reply to my NIAID
address

On Mon, Jul 25,
2022 at 3:11 PM
David Morens

b6

b6

IMPORTANT: My gmail frequently sends incoming messages to Trash, which is apparently not correctable. If you don't hear from me in a reasonable time, please try again, call, or use my NIH email address

IMPORTANT:
For US Government-related email, please also reply to my NIAID address

On Mon, Jul 25, 2022 at 3:08 PM
Morens, David
(NIH/NIAID).[E]

b6

wrote:

[cid:18236c3bfd54cd
ccc1]
David M. Morens,
M.D.
Senior Advisor to the
Director
Office of the
Director
National Institute of
Allergy and
Infectious Diseases
National Institutes of
Health
Building 31, Room
7A-03
31 Center Drive,
MSC 2520
Bethesda, MD

b6

Disclaimer: This message is intended for the exclusive use of the recipient(s) named above. It may contain information that is PROTECTED, PRIVILEGED, and/or CONFIDENTIAL, and it should not be disseminated, distributed, or copied to persons not authorized to receive such information. All sensitive documents must be properly labeled before dissemination via email. If you are not the intended recipient, any dissemination, distribution, or copying is strictly prohibited. If you have received this communication in error, please erase all copies of the message and its attachments and notify us immediately.

[DMM Portrait B 12
29 15 P0923]

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and are confident the content is safe.

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and are confident the content is safe.

From: Morens, David (NIH/NIAID) [E] [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=12DE367CC65C42879EA45D128710A383-DMORENS]
Sent: 8/10/2022 9:38:08 PM
To: Schofield, Robin (NIH/NHLBI) [E] [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=9ecfbb2ae42c41668cc1f07d73e3525c-schofieldr]
CC: Manheim, Marianne (NIH/NHLBI) [E] [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=da86306719544197849b5a678839c0f5-manheimmj]; Citarella, Kara (NIH/NHLBI) [C] [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=6fd4e2d46879470db5e810fc76c92824-citarellakr]
BCC: Morens, David (NIH/NIAID) [E] [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=12de367cc65c42879ea45d128710a383-dmorens]
Subject: Re: Permission to Conduct CIT Search: NIAID FOIA Request #58647

Tes, that is fine

Sent from my iPhone
David M Morens
OD, NIAID, NIH

On Aug 10, 2022, at 16:18, Schofield, Robin (NIH/NHLBI) [E] [b6] wrote:

Good afternoon David,

Travis Miller, a freelance journalist, has submitted an amended request for: "All e-mail correspondence to/from David Morens containing the term 'gain of function' from October 1, 2019 through the present."

In order to address the overlap with FOIA case 57014, I am seeking permission to conduct a two part CIT search:

1. Emails (to: David Morens AND NOT from: daszak@ecohealthalliance.org) OR (from: David Morens AND NOT to: daszak@ecohealthalliance.org) containing the term "gain of function" for the time period October 1, 2019 through September 13, 2021.
2. Emails to or from David Morens containing the term "gain of function" for the time period September 14, 2021 through August 10, 2022.

Thank you.

Robin

Robin L. Schofield
NHLBI FOIA Service Center

From: [b6]
Sent: Friday, August 5, 2022 12:41 PM
To: Schofield, Robin (NIH/NHLBI) [E]; [b6]
Subject: Re: [EXTERNAL] Re: NIAID FOIA Request #58647

Hi Robin,

FOIA #57014 requested "All e-mail correspondence between David Morens and Peter Daszak from October 1, 2019 through the present."

FOIA #58647 requested "All e-mail correspondence between David Morens and Peter Daszak from October 1, 2019 through the present. All e-mail correspondence to/from David Morens containing the term 'Daszak' from October 1, 2019 through the present. All e-mail correspondence to/from David Morens containing the term 'gain of function' from October 1, 2019 through the present."

I will revise FOIA #58647 to simply request "All e-mail correspondence to/from David Morens containing the term 'gain of function' from October 1, 2019 through the present."

To help make things easier, and if there are overlaps with other FOIA requesters, you don't have to produce anything that is already publicly available on the NIH FOIA portal.

b6

On Fri, Aug 5, 2022 at 9:38 AM Schofield, Robin (NIH/NHLBI) [E] **b6** wrote:

Good morning **b6**

Kindly provide a response to my emails below so we can begin processing your request.

Thank you.

Robin L. Schofield

NHLBI FOIA Service Center

From: Schofield, Robin (NIH/NHLBI) [E]

Sent: Friday, July 15, 2022 12:25 PM

To: **b6**

Cc: Manheim, Marianne (NIH/NHLBI) [E] **b6** Citarella, Kara (NIH/NHLBI)

[C] **b6**

Subject: FW: [EXTERNAL] Re: NIAID FOIA Request #58647

Good afternoon: **b6**

Your request still overlaps with 57104. Kindly submit a unique request as we do not process duplicate requests. You are requesting several years of emails for a commonly discussed subject so I again ask you to limit your request to sent items to keep the volume at a manageable level.

Regards,

Robin L. Schofield

NHLBI FOIA Service Center

From: **b6**
Sent: Thursday, July 14, 2022 2:40 PM
To: Schofield, Robin (NIH/NHLBI) [E] <**b6**>
Subject: [EXTERNAL] Re: NIAID FOIA Request #58647

Hi Robin,

I will revise the request to exclude news articles and attachments to emails, where those attachments are news articles published studies or otherwise publicly-available documents.

Thanks,

b6

On Thu, Jul 14, 2022 at 6:16 AM Schofield, Robin (NIH/NHLBI) [E] <**b6**> wrote:

Good morning **b6**

We have received your attached Freedom of Information Act (FOIA) request for a copy of "correspondence between David Morens and Peter Daszak from October 1, 2019 through the present.

All e-mail correspondence to/from David Morens containing the term "Daszak" from October 1, 2019 through the present. All e-mail correspondence to/from David Morens containing the term "gain of function" from October 1, 2019 through the present."

You originally submitted this request in September 2021 and were informed that the results exceeded 30,000 pages. Since an additional 11 months have passed, it will be more voluminous. You amended that request, assigned case number 57104, to "All e-mail correspondence between David Morens and Peter Daszak from October 1, 2019 through the present." The results are currently being reviewed, and we cannot process duplicate requests. Kindly revise your request to eliminate duplication and target relevant records that can be produced in a reasonable amount of time. Limiting your request to sent items can help to eliminate a large amount of news clips, but also please specify whether you are willing to exclude any items such as news articles, items where Dr. Daszak is cited in bibliographies, unpublished manuscripts, etc. Excluding attachments is another way many requesters are able to reduce volume to receive responses more quickly.

Please advise.

Regards,

Robin L. Schofield

NHLBI FOIA Service Center

From: [REDACTED] **b6**
Sent: Wednesday, September 8, 2021 5:40 PM
To: NIH FOIA <[REDACTED] **b6**>
Subject: New FOIA request received for National Institutes of Health

Hello,

A new FOIA request was submitted to your agency component:

The following list contains the entire submission submitted September 08, 2021 05:40:02pm ET, and is formatted for ease of viewing

Contact information

First name
Last name
Mailing Address

City
State/Province
Postal Code
Country
Phone
Company/Organization
Email

b6

Request

Request ID 255641
Confirmation ID 255116

Request description

All e-mail correspondence between David Morens and Peter Daszak from October 1, 2019 through the present. All e-mail correspondence to/from David Morens containing the term "Daszak" from October 1, 2019 through the present. All e-mail correspondence to/from David Morens containing the term "gain of function" from October 1, 2019 through the present.

Supporting documentation

Fees

Request category ID other
Fee waiver no
Willing to pay 100

Expedited processing

Expedited Processing no

The following table contains the entire submission, and is formatted for ease of copy/pasting into a spreadsheet.

request_id	confirmation_id	address_city	address_country	address_line1	address_line2	address_state_province	ad
------------	-----------------	--------------	-----------------	---------------	---------------	------------------------	----

255641	255116	b6					
--------	--------	----	--	--	--	--	--

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and are confident the content is safe.

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and are confident the content is safe.

From: Keusch, Gerald T [b6]
Sent: 10/8/2022 2:49:15 PM
To: Peter Daszak [b6]
CC: Morens, David (NIH/NIAID) [E] [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=12de367cc65c42879ea45d128710a383-dmorens]; Peter Hotez [b6]; Aleksei Chmura [b6]; Rich Roberts [b6]; Jeff Sturchio [b6]
Subject: [EXTERNAL] Re: Richard Ebright accusing us of having disqualifying conflicts...

I have finally made the big time in an Ebright tweet. Since I don't use twitter on principle maybe somebody who does would tweet back and point out how prescient Jeff Sachs was to organize our original Lancet Task Force to address the threat of COVID-10.

Sent from my iPhone

On Oct 7, 2022, at 12:22 PM, Peter Daszak [b6] wrote:

Here is Richard Ebright on Twitter, referring to Jeff Sachs' latest podcast. Apparently Jeff calls out our Taskforce members as having 'disqualifying' conflicts – no doubt advised by Dr. Ebright's hours-per-day spent digging out information on everything we all do. Of course the disqualifying conflicts are that we've all either written papers, grants, or appeared in meetings together previously...

Don't these folks have better things to focus on?

Richard H. Ebright

@R_H_Ebright

Jeffrey Sachs: Lessons from the COVID Commission Excellent summary of the undeclared conflicts of interest and unethical withholding of information by the original, Daszak- and Keusch-led, Lancet Commission Task Force on COVID-10 Origins (00.00-41:35).

Manifold: Jeffrey Sachs: Lessons from the COVID Commission, Lab Leak Questions, and Nord Stream

—...
podcasts.apple.com

11:34am · 7 Oct 2022 · Twitter Web App



Richard H. Ebright @R_H_Ebright

42m

For reference, the following is a list of members of the Lancet Commission Task Force on Origins who had undeclared disqualifying conflicts of interest (for the first five) or undeclared potentially disqualifying conflicts of interest (for the next three):

1 Reply

4 Retweet

16 Like

More options



Richard H. Ebright @R_H_Ebright

42m

(1) Peter Daszak: EcoHealth Alliance president; organizer and signer of 2020 Lancet letter (2) Hume Field: EcoHealth Alliance Science and Policy Advisor; consultant on 2020-2025 NIH grant A1151797 to Peter Daszak; signer of Daszak's 2020 Lancet letter....

1Reply

1Retweet

12Like

More options



Richard H. Ebright @R_H_Ebright

42m

(3) Gerald T. Keusch (task force chair after Daszak's removal): Co-Investigator on 2020-2025 NIH grant A1151797 to Peter Daszak; signer of Daszak's 2020 Lancet letter. (4) Danielle Anderson: Co-Investigator and subcontractor on 2020-2025 NIH grant A1151797 to Peter Daszak....

1Reply

1Retweet

10Like

More options



Richard H. Ebright @R_H_Ebright

42m

(5) Supaporn Wacharapluesade: Co-Investigator and subcontractor on 2020-2025 NIH grant A1151797 to Peter Daszak. (6) Sai Kit Lam: Signer of Daszak's 2020 Lancet letter....

1Reply

Retweet

14Like

More options



Richard H. Ebright @R_H_Ebright

42m

(7) Linda Saif: Signer of Daszak's 2020 Lancet letter. (8) Stanley Perlman: Signer of Daszak's 2020 Lancet letter.

1Reply

1Retweet

14Like

More options



Keith Evans @KeithEv84928885

11m

Replying to @R_H_Ebright

Yes, Indeed, and don't forget the impetus behind it, the USA Academic Amalgamation, which canvassed for this research! Though it is recognised that you have been totally consistent twitter.com/KeithEv8492888...

Keith Evans @KeithEv84928885

Replying to @KeithEv84928885

"The American Society of Biochemistry and Molecular Biology" (ASBMB) wanted it?? And they got it!..., by canvassing the "NIH" with a letter on the 20th May '20, "denouncing" the suspension of 'funding' to Ecohealth Alliance. Yes, indeed @CharlesRixey @jcouey @R_H_Ebright

Cheers,

Peter

Peter Daszak
President

EcoHealth Alliance
520 Eighth Avenue, Suite 1200
New York, NY 10018-6507
USA

Tel.: b6

Website: www.ecohealthalliance.org

Twitter: [@PeterDaszak](https://twitter.com/PeterDaszak)

EcoHealth Alliance develops science-based solutions to prevent pandemics and promote conservation

From: Peter Daszak b6
Sent: Friday, October 7, 2022 10:50 AM
To: 'Morens, David (NIH/NIAID) [E]' <b6> 'Gerald Keusch' b6
Cc: 'Peter Hotez' b6; 'Aleksei Chmura' <b6>; 'Rich Roberts' b6; 'Jeff Sturchio' <b6>
Subject: another Jeff Sachs podcast

I've not listened to this one, but apparently he now brings the lab leak and the "US bombed the European Nordstream gas pipeline" conspiracies all together in one neat podcast...

<https://podcasts.apple.com/us/podcast/manifold/id1450540825?i=1000581778581>

By the way – I was woken at 6:30am this morning with repeated phone calls and loud whistles from our front drive (now behind security gates) – a local thuggish chap sitting on a camp chair right outside our house reading the lawsuit and demanding that I come out to ‘be served’.

Needless to say, the document went straight onto my compost heap, so I can use the few hundred pages to nourish the local worms and beetles....

Cheers,

Peter

Peter Daszak
President

EcoHealth Alliance
520 Eighth Avenue, Suite 1200
New York, NY 10018-6507
USA

Tel.: [b6]

Website: www.ecohealthalliance.org

Twitter: [@PeterDaszak](https://twitter.com/PeterDaszak)

EcoHealth Alliance develops science-based solutions to prevent pandemics and promote conservation

From: Peter Daszak [b6]
Sent: Friday, October 7, 2022 12:18 AM
To: 'Morens, David (NIH/NIAID) [E]' [b6] 'Gerald Keusch' [b6]
Cc: 'Peter Hotez' [b6] 'Aleksei Chmura' [b6] 'Rich Roberts' [b6]
[b6] 'Jeff Sturchio' [b6]
Subject: Confidential - Advance copy of our upcoming Taskforce report in PNAS
Importance: High

Dear All,

Now that we've put out a press release and journalists are already contacting us, we wanted to share an advance copy of the proofs and supporting information for our upcoming PNAS paper that represents the report of our Independent Task Force (formerly under the Lancet COVID-19 Commission). **It's under embargo until Monday October 10th, 3pm US Eastern time.** Please keep it confidential until then of course – I don't want to run afoul of the National Academy...

As you'll read, the report lays out a detailed assessment of what happened with COVID in relation to prior emerging diseases (mainly RNA virus outbreaks), and makes a strong case for a One Health

approach for pandemic prevention strategies, given these viruses' ability to recombine and jump hosts. We then lay out a series of recommendations and we think these will have legs.

We also review the likely origins and factors behind the spread of COVID. In the Supporting Information (Table S6, and the discussion afterwards) we review all available evidence for a so-called 'natural' origin of COVID-19 vs. a lab leak. We summarize almost all of the papers or reports that provide an argument for origins of COVID and assess whether they are primary data/analysis, op ed, review articles, and whether they've been peer-reviewed or just put up on the web as preprints or un-reviewed blog-like articles. It makes for a pretty damning case against the lab leak hypothesis – there simply is no verifiable or testable evidence, just a series of opinion pieces, blog articles, preprints that have been languishing for over a year in many cases, and the occasional review article in not-very-well-known journals, or journals from the wrong field. On the other hand, the likely origin of COVID via the wildlife trade is supported by data on the animals present in the trade, the diversity of viruses in bats that are close to SARS-CoV and SARS-CoV-2, the epidemiology and sequence analysis and other evidence or analysis published in high quality, peer-reviewed journals.

Jerry and I have been working hard with our colleagues on the taskforce ever since Jeff Sachs invited me to set it up in Summer 2020, but especially hard since he shut us down in Nov. 2021. We've been meeting almost weekly and doing our best to finalize the report as an all-volunteer group. You'll recognize some of the scientists involved if you look at our new website that we set up (<https://www.independentcovidtaskforce.org/about-members>). There's also a bit of background on the taskforce here: www.independentcovidtaskforce.org

I hope you'll be able to at least skim some of this. We're expecting some press interest, and hope this does as much as we can to point out how wrong Jeff was to undermine our work, and try to terminate our efforts. The battle of narratives continues – Jeff has a series of 3 webinars set up, with the first one all about the lab leak on Nov. 1st. We're hoping to continue getting our main messages out over the coming weeks/months....

Cheers,

Peter

Peter Daszak

President

EcoHealth Alliance
520 Eighth Avenue, Suite 1200
New York, NY 10018-6507
USA

Tel.: [b6]

Website: www.ecohealthalliance.org

Twitter: [@PeterDaszak](https://twitter.com/PeterDaszak)

EcoHealth Alliance develops science-based solutions to prevent pandemics and promote conservation

From: Peter Daszak [b6]
Sent: Thursday, October 6, 2022 10:39 PM

To: 'Morens, David (NIH/NIAID) [E]' <[b6]> Gerald Keusch <[b6]>
Cc: 'Peter Hotez' <[b6]> Aleksei Chmura <[b6]> ; 'Rich Roberts' <[b6]>
> 'Jeff Sturchio' <[b6]>
Subject: RE: FT: Republicans demand halt to grants for virus-hunting group

Yes – it's been a daily barrage since I last emailed you all – multiple letters to agencies and a Bill filed to defund EHA.

By the way, just today (Thursday) we received two more attacks. First, a FoIA to NIH for the proposal and all related docs on our new R01 from White Coat Waste. They've got a slight problem this time in that we checked the box for 'proprietary information', so we'll be redacting all the important information now about collaborators, especially given our plans to work in Myanmar – it would seriously threaten the security of our staff and our collaborators if their names were put out.

Second, and more irritating was our 4th lawsuit which was couriered to our offices today. This one sues EHA, myself and my wife Janet (who's a Ph.D immunologist but has never worked for EHA and doesn't work on COVID) for \$1 billion in damages for as they allege, causing the COVID-19 outbreak. It's frivolous and ridiculous, being based on a conglomeration of all the usual internet conspiracies, but we now have to pay lawyers to fight it. We have one other active suit that we're fighting, one that was kicked out of court, and another filed with The International Criminal Court in The Hague calling for a Nuremberg-like trial of Fauci, Gates, George Soros, myself and others. The US didn't sign on to the Intl. Criminal Court, so it's fairly meaningless, as well as utterly insane and likely to be thrown out.

I'm keeping positive, recognizing that it's not unusual for lawsuits to be filed in the hope of winning substantial \$\$, but with the high likelihood they'll be thrown out. However, it's been a tough couple of weeks for sure..

Cheers,

Peter

Peter Daszak
President

EcoHealth Alliance
520 Eighth Avenue, Suite 1200
New York, NY 10018-6507
USA

Tel.: [b6]
Website: www.ecohealthalliance.org
Twitter: [@PeterDaszak](https://twitter.com/PeterDaszak)

EcoHealth Alliance develops science-based solutions to prevent pandemics and promote conservation

From: Morens, David (NIH/NIAID) [E] [b6]
Sent: Wednesday, October 5, 2022 10:40 AM
To: Gerald Keusch <[b6]>
Cc: Peter Daszak <[b6]> Peter Hotez <[b6]> Aleksei Chmura
[b6] Rich Roberts <[b6]> Jeff Sturchio
Subject: Fwd: FT: Republicans demand halt to grants for virus-hunting group

Sent from my iPhone
David M Morens
OD, NIAID, NIH

Begin forwarded message:

From: "Morens, David (NIH/NIAID) [E]" <[b6]>
Date: October 5, 2022 at 10:38:56 EDT
To: David Morens <[b6]>
Subject: Fwd: FT: Republicans demand halt to grants for virus-hunting group

Sent from my iPhone
David M Morens
OD, NIAID, NIH

Begin forwarded message:

From: "Folkers, Greg (NIH/NIAID) [E]" <[b6]>
Date: October 5, 2022 at 10:01:20 EDT
Subject: FT: Republicans demand halt to grants for virus-hunting group

[ft.com](https://www.ft.com)

Republicans demand halt to grants for virus-hunting group

Kiran Stacey
4-6 minutes

EcoHealth had already been criticised for failing to disclose details of Wuhan lab coronavirus work



China's Wuhan Institute of Virology, which scientists have criticised for conducting experiments at dangerously low levels of biosafety © Hector Retamal/AFP/Getty Images

Senior Republicans have hit out at the Biden administration's decision to award hundreds of thousands of dollars to a virus-hunting group that is already under fire for its previous work with China's Wuhan Institute of Virology.

Three members of Congress have urged health officials to reverse a recent decision to grant \$500,000 to the EcoHealth Alliance to fund its work hunting for new coronaviruses. The grant is one of four given to the organisation since the start of the pandemic, adding up to more than \$7mn.

EcoHealth, which is based in the US and led by the British scientist Peter Daszak, has previously been criticised for coronavirus experiments it conducted on mice in 2015 with the lab in Wuhan, the city where Covid-19 was first discovered, and its subsequent failure to disclose the full details of the studies.

Experts have also argued that the nature of EcoHealth's virus surveillance work — which involves experimenting pre-emptively on a range of viruses in order to be ready to develop vaccines should they ever be needed, rather than simply studying specific viruses as outbreaks emerge — is unnecessarily dangerous.

Roger Marshall, the Republican senator from Kansas, said: "The EcoHealth Alliance and [the US National Institutes of Health] are operating in tandem to proliferate risky research with deadly pathogens out of the reach of US oversight."

Andrew Weber, the former assistant secretary of defence in the Obama administration who is now a senior fellow at the Council on Strategic Risks, called the work "reckless, risky research with virtually no benefit to humanity".

Despite the criticism, there is no evidence to suggest that the company's 2015 mouse experiments contributed to the pandemic. The most recent awards to EcoHealth also do not involve the Wuhan lab.

EcoHealth has been conducting research into new coronaviruses for years, often hunting for diseased bats in remote locations in south-east Asia. However, the group came under fire for some of its NIH-funded

work with the Wuhan laboratory in 2015, when the lab and EcoHealth took coronavirus samples and performed experiments on mice that made the virus even more deadly.

The NIH admitted last year that it had not been told by EcoHealth about the outcome of the mouse experiments, even though the company was required to do so under the terms of its grant contract.

Cathy McMorris Rodgers, the most senior Republican on the House Energy and Commerce committee, accused the company of not answering questions as part of a Republican inquiry into the origins of Covid-19.

“EcoHealth Alliance and Peter Daszak should not be getting a dime of taxpayer funds until they are completely transparent. Period,” she said. “This is madness.”

The Wuhan lab itself has come under intense scrutiny since Covid-19 was first detected in the Chinese province, and has been criticised by many scientists for conducting its experiments at dangerously low levels of biosafety.

Last October, the Biden administration released a report showing that one unnamed intelligence agency believed the pandemic first started because of an accident involving this kind of research at the Wuhan lab. Others believed the pandemic began naturally, although said they could not be sure.

New disclosures by the NIH show that it has continued to fund EcoHealth over the past two years and awarded a grant for an entirely new project that started two weeks ago.

According to the filings, NIH gave EcoHealth about \$1.5mn in 2020, 2021 and 2022 for its coronavirus surveillance work, which includes testing the samples in genetically adapted mice.

Neither EcoHealth nor the NIH responded to multiple requests to comment. EcoHealth has defended its work in the past, saying that the more scientists know about diseases circulating in the wild, the better they will be able to create treatments and vaccines should they ever cross over to humans.

Joni Ernst, the Republican senator from Iowa, said: “It is absolutely batty that NIH would give another cent of taxpayer money to EcoHealth.”

Disclaimer: Any third-party material in this email has been shared for internal use under fair use provisions of U.S. copyright law, without further verification of its accuracy/veracity. It does not necessarily represent my views nor those of NIAID, NIH, HHS, or the U.S. government.

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and are confident the content is safe.

Congress of the United States
House of Representatives

SELECT SUBCOMMITTEE ON THE CORONAVIRUS PANDEMIC

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

Majority (202) 225-6974
Minority (202) 225-5051

June 29, 2023

Mr. David Morens, M.D.
Senior Scientific Advisor
Office of the Director
National Institute of Allergy and Infectious Diseases
5601 Fishers Lane, MSC 9806
Bethesda, MD 20892

Dear Dr. Morens:

Documents in possession of the Select Subcommittee on the Coronavirus Pandemic (Select Subcommittee) suggest that you may have used your personal e-mail to avoid transparency and the Freedom of Information Act (FOIA), potentially intentionally deleted federal records, and acted in your official capacity to disparage your fellow scientists, including by encouraging litigation against them.

Further, your e-mails also raise concerns that you may have knowledge or information suggesting Dr. Anthony Fauci, former Director of the National Institute of Allergy and Infectious Diseases (NIAID), wished to influence the COVID-19 origins narrative without his “fingerprints.”

This is all very troubling and raises serious questions. As such, we are requesting documents and communications from your personal e-mail and cell phone that are responsive to the Select Subcommittee’s investigation. Additionally, pursuant to the Select Subcommittee’s February 13, 2023 letter, we request you sit for an in-person transcribed interview on August 2, 2023.¹

I. You may have intentionally used your personal e-mail to avoid transparency and FOIA and may have intentionally deleted federal records.

In one e-mail you write that you “always try to communicate over gmail because my NIH email is FOIA’d constantly.”² You continue, “[d]on’t worry, just send to any of my addresses and I will delete anything I don’t want to see in the New York Times.”³

¹ Letter from Hon. Brad Wenstrup, Chairman, Select Subcomm. on the Coronavirus Pandemic, H. Comm. on Oversight & Accountability, to Hon. Xavier Becerra, Sec’y, U.S. Dep’t of Health and Human Servs. (Feb. 13, 2023).

² E-Mail from David Morens, M.D., Senior Scientific Advisor, Nat’l Inst. of Allergy & Infectious Diseases, to Peter Daszak, Ph.D., et. al., President, EcoHealth Alliance, Inc. (Sept. 9, 2021).

³ *Id.*

Mr. David Morens, M.D.

June 29, 2023

Page 2

Message

From: David Morens
[REDACTED]@gmail.com]
Sent: 9/9/2021 4:34:31 PM
To: Peter Daszak
[REDACTED]
CC: Garry, Robert F
[REDACTED], Kristian G.
Andersen [REDACTED]
Edward Holmes
[REDACTED]
Jason Gale
[REDACTED]
Rasmussen, Angie
[REDACTED]
Robert Kessler
[REDACTED]
Stephen Goldstein
[REDACTED]
Subject: Re: here's the latest line of attack today...

External Sender. Be aware of links, attachments and requests.

Peter and colleagues,

As you know, I try to always communicate on gmail because my NIH email is FOIA'd constantly.

Yesterday my gmail was hacked, probably by these GoF assholes, and until IT can get it fixed I may have to occasionally email from my NIH account.

It spent a couple hours today but couldn't fix it.

Stuff sent to my gmail gets to my phone, but not my NIH computer.

Don't worry, just send to any of my addresses and I will delete anything I don't want to see in the New York Times.

d

David M. Morens, MD

[REDACTED]

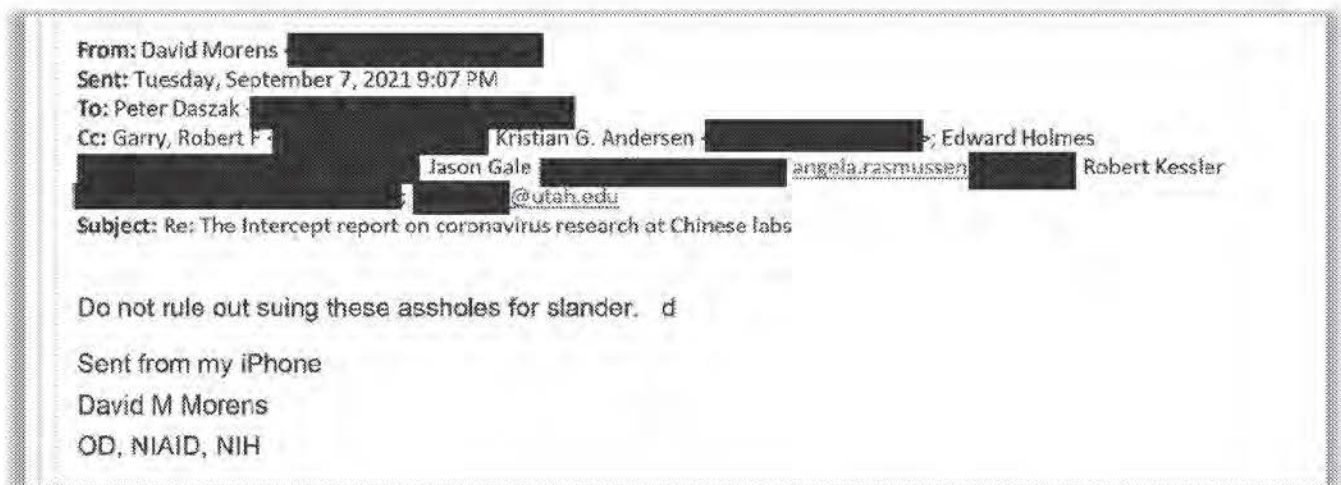
[REDACTED]@gmail.com
(work)
(cell)

[REDACTED] 0001774

II. You used your official capacity to disparage your fellow scientists and those whose opinion was different than your own, including by encouraging litigation against them.

In addition to your attempt to hide your involvement with certain scientists regarding the origins of COVID-19, you also appear to use your official position to disparage others you disagree with on numerous occasions.

On one occasion, in response to a report in *The Intercept* entitled, “New Details emerge About Coronavirus Research at Chinese Lab,” you use your official platform to encourage EcoHealth Alliance, Inc. President Dr. Peter Daszak to “not rule out suing these assholes for slander.”⁴ While this e-mail was also sent from your personal e-mail, your email signature includes “OD [Office of the Director], NIAID [National Institute of Allergy and Infectious Diseases], NIH [National Institutes of Health].”⁵ This gives the appearance of a government official encouraging litigation against the press for reporting that does not follow public health bureaucrats’ pre-conceived narrative and is unacceptable.



On another occasion, in response to a different scientist’s characterization of Dr. Alina Chan and Dr. Richard Ebright as espousing “amateurish, disingenuous bullshit” regarding gain-of-function research, you responded, “[a]men and good for you! You are right that Ebright and his ilk are not only NOT experts but are harmful demagogues.”⁶

⁴ E-Mail from David Morens, M.D., Senior Scientific Advisor, Nat’l Inst. of Allergy & Infectious Diseases, to Peter Daszak, Ph.D., et. al., President, EcoHealth Alliance, Inc. (Sept. 7, 2021).

⁵ *Id.*

⁶ E-Mail from David Morens, M.D., Senior Scientific Advisor, Nat’l Inst. of Allergy & Infectious Diseases, to Angela Rasmussen, Ph.D., Research Scientist II, Vaccine & Infectious Disease Organization-International Vaccine Centre (Sept. 9, 2021).

Mr. David Morens, M.D.

June 29, 2023

Page 4

On Thu, Sep 9, 2021 at 4:28 PM David Morens [REDACTED] wrote:

Amen and good for you! You are right that Ebright and his ilk are not only NOT experts but are harmful demagogues. They need to be called out. Because i am in government i can only fo this off the record, but i have done do again and again. Some of them are knowingly promoting false equivalences. If they interviewed a Holocaust survivor, they would say they have to give equal time and space to a Nazi murderer. They have no shame. d

Sent from my iPhone

David M Morens

OD, NIAID, NIH

On a third occasion, this time with your official e-mail address, you responded to another scientist's characterization of Dr. Chan as "quite dangerous," by stating, "I know OF Alina Chan based on two papers of hers I came across, one of which was a screed against Eddie's recent review. It seemed biased, cherry-picked, and not the work of a scientist with integrity."⁷

On 21 Aug 2021, at 1:03 am, Morens, David (NIH/NIAID) [E] <[REDACTED]@niaid.nih.gov> wrote:

Thanks to both you and Kristian. Very helpful to know what the experts think, because 50 us mere mortals, phylogenetic and sequencing interpretation is a bit inscrutable.

Yes, although I don't know her personally, I know OF Alina Chan based on two papers of hers I came across, one of which was a screed against Eddie's recent review. It seemed biased, cherry-picked, and not the work of a scientist with integrity.

<image004.gif>

David M. Morens, M.D.

CAPT, United States Public Health Service

Senior Advisor to the Director

Office of the Director

National Institute of Allergy and Infectious Diseases

National Institutes of Health

[REDACTED]

Bethesda, MD 20892-2520

[REDACTED] (assistant: [REDACTED])

[REDACTED]
[REDACTED]@nih.gov

Disclaimer: This message is intended for the exclusive use of the recipient(s) named above. It may contain information that is PROTECTED, PRIVILEGED, and/or CONFIDENTIAL, and it should not be disseminated, distributed, or copied to persons not authorized to receive such information. All sensitive documents must be properly labeled before dissemination via email. If you are not the intended recipient, any dissemination, distribution, or copying is strictly prohibited. If you have received this communication in error, please cease all copies of the message and its attachments and notify us immediately.

⁷ E-Mail from David Morens, M.D., Senior Scientific Advisor, Nat'l Inst. of Allergy & Infectious Diseases, to Robert Garry, Professor, Tulane School of Medicine (Aug. 21, 2021).

These e-mails raise additional serious concerns about your objectivity while stationed in the Office of the Director of NIAID—an agency that obligates billions of dollars annually. The Select Subcommittee has questions about whether you made or influenced any funding decisions based on your personal motives or biases towards scientists.

III. You spoke with reporters regarding the origins of COVID-19 potentially because Dr. Anthony Fauci wished to influence the COVID-19 origins narrative without his “fingerprints.”

Documents previously released by the Select Subcommittee established that, according to e-mails, Drs. Fauci and Francis Collins “prompted” the drafting of a paper to “disprove” the lab leak theory.⁸ This paper turned into “The Proximal Origin of SARs-CoV-2” (Proximal Origin).⁹ After increased pressure from Dr. Collins, Dr. Fauci appeared to cite Proximal Origin from the White House podium to downplay the lab leak theory.¹⁰ At the time, however, Dr. Fauci publicly claimed to not remember the name of the paper or those who wrote it.¹¹ Yet, in response to a private follow-up question from a member of the press, Dr. Fauci cited Proximal Origin—the paper he “prompted” a few months earlier—as proof COVID-19 was not the result of a lab leak.¹²

New e-mails suggest that Dr. Fauci took additional efforts to tamp down the lab leak theory by requesting you speak with the press regarding the origins of COVID-19, because he did not want to directly influence the stories.¹³ On July 29, 2021, you wrote, “[b]ut today, to my total surprise, my boss tony [Fauci] actually ASKED me to speak to the National Geographic on the record about origins. I interpret this to mean that our government is lightening up[,] but that *Tony doesn’t want his fingerprints on origin stories.*”¹⁴

⁸ Memorandum from Select Subcomm. on the Coronavirus Pandemic Staff to Select Subcomm. on the Coronavirus Members (Mar. 5, 2023).

⁹ Kristian Andersen, Ph.D., et. al., *The Proximal Origin of SARS-CoV-2*, NATURE MEDICINE (Mar 17, 2020).

¹⁰ Remarks by President Trump, Vice President Pence, and Members of the Coronavirus Task Force in Press Briefing, The White House (Apr. 17, 2020).

¹¹ *Id.*

¹² E-Mail from Anthony Fauci, M.D., Dir., Nat’l Institute of Allergy & Infectious Diseases, to Bill Gertz, Nat’l Sec. Correspondent, The Washington Times (Apr. 19, 2020).

¹³ E-Mail from David Morens, M.D., Senior Scientific Advisor, Nat’l Inst. Of Allergy & Infectious Diseases, to Jason Gale, Bloomberg (July 29, 2021).

¹⁴ *Id.* (emphasis added).

Mr. David Morens, M.D.

June 29, 2023

Page 6

From: [REDACTED]@niaid.nih.gov At: 07/29/21 07:38:47
To: Jason Gale (BLOOMBERG/ NEWSROOM:) , [REDACTED]@TULANE.EDU,
[REDACTED]@sydney.edu.au, [REDACTED]@utah.edu
Subject: RE: Fwd:Re: URGENT: Seeking comment on paper in Nature:
Scientific reports

Jason, I can almost always talk on background or off the record, and if needed I MIGHT be able to speak ON the record. In the US government we all have to get approval from HHS or the Whitehouse to speak to the press. Sometimes they are touchy about certain issues and say no. For many months, I have not been approved to talk about "origins" on the record.

But today, to my total surprise, my boss Tony actually ASKED me to speak to the National Geographic on the record about origins. I interpret this to mean that our government is lightening up but that Tony doesn't want his fingerprints on origin stories.

Bottom line, I can speak to you on background and, if you need or want quotations or attributions, you can request to speak to me formally. They can only say no or, better yet, steer you to Tony.....

Have you asked Dr. Newman when he might be able to share the paper he mentioned? I would love to see that....

<mime-attachment.gif>

David M. Morens, M.D.
CAPT, United States Public Health Service
Senior Advisor to the Director
Office of the Director
National Institute of Allergy and Infectious Diseases
National Institutes of Health
[REDACTED]

[REDACTED] 0001347

In the interview referenced in your e-mail, you not only strongly imply against a lab leak, but go further and imply the U.S. should stop searching for or investigating the origins of COVID-19. You stated, "[t]here is progenitor virus out there somewhere, and we should look for it...[b]ut at some point, it crosses over from doing due diligence to wasting time and being crazy.

We may have seen that point already.”¹⁵ To be clear, investigating the source of a pandemic that has killed more than one million Americans is not “wasting time” or “being crazy.”¹⁶ This raises the question of whether this was the narrative Dr. Fauci approved you to say.

To better assist the Select Subcommittee in its investigation of the origins of COVID-19 and, in this case, any potential violations of federal record keeping laws, and considering your use of personal e-mail for official purposes specifically discussing these issues, we therefore request the following documents and information from any personal e-mail accounts, but primarily dmmorens@gmail.com, and any personal cell phones, but primarily (240)-495-1783, as soon as possible but no later than July 13, 2023:

- I. All documents and communications regarding the drafting, publication, or critical reception of the following publications:
 - a. The Correspondence in *The Lancet* titled, “Statement in support of the scientists, public health professionals, and medical professionals of China combatting COVID-19.”
 - b. The Correspondence in *Nature Medicine* titled, “The proximal origin of SARS-CoV-2.”
 - c. The Letter in *Science* titled, “Investigate the origins of COVID-19.”
 - d. The Review in *Cell Press* titled, “The origins of SARS-CoV-2: A critical review.”
 - e. The Publication in *Science* titled, “The Hunan Seafood Wholesale Market in Wuhan was the early epicenter of the COVID-19 pandemic.”
 - f. The Publication in *Science* titled, “The molecular epidemiology of multiple zoonotic origins of SARS-CoV-2.”
 - g. The Publication in *The Lancet* titled, “The *Lancet* Commission on lessons for the future from the COVID-19 pandemic.”
 - h. The Perspective in *The Proceedings of the National Academy of Sciences* titled, “Pandemic origins and a One Health approach to preparedness and prevention: Solutions based on SARS-CoV-2 and other RNA viruses.”

¹⁵ Priyanka Runwal, *Why it's so tricky to trace the origin of COVID-19*, NAT'L GEOGRAPHIC (Sept. 13, 2021).

¹⁶ Jesse D. Bloom, et. al., *Investigate the origins of COVID-19*, SCIENCE (May 14, 2021); Jeffrey D. Sachs, et. al., *The Lancet Commission on lessons learned for the future from the COVID-19 pandemic*, THE LANCET (Sept. 14, 2022).

- i. The Report in *Zenodo* titled, “Genetic evidence of susceptible wildlife in SARS-CoV-2 positive samples at the Huanan Wholesale Seafood Market, Wuhan: Analysis and interpretation of data released by the Chinese Center for Disease Control.”
 - j. The Pre-Print Publication in *Nature* titled, “Surveillance of SARS-CoV-2 in the environment and animal samples of the Huanan Seafood Market.”
2. All documents and communications, including text messages, regarding the Wuhan Institute of Virology, EcoHealth Alliance, Inc., or the origins of COVID-19 between November 1, 2019, and present between yourself and the following individuals or regarding or referencing the following individuals:
 - a. Anthony Fauci
 - b. Francis Collins
 - c. Lawrence Tabak
 - d. Hugh Auchincloss
 - e. Cliff Lane
 - f. David Morens
 - g. Ping Chen
 - h. Ian Watson
 - i. Andrew Pope
 - j. Victor Dzau
 - k. Robert Redfield
 - l. Michael Lauer
 - m. David Christian Hassell
 - n. Jeremy Farrar
 - o. Robert Garry
 - p. Michael Farzan
 - q. Edward Holmes
 - r. W. Ian Lipkin
 - s. Andrew Rambaut
 - t. Peter Daszak
 - u. Aleksei Chmura
 - v. Kevin Olival
 - w. Christian Drosten
 - x. Ron Fouchier
 - y. Marion Koopmans
 - z. Michael Worobey
 - aa. Jonathan Pekar
 - bb. Florence Debarre
 - cc. Angela Rasmussen
 - dd. Ralph Baric
 - ee. James LeDuc
 - ff. Shi Zhengli

Mr. David Morens, M.D.

June 29, 2023

Page 9

gg. Ben Hu
hh. Yu Ping
ii. Yan Zhu
jj. Zhou Yusen
kk. Peter Hotez
ll. Richard Ebright
mm. Y. Alina Chan
nn. Jesse Bloom
oo. David Relman

The Select Subcommittee on the Coronavirus Pandemic is authorized to investigate “the origins of the Coronavirus pandemic, including but not limited to the Federal Government’s funding of gain-of function research” and “executive branch policies, deliberations, decisions, activities, and internal and external communications related to the coronavirus pandemic” under H. Res. 5. To schedule the interview or ask any follow-up or related questions please contact Select Subcommittee staff at (202) 225-5074.

Thank you for your attention to this very important matter.

Sincerely,



Brad R. Wenstrup, D.P.M.

Chairman

Select Subcommittee on the Coronavirus Pandemic

cc: The Honorable Raul Ruiz, Ranking Member
Select Subcommittee on the Coronavirus Pandemic

From: Morens, David (NIH/NIAID) [E] [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=12DE367CC65C42879EA45D128710A383-DMORENS]
Sent: 6/29/2023 10:32:57 PM
To: Gerald Keusch; [REDACTED] b6
BCC: Morens, David (NIH/NIAID) [E] [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=12de367cc65c42879ea45d128710a383-dmorens]
Subject: Fwd: [EXTERNAL] Requesting comment on House COVID emails investigation

Is this helpful? dmm

Sent from my iPhone
David M Morens
OD, NIAID, NIH

Begin forwarded message:

From: "Morens, David (NIH/NIAID) [E]" [REDACTED] b6
Date: June 29, 2023 at 15:59:00 EDT
To: "Haskins, Melinda (NIH/NIAID) [E]" ([REDACTED] b6); [REDACTED] b6; "Harper, Jill (NIH/NIAID) [E]" ([REDACTED] b6)
Subject: FW: [EXTERNAL] Requesting comment on House COVID emails investigation



David M. Morens, M.D.
CAPT, USPHS (ret.)
Senior Advisor to the Director
Office of the Director
National Institute of Allergy and Infectious Diseases
National Institutes of Health
Building 31, Room 7A-03
31 Center Drive, MSC 2520
Bethesda, MD 20892-2520

[REDACTED] b6

(assistant: Ms. Sherri DePollar, depollars@nih.gov)

Disclaimer: This message is intended for the exclusive use of the recipient(s) named above. It may contain information that is PROTECTED, PRIVILEGED, and/or CONFIDENTIAL, and it should not be disseminated, distributed, or copied to persons not authorized to receive such information. All sensitive documents must be properly labeled before dissemination via email. If you are not the intended recipient, any dissemination, distribution, or copying is strictly prohibited. If you have received this communication in error, please erase all copies of the message and its attachments and notify us immediately.



From: Josh Christenson <[REDACTED] b6>
Sent: Thursday, June 29, 2023 3:25 PM
To: Morens, David (NIH/NIAID) [E] <[REDACTED] b6>
Subject: [EXTERNAL] Requesting comment on House COVID emails investigation

Dr. Morens,

The House Select Subcommittee on the Coronavirus Pandemic disclosed emails you sent as senior scientific adviser at NIAID that may have violated federal record-keeping laws.

You said in the emails that you used a personal email address to avoid Freedom of Information Act requests, and that you deleted other emails to avoid press scrutiny.

Another email shows you attacked a report in The Intercept, encouraging EcoHealth Alliance President Peter Daszak to "not rule out suing these assholes for slander."

Would you care to comment on the remarks you made in the emails? Do you have a response to the House committee?

I'd appreciate a prompt response.

Thanks,
Josh Christenson

--

Josh Christenson
Politics Reporter
New York Post

[REDACTED] b6

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and are confident the content is safe.

From: Morens, David (NIH/NIAID) [E] [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=12DE367CC65C42879EA45D128710A383-DMORENS]
Sent: 9/21/2023 8:32:49 PM
To: David Morens (dmmorens@gmail.com) [dmmorens@gmail.com]
Subject: FW: FOIA Requests #60136 and #60339

David Morens

David M. Morens, M.D.

CAPT, United States Public Health Service (ret.)
Senior Advisor to the Director
Office of the Director
National Institute of Allergy and Infectious Diseases
National Institutes of Health
Building 31, Room 7A-03
31 Center Drive, MSC 2520
Bethesda, MD 20892-2520

b6

stant: Sherri DePollar)

Disclaimer: This message is intended for the exclusive use of the recipient(s) named above. It may contain information that is PROTECTED, PRIVILEGED, and/or CONFIDENTIAL, and it should not be disseminated, distributed, or copied to persons not authorized to receive such information. All sensitive documents must be properly labeled before dissemination via email. If you are not the intended recipient, any dissemination, distribution, or copying is strictly prohibited. If you have received this communication in error, please erase all copies of the message and its attachments and notify us immediately.

From: Morens, David (NIH/NIAID) [E]

Sent: Monday, July 3, 2023 2:12 PM

To: Citarella, Kara (NIH/NHLBI) [C]

b6

Cc: Schofield, Robin (NIH/NHLBI) [E]

b6

Harper, Jill (NIH/NIAID) [E]

b6

Subject: RE: FOIA Requests #60136 and #60339

Kara, PS, I should have added that it is my impression that all of my gmails regarding these issues were foia'd and accessed a long time ago. I am not aware there is anything left that hasn't been accessed already.

David

David M. Morens, M.D.

CAPT, USPHS (ret.)
Senior Advisor to the Director
Office of the Director
National Institute of Allergy and Infectious Diseases
National Institutes of Health
Building 31, Room 7A-03
31 Center Drive, MSC 2520
Bethesda, MD 20892-2520

b6

(assistant: Ms. Sherri DePollar, depollars@nih.gov)

Disclaimer: This message is intended for the exclusive use of the recipient(s) named above. It may contain information that is PROTECTED, PRIVILEGED, and/or CONFIDENTIAL, and it should not be disseminated, distributed, or copied to persons not authorized to receive such information. All sensitive documents must be properly labeled before dissemination via email. If you are not the intended recipient, any dissemination, distribution, or copying is strictly prohibited. If you have received this communication in error, please erase all copies of the message and its attachments and notify us immediately.



From: Citarella, Kara (NIH/NHLBI) [C] **b6**
Sent: Monday, July 3, 2023 1:43 PM
To: Morens, David (NIH/NIAID) [E] **b6**
Cc: Schofield, Robin (NIH/NHLBI) [E] **b6**; Harper, Jill (NIH/NIAID) [E] **b6**
Subject: FOIA Requests #60136 and #60339
Importance: High

Dear Dr. Morens,

We've received several FOIA requests asking for emails from your personal email/gmail account. I've attached both of those for you reference. Could you let me know if you use your personal gmail account for what is requested in the attached FOIA requests and as quoted below?

#60136 FOIA request is as follows:

- "Any and all written or electronic communication between Senior Advisor David Morens one or more of the following individuals: Peter Daszak of the EcoHealth Alliance, Kristian Andersen of Scripps, Robert Garry of Tulane, and/or Jeremy Farrar of the Wellcome Trust. This request seeks records produced between January 1, 2020 and January 1, 2021." The amended version excludes news clips, mass mailings, SPAM, and Google alerts, as well as, "Also this official may have been using a personal account for official communications, so it may be useful to ensure that any official communications sent over personal accounts are included in your search."

#60339 FOIA request is as follows:

- “Pursuant to the federal Freedom of Information Act, 5 U.S.C. § 552, I am requesting all documents created by David M. Morens and all emails sent or received by him through his gmail account as part of his work at NIH. That email address was used to conduct agency business, according to a story published today in the Intercept, <https://theintercept.com/2023/06/29/covid-nih-personal-email-foia/> which explained that Morens and other agency officials relied on those emails when conducting NIH business. (Date Range for Record Search: From 01/01/2017 To 06/29/2023)”

Please advise, and have a great 4th of July! Thanks so much.

Kara Citarella
Policy/FOIA Analyst
Freedom of Information and Privacy Act Branch/FOIA Service Center
National Heart, Lung and Blood Institute (NHLBI), NIH
GAP Solutions, Inc.

b6

From: Morens, David (NIH/NIAID) [E] [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=12DE367CC65C42879EA45D128710A383-DMORENS]
Sent: 7/3/2023 6:09:11 PM
To: Citarella, Kara (NIH/NHLBI) [C] [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=6fd4e2d46879470db5e810fc92824-citarellakr]
CC: Schofield, Robin (NIH/NHLBI) [E] [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=9ecfbb2ae42c41668cc1f07d73e3525c-schofieldr1]; Harper, Jill (NIH/NIAID) [E] [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=0bfd6dfb8e48482fb49a5f72abfcbac8-jharper]
Subject: RE: FOIA Requests #60136 and #60339

Hi Kara, I have in the past used my gmail account to email the folks you mentioned.

I stopped doing that some time ago, I am thinking it was about a year or year and a half ago when I was informed that gmails could be foia'd and was asked me to not use gmail to contact Dr. Daszak specifically. If it's of any value, I could probably determine the exact date I stopped using gmail for this purpose, as I remember I was sitting in the ophthalmology clinic in preparation for eye surgery at the time.

I do not believe that these gmails were for government business, although that could be a matter of definition. They were mostly related to trying to help a long time personal friend, Dr. Peter Daszak, deal with death threats, stalking and other forms of harassment directed to him and his wife and daughter. He was going through a stressful time and reached out to me repeatedly.

Thanks,



David M. Morens, M.D.

CAPT, USPHS (ret.)

Senior Advisor to the Director

Office of the Director

National Institute of Allergy and Infectious Diseases

National Institutes of Health

Building 31, Room 7A-03

31 Center Drive, MSC 2520

Bethesda, MD 20892-2520

b6

assistant: Ms. Sherri DePollar, depollars@nih.gov

Disclaimer: This message is intended for the exclusive use of the recipient(s) named above. It may contain information that is PROTECTED, PRIVILEGED, and/or CONFIDENTIAL, and it should not be disseminated, distributed, or copied to persons not authorized to receive such information. All sensitive documents must be properly labeled before dissemination via email. If you are not the intended recipient, any dissemination, distribution, or copying is strictly prohibited. If you have received this communication in error, please erase all copies of the message and its attachments and notify us immediately.



From: Citarella, Kara (NIH/NHLBI) [C] [b6]
Sent: Monday, July 3, 2023 1:43 PM
To: Morens, David (NIH/NIAID) [E] [b6]
Cc: Schofield, Robin (NIH/NHLBI) [E] [b6]; Harper, Jill (NIH/NIAID) [E] [b6]
Subject: FOIA Requests #60136 and #60339
Importance: High

Dear Dr. Morens,

We've received several FOIA requests asking for emails from your personal email/gmail account. I've attached both of those for you reference. Could you let me know if you use your personal gmail account for what is requested in the attached FOIA requests and as quoted below?

#60136 FOIA request is as follows:

- "Any and all written or electronic communication between Senior Advisor David Morens one or more of the following individuals: Peter Daszak of the EcoHealth Alliance, Kristian Andersen of Scripps, Robert Garry of Tulane, and/or Jeremy Farrar of the Wellcome Trust. This request seeks records produced between January 1, 2020 and January 1, 2021." The amended version excludes news clips, mass mailings, SPAM, and Google alerts, as well as, "Also this official may have been using a personal account for official communications, so it may be useful to ensure that any official communications sent over personal accounts are included in your search."

#60339 FOIA request is as follows:

- "Pursuant to the federal Freedom of Information Act, 5 U.S.C. § 552, I am requesting all documents created by David M. Morens and all emails sent or received by him through his gmail account as part of his work at NIH. That email address was used to conduct agency business, according to a story published today in the Intercept, <https://theintercept.com/2023/06/29/covid-nih-personal-email-foia/> which explained that Morens and other agency officials relied on those emails when conducting NIH business. (Date Range for Record Search: From 01/01/2017 To 06/29/2023)"

Please advise, and have a great 4th of July! Thanks so much.

Kara Citarella
Policy/FOIA Analyst
Freedom of Information and Privacy Act Branch/FOIA Service Center
National Heart, Lung and Blood Institute (NHLBI), NIH

GAP Solutions, Inc.

b6

Submit New Request

Requester Details

To modify request details please update your requester profile or contact the our office for assistance.

b6

N/A

MuckRock News, DEPT MR145719

263 Huntington Ave

Boston, MA 02115

b6

Requester Default Category: Media

General Information

Institute or Center	NIAID
Institute or Center Name	NIAID
Request Type	FOIA
Requester Category	Media

Request Information

To Whom It May Concern:

Pursuant to the Freedom of Information Act, I hereby request the following records:

Any and all written or electronic communication between Senior Advisor David Morens one or more of the following individuals: Peter Daszak of the EcoHealth Alliance, Kristian Andersen of Scripps, Robert Garry of Tulane, and/or Jeremy Farrar of the Wellcome Trust. This request seeks records produced between January 1, 2020 and January 1, 2021.

I am a reporter for The Nation and other outlets.

The requested documents will be made available to the general public, and this request is not being made for commercial purposes.

Description

In the event that there are fees, I would be grateful if you would inform me of the total charges in advance of fulfilling my request. I would prefer the request filled electronically, by e-mail attachment if available or CD-ROM if not.

Thank you in advance for your anticipated cooperation in this matter. I look forward to receiving your response to this request within 20 business days, as the statute requires.

Sincerely,

b6

Upload documents directly:

https://accounts.muckrock.com/accounts/login/?next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fnext%3D%252Faccounts%252Fagency_login%252Fnational-institute-of-allergy-and-infectious-diseases-niaid-4241%252Fmorens-scientist-comms-145719%252F%253Femail%253Dfoia_noreply%252540nih.gov&url_auth_token=AABR_6MSRoL5KIhdNlhGrMpugFw%3A1pxO28%3AIJvWgHUuMr5N-IbLV1JrgA538ncp4ZWbnu13ifvD1CM

Date Range for Record

Search:From

01/01/2020

Date Range for Record

Search:To

01/01/2021

Description Document

Fee Information

Willing to Pay All Fees No
Willing Amount \$25
Fee Waiver Requested Yes
I am a reporter for The Nation and other outlets.

Fee Waiver Request Reason The requested documents will be made available to the general public, and this request is not being made for commercial purposes.

Expedite Information

Expedite Requested No
Expedite Reason

Submit New Request

Requester Details

To modify request details please update your requester profile or contact the our office for assistance.

b6

ProPublica
155 6th Ave
New York, NY 10013

b6

Requester Default Category: Media

General Information

Institute or Center	NIAID
Institute or Center Name	NIAID
Request Type	FOIA
Requester Category	Media

Request Information

Description	Pursuant to the federal Freedom of Information Act, 5 U.S.C. § 552, I am requesting all documents created by David M. Morens and all emails sent or received by him through his gmail account as part of his work at NIH. That email address was used to conduct agency business, according to a story published today in the Intercept, https://theintercept.com/2023/06/29/covid-nih-personal-email-foia/ which explained that Morens and other agency officials relied on those emails when conducting NIH business.
-------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Date Range for Record Search:From	01/01/2017
Date Range for Record Search:To	06/29/2023
Description Document	NIH FOIA David Morens.pdf

Fee Information

Willing to Pay All Fees	No
Willing Amount	\$25
Fee Waiver Requested	Yes
Fee Waiver Request Reason	As a representative of the media I am only required to pay for the direct cost of duplication after the first 100 pgs. This information is being sought on behalf of ProPublica, an independent, non-profit news organization, for dissemination to the public

Expedite Information

Expedite Requested	No
Expedite Reason	

From: Citarella, Kara (NIH/NHLBI) [C] [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6FD4E2D46879470DB5E810FC76C92824-CITARELLAKR]
Sent: 7/5/2023 7:16:32 PM
To: Morens, David (NIH/NIAID) [E] [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=12de367cc65c42879ea45d128710a383-dmorens]; Harper, Jill (NIH/NIAID) [E] [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=0bfd6dfb8e48482fb49a5f72abfcbac8-jharper]
CC: Schofield, Robin (NIH/NHLBI) [E] [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=9ecfbb2ae42c41668cc1f07d73e3525c-schofieldr1]; Awwad, David (NIH/NIAID) [E] [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=0a5171ce4c4d4110abfe9aebfbdafbe7-dawwad]
Subject: RE: Search for Text Messages - FOIA Request #60346 **b6**

Great, thanks so much!

Kara Citarella
Policy/FOIA Analyst
Freedom of Information and Privacy Act Branch/FOIA Service Center
National Heart, Lung and Blood Institute (NHLBI), NIH
GAP Solutions, Inc.

b6

From: Morens, David (NIH/NIAID) [E] **b6**
Sent: Wednesday, July 5, 2023 2:21 PM
To: Citarella, Kara (NIH/NHLBI) [C] **b6**; Harper, Jill (NIH/NIAID) [E] **b6**
Cc: Schofield, Robin (NIH/NHLBI) [E] **b6**; Awwad, David (NIH/NIAID) [E] **b6**
Subject: RE: Search for Text Messages - FOIA Request #60346 **b6**

Kara, just got help on this from David Awwad and it was a lot simpler than I imagined.

I didn't get a single hit for any of those terms listed. Not surprised because I rarely use text for anything except with my NIAID colleague Jeff Taubenberger, and he doesn't do much work with COVID-19.

Let me know if I should do anything further, TY,



David M. Morens, M.D.
CAPT, USPHS (ret.)
Senior Advisor to the Director
Office of the Director
National Institute of Allergy and Infectious Diseases

National Institutes of Health
Building 31, Room 7A-03
31 Center Drive, MSC 2520
Bethesda, MD 20892-2520

b6

(assistant: Ms. Sherri DePollar, depollars@nih.gov)

Disclaimer: This message is intended for the exclusive use of the recipient(s) named above. It may contain information that is PROTECTED, PRIVILEGED, and/or CONFIDENTIAL, and it should not be disseminated, distributed, or copied to persons not authorized to receive such information. All sensitive documents must be properly labeled before dissemination via email. If you are not the intended recipient, any dissemination, distribution, or copying is strictly prohibited. If you have received this communication in error, please erase all copies of the message and its attachments and notify us immediately.



From: Citarella, Kara (NIH/NHLBI) [C] **b6**
Sent: Wednesday, July 5, 2023 2:10 PM
To: Morens, David (NIH/NIAID) [E] <**b6**>; Harper, Jill (NIH/NIAID) [E] **b6**
Cc: Schofield, Robin (NIH/NHLBI) [E] <**b6**>
Subject: RE: Search for Text Messages - FOIA Request #60346 **b6**

Thanks, Jill!

Kara Citarella
Policy/FOIA Analyst
Freedom of Information and Privacy Act Branch/FOIA Service Center
National Heart, Lung and Blood Institute (NHLBI), NIH
GAP Solutions, Inc.

b6

From: Morens, David (NIH/NIAID) [E] <**b6**>
Sent: Wednesday, July 5, 2023 1:34 PM
To: Harper, Jill (NIH/NIAID) [E] <**b6**>; Citarella, Kara (NIH/NHLBI) [C] **b6**
Cc: Schofield, Robin (NIH/NHLBI) [E] <**b6**>
Subject: RE: Search for Text Messages - FOIA Request #60346 (Stieber)

Ok, thanks, will do

David

David M. Morens, M.D.

CAPT, USPHS (ret.)

Senior Advisor to the Director

Office of the Director

National Institute of Allergy and Infectious Diseases

National Institutes of Health

Building 31, Room 7A-03

31 Center Drive, MSC 2520

Bethesda, MD 20892-2520

b6

Assistant: Ms. Sherri DePollar, depollars@nih.gov

Disclaimer: This message is intended for the exclusive use of the recipient(s) named above. It may contain information that is PROTECTED, PRIVILEGED, and/or CONFIDENTIAL, and it should not be disseminated, distributed, or copied to persons not authorized to receive such information. All sensitive documents must be properly labeled before dissemination via email. If you are not the intended recipient, any dissemination, distribution, or copying is strictly prohibited. If you have received this communication in error, please erase all copies of the message and its attachments and notify us immediately.



From: Harper, Jill (NIH/NIAID) [E]

b6

Sent: Wednesday, July 5, 2023 1:32 PM

To: Citarella, Kara (NIH/NHLBI) [C]

b6

Cc: Morens, David (NIH/NIAID) [E] <

b6

Schofield, Robin (NIH/NHLBI) [E]

b6

Subject: Re: Search for Text Messages - FOIA Request #60346

b6

David,
You might check with David Awwad for assistance.
Jill

On Jul 5, 2023, at 1:27 PM, Citarella, Kara (NIH/NHLBI) [C]

b6

wrote:

Dr. Morens,

You might have to do the search manually for that timeframe, i.e. search for "coronavirus" and then read through for items containing "research". Does this help?

Thanks so much.

Kara Citarella
Policy/FOIA Analyst
Freedom of Information and Privacy Act Branch/FOIA Service Center
National Heart, Lung and Blood Institute (NHLBI), NIH
GAP Solutions, Inc.

b6

From: Morens, David (NIH/NIAID) [E] **b6**
Sent: Wednesday, July 5, 2023 1:23 PM
To: Citarella, Kara (NIH/NHLBI) [C] **b6**
Cc: Schofield, Robin (NIH/NHLBI) [E] **b6**; Harper, Jill (NIH/NIAID) [E] **b6**
Subject: RE: Search for Text Messages - FOIA Request #60346 (**b6**)

Kara, I wasn't even aware that you could search your texts like that, so not sure what to do or how to do it. I just went to my text on my phone and typed into the area that has the search symbol "research" AND "coronavirus", just like you typed it, but nothing happened, just a blank screen but it didn't say nothing found or anything like that.

Am I doing it right? Let me know if there is a way I am not aware of, TY

<image001.gif>

David M. Morens, M.D.
CAPT, USPHS (ret.)
Senior Advisor to the Director
Office of the Director
National Institute of Allergy and Infectious Diseases
National Institutes of Health
Building 31, Room 7A-03
31 Center Drive, MSC 2520
Bethesda, MD 20892-2520

b6

assistant: Ms. Sherri DePollar, depollars@nih.gov

Disclaimer: This message is intended for the exclusive use of the recipient(s) named above. It may contain information that is PROTECTED, PRIVILEGED, and/or CONFIDENTIAL, and it should not be disseminated, distributed, or copied to persons not authorized to receive such information. All sensitive documents must be properly labeled before dissemination via email. If you are not the intended recipient, any dissemination, distribution,

or copying is strictly prohibited. If you have received this communication in error, please erase all copies of the message and its attachments and notify us immediately.

<image002.jpg>

From: Citarella, Kara (NIH/NHLBI) [C] [b6]
Sent: Wednesday, July 5, 2023 1:07 PM
To: Morens, David (NIH/NIAID) [E] <[b6]>
Cc: Schofield, Robin (NIH/NHLBI) [E] [b6]; Harper, Jill (NIH/NIAID) [E]
[b6]
Subject: Search for Text Messages - FOIA Request #60346 [b6]

Good afternoon, Dr. Morens,

We received a FOIA request for your text messages for the following information highlighted below and in the attached FOIA request.

All text messages to and from you mentioning any of the following term combinations:

("research" AND "coronavirus") OR ("Covid-19" AND "Wuhan") OR ("Covid-19" AND "China") OR ("research" AND "sars-cov-2") OR ("covid-19" and "origin")

(Date Range for Record Search: From 01/01/2020 To 06/01/2021)

Please provide me with your search results when completed. Thanks so much!

Kara Citarella
Policy/FOIA Analyst
Freedom of Information and Privacy Act Branch/FOIA Service Center
National Heart, Lung and Blood Institute (NHLBI), NIH
GAP Solutions, Inc.

[b6]

From: Morens, David (NIH/NIAID) [E] [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=12DE367CC65C42879EA45D128710A383-DMORENS]
Sent: 9/21/2023 8:31:38 PM
To: David Morens; [REDACTED] b6
Subject: FW: Search for Text Messages - FOIA Request #60346 [REDACTED] b6

David Morens

David M. Morens, M.D.

CAPT, United States Public Health Service (ret.)
Senior Advisor to the Director
Office of the Director
National Institute of Allergy and Infectious Diseases
National Institutes of Health
Building 31, Room 7A-03
31 Center Drive, MSC 2520
Bethesda, MD 20892-2520

[REDACTED] b6

stant: Sherri DePollar)

Disclaimer: This message is intended for the exclusive use of the recipient(s) named above. It may contain information that is PROTECTED, PRIVILEGED, and/or CONFIDENTIAL, and it should not be disseminated, distributed, or copied to persons not authorized to receive such information. All sensitive documents must be properly labeled before dissemination via email. If you are not the intended recipient, any dissemination, distribution, or copying is strictly prohibited. If you have received this communication in error, please erase all copies of the message and its attachments and notify us immediately.

From: Morens, David (NIH/NIAID) [E]
Sent: Wednesday, July 5, 2023, 1:36 PM
To: [REDACTED] b6
Cc: Harper, Jill (NIH/NIAID) [E]; [REDACTED] b6
Subject: FW: Search for Text Messages - FOIA Request #60346 [REDACTED] b6

David, see email from Jill Harper. I am having to answer a foia re my texts on my phone but nothing is coming up, possibly because there is nothing there, but I need to be sure I am doing it correctly. Can you fill me in. TY,

David

David M. Morens, M.D.

CAPT, USPHS (ret.)
Senior Advisor to the Director
Office of the Director
National Institute of Allergy and Infectious Diseases
National Institutes of Health
Building 31, Room 7A-03
31 Center Drive, MSC 2520
Bethesda, MD 20892-2520

b6

(assistant: Ms. Sherri DePollar,

b6

Disclaimer: This message is intended for the exclusive use of the recipient(s) named above. It may contain information that is PROTECTED, PRIVILEGED, and/or CONFIDENTIAL, and it should not be disseminated, distributed, or copied to persons not authorized to receive such information. All sensitive documents must be properly labeled before dissemination via email. If you are not the intended recipient, any dissemination, distribution, or copying is strictly prohibited. If you have received this communication in error, please erase all copies of the message and its attachments and notify us immediately.



From: Morens, David (NIH/NIAID) [E]

Sent: Wednesday, July 5, 2023 1:34 PM

To: Harper, Jill (NIH/NIAID) [E] <[b6]> Citarella, Kara (NIH/NHLBI) [C]

b6

Cc: Schofield, Robin (NIH/NHLBI) [E] <[b6]>

Subject: RE: Search for Text Messages - FOIA Request #60346 [b6]

Ok, thanks, will do

David

David M. Morens, M.D.

CAPT, USPHS (ret.)
Senior Advisor to the Director
Office of the Director
National Institute of Allergy and Infectious Diseases
National Institutes of Health
Building 31, Room 7A-03

31 Center Drive, MSC 2520
Bethesda, MD 20892-2520

b6

(assistant: Ms. Sherri DePollar, depollars@nih.gov)

Disclaimer: This message is intended for the exclusive use of the recipient(s) named above. It may contain information that is PROTECTED, PRIVILEGED, and/or CONFIDENTIAL, and it should not be disseminated, distributed, or copied to persons not authorized to receive such information. All sensitive documents must be properly labeled before dissemination via email. If you are not the intended recipient, any dissemination, distribution, or copying is strictly prohibited. If you have received this communication in error, please erase all copies of the message and its attachments and notify us immediately.



From: Harper, Jill (NIH/NIAID) [E] **b6**
Sent: Wednesday, July 5, 2023 1:52 PM
To: Citarella, Kara (NIH/NHLBI) [C] **b6**
Cc: Morens, David (NIH/NIAID) [E] <**b6**> Schofield, Robin (NIH/NHLBI) [E]
Subject: Re: Search for Text Messages - FOIA Request #60346 **b6**

David,
You might check with David Awwad for assistance.
Jill

On Jul 5, 2023, at 1:27 PM, Citarella, Kara (NIH/NHLBI) [C] **b6** wrote:

Dr. Morens,

You might have to do the search manually for that timeframe, i.e. search for "coronavirus" and then read through for items containing "research". Does this help?

Thanks so much.

Kara Citarella
Policy/FOIA Analyst
Freedom of Information and Privacy Act Branch/FOIA Service Center
National Heart, Lung and Blood Institute (NHLBI), NIH
GAP Solutions, Inc.

b6

From: Morens, David (NIH/NIAID) [E] [b6]
Sent: Wednesday, July 5, 2023 1:23 PM
To: Citarella, Kara (NIH/NHLBI) [C] [b6]
Cc: Schofield, Robin (NIH/NHLBI) [E] <[b6]>; Harper, Jill (NIH/NIAID) [E]
[b6]
Subject: RE: Search for Text Messages - FOIA Request #60346 [b6]

Kara, I wasn't even aware that you could search your texts like that, so not sure what to do or how to do it. I just went to my text on my phone and typed into the area that has the search symbol "research" AND "coronavirus", just like you typed it, but nothing happened, just a blank screen but it didn't say nothing found or anything like that.

Am I doing it right? Let me know if there is a way I am not aware of, TY

<image001.gif>

David M. Morens, M.D.
CAPT, USPHS (ret.)
Senior Advisor to the Director
Office of the Director
National Institute of Allergy and Infectious Diseases
National Institutes of Health
Building 31, Room 7A-03
31 Center Drive, MSC 2520
Bethesda, MD 20892-2520

[b6]

assistant: Ms. Sherri DePollar, [b6]

Disclaimer: This message is intended for the exclusive use of the recipient(s) named above. It may contain information that is PROTECTED, PRIVILEGED, and/or CONFIDENTIAL, and it should not be disseminated, distributed, or copied to persons not authorized to receive such information. All sensitive documents must be properly labeled before dissemination via email. If you are not the intended recipient, any dissemination, distribution, or copying is strictly prohibited. If you have received this communication in error, please erase all copies of the message and its attachments and notify us immediately.

<image002.jpg>

From: Citarella, Kara (NIH/NHLBI) [C] [b6]
Sent: Wednesday, July 5, 2023 1:07 PM
To: Morens, David (NIH/NIAID) [E] [b6]
Cc: Schofield, Robin (NIH/NHLBI) [E] [b6]; Harper, Jill (NIH/NIAID) [E]
[b6]
Subject: Search for Text Messages - FOIA Request #60346 [b6]

Good afternoon, Dr. Morens,

We received a FOIA request for your text messages for the following information highlighted below and in the attached FOIA request.

All text messages to and from you mentioning any of the following term combinations:

("research" AND "coronavirus") OR ("Covid-19" AND "Wuhan") OR ("Covid-19" AND "China") OR ("research" AND "sars-cov-2") OR ("covid-19" and "origin")

(Date Range for Record Search: From 01/01/2020 To 06/01/2021)

Please provide me with your search results when completed. Thanks so much!

Kara Citarella
Policy/FOIA Analyst
Freedom of Information and Privacy Act Branch/FOIA Service Center
National Heart, Lung and Blood Institute (NHLBI), NIH
GAP Solutions, Inc.

b6

From: Morens, David (NIH/NIAID) [E] [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=12DE367CC65C42879EA45D128710A383-DMORENS]
Sent: 7/31/2023 3:51:36 PM
To: Harper, Jill (NIH/NIAID) [E] [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=0bfd6dfb8e48482fb49a5f72abfcbac8-jharper]
Subject: Re: Letter from SSCP

I spoke to a lawyer from a firm called Debevoise on Friday, also one of his partners, was on the call, and they said they would get back to me today, after checking with their firm to see if they can get approval. I also have yet another name to contact if this doesn't work. Tara Ganapathy called me Friday off line

From: Harper, Jill (NIH/NIAID) [E] [b6]
Sent: Monday, July 31, 2023 11:07:47 AM
To: Morens, David (NIH/NIAID) [E] [b6]
Cc: Harper, Jill (NIH/NIAID) [E] [b6]
Subject: RE: Letter from SSCP

Hi David – any news on this?

Thanks

From: Morens, David (NIH/NIAID) [E] [b6]
Sent: Wednesday, July 26, 2023 2:17 PM
To: Ganapathy, Tara (HHS/OGC) [b6]
Cc: Lankford, David (NIH/OD) [E] [b6] Ford, Kenya S. (CDC/OGC) [b6] Harper, Jill (NIH/NIAID) [E] [b6] Haskins, Melinda (NIH/NIAID) [E] [b6]
Subject: RE: Letter from SSCP

No, finding counsel seems not so easy. I have already spoken to I think 8 attorneys none of whom are able. I spoke on the phone to two different attorneys yesterday, and they said they would try to recommend some names within the next few days. I have a couple other names that I haven't contacted yet as well.

David

David M. Morens, M.D.

CAPT, United States Public Health Service (ret.)
Senior Advisor to the Director
Office of the Director
National Institute of Allergy and Infectious Diseases
National Institutes of Health
Building 31, Room 7A-03
31 Center Drive, MSC 2520
Bethesda, MD 20892-2520

[b6]

(Sherri DePollar)

Disclaimer: This message is intended for the exclusive use of the recipient(s) named above. It may contain information that is PROTECTED, PRIVILEGED, and/or CONFIDENTIAL, and it should not be disseminated, distributed, or copied to persons not authorized to receive such information. All sensitive documents must be properly labeled before dissemination via email. If you are not the intended recipient, any dissemination, distribution, or copying is strictly prohibited. If you have received this communication in error, please erase all copies of the message and its attachments and notify us immediately.

From: Ganapathy, Tara (HHS/OGC) <[b6]>
Sent: Wednesday, July 26, 2023 2:14 PM
To: Morens, David (NIH/NIAID) [E] <[b6]>
Cc: Lankford, David (NIH/OD) [E] <[b6]>; Ford, Kenya S. (CDC/OGC) <[b6]>; Harper, Jill (NIH/NIAID) [E] <[b6]>; Haskins, Melinda (NIH/NIAID) [E] <[b6]>
Subject: RE: Letter from SSCP

Noted, thank you Dr. Morens. Also just to check, you currently do not have personal counsel? If you do, please let me know their contact as soon as you have a chance.

From: Morens, David (NIH/NIAID) [E] <[b6]>
Sent: Monday, July 24, 2023 11:34 AM
To: Ganapathy, Tara (HHS/OGC) <[b6]>
Cc: Lankford, David (NIH/OD) [E] <[b6]>; Ford, Kenya S. (CDC/OGC) <[b6]>; Harper, Jill (NIH/NIAID) [E] <[b6]>; Haskins, Melinda (NIH/NIAID) [E] <[b6]>
Subject: RE: Letter from SSCP

Thank you, Tara, I was unaware of this. Many of the statements made aren't correct.

Also, I retired from the US PHS over a year ago.



David M. Morens, M.D.

CAPT, United States Public Health Service (ret.)
Senior Advisor to the Director
Office of the Director
National Institute of Allergy and Infectious Diseases
National Institutes of Health
Building 31, Room 7A-03
31 Center Drive, MSC 2520
Bethesda, MD 20892-2520

[b6]

tant: Sherri DePollar)

Disclaimer: This message is intended for the exclusive use of the recipient(s) named above. It may contain information that is PROTECTED, PRIVILEGED, and/or CONFIDENTIAL, and it should not be disseminated, distributed, or copied to persons not authorized to receive such information. All sensitive documents must be properly labeled before dissemination via email. If you are not the intended recipient, any dissemination, distribution, or copying is strictly prohibited. If you have received this communication in error, please erase all copies of the message and its attachments and notify us immediately.

From: Ganapathy, Tara (HHS/OGC) [b6]
Sent: Monday, July 24, 2023 11:03 AM
To: Morens, David (NIH/NIAID) [E] [b6]
Cc: Lankford, David (NIH/OD) [E] [b6]; Ford, Kenya S. (CDC/OGC) [b6]; Harper, Jill (NIH/NIAID) [E] [b6]; Haskins, Melinda (NIH/NIAID) [E] [b6]
Subject: RE: Letter from SSCP

Dr. Morens,

I wanted to pass along another letter we received – note it is not addressed to you, it is addressed to the Surgeon General’s office, but because it centers on this issue we wanted to make sure you have a copy. Also, have you secured personal counsel? If or when you do, please let us know their contact, and we will direct any future materials to them.

Thanks,
Tara

From: Morens, David (NIH/NIAID) [E] [b6]
Sent: Thursday, July 13, 2023 6:44 PM
To: Ganapathy, Tara (HHS/OGC) [b6]
Cc: Lankford, David (NIH/OD) [E] [b6]; Ford, Kenya S. (CDC/OGC) [b6]; Harper, Jill (NIH/NIAID) [E] [b6]; Haskins, Melinda (NIH/NIAID) [E] [b6]
Subject: Re: Letter from SSCP

Thank you, that sounds like good news. david

Sent from my iPhone
David M Morens
OD, NIAID, NIH

On Jul 13, 2023, at 17:50, Ganapathy, Tara (HHS/OGC) [b6] wrote:

Dr. Morens,

I wanted to relay a message we received from the Select Subcommittee in follow up to the note I conveyed earlier. They initiated outreach and informed us that as a courtesy, they will wait to receive outreach from you regarding this matter beyond their requested deadline of today. Of course, it's always possible they choose to reach out to you still, at any point, but we wanted to pass along this message.

Thanks,
Tara

From: Ganapathy, Tara (HHS/OGC)
Sent: Thursday, July 13, 2023 12:27 PM
To: Morens, David (NIH/NIAID) [E] [b6]; Lankford, David (NIH/OD) [E] [b6]
Cc: Ford, Kenya S. (CDC/OGC) [b6]; Harper, Jill (NIH/NIAID) [E] [b6]; Haskins, Melinda (NIH/NIAID) [E] [b6]
Subject: RE: Letter from SSCP

Thank you, David. Very good questions. We cannot advise you on what you should or shouldn't do, but can share how we view our role. Because the letter is directed to you, seeks files from only your personal accounts that the Department/NIH doesn't access in the ordinary course, and relates to alleged unauthorized activities, neither the Department nor NIH will be responding to the Select Subcommittee on your behalf. We are planning to inform the Select Subcommittee that they should direct their inquiries and follow-ups to you personally or your personal counsel. They appear to have your information based on the letter. We won't be making any representations on how you intend to respond because we aren't (and won't be) in a position to do so with respect to this inquiry. Once we do that you will likely receive a reach-out from them. As a general matter, in this inquiry it will be up to you (and any personal counsel you choose to use) to determine how to proceed.

With respect to personal counsel – that is helpful to know for our own purposes. I'm not sure if Arnold & Porter (the firm representing Dr. Collins) intends to represent you pro bono, but if they do, I'd direct you to confer with HHS OGC Ethics to review and sign off on the receipt of pro bono legal services as a federal employee.

As always, please feel free to reach out if we can provide further clarification, while keeping in mind that we cannot provide legal counsel on a personal level in connection with the substance of this particular matter.

Thanks,
Tara

From: Morens, David (NIH/NIAID) [E] [b6]
Sent: Thursday, July 13, 2023 11:59 AM
To: Ganapathy, Tara (HHS/OGC) [b6] Lankford, David (NIH/OD) [E]
[b6]
Cc: Ford, Kenya S. (CDC/OGC) [b6] Harper, Jill (NIH/NIAID) [E] [b6]
Haskins, Melinda (NIH/NIAID) [E] [b6]
Subject: RE: Letter from SSCP

Tara, thank you for getting back to me. I have been trying to learn from my colleagues here in NIAID who is supposed to be responding to the Subcommittee: they requested a reply by today.

But since the Subcommittee's 29 June letter, while addressed to me, arrived I think from NIH OD, I have been counseled to NOT contact the Subcommittee directly until the response chain is decided here.

I have spoken with an attorney and her law firm, who have represented Dr. Collins, and I believe they will agree to represent me. If they cannot then I have the names of others I will contact.

If I interpret your meaning, you are planning to contact the Subcommittee and I should not do so on my own? If that's NOT the case please let me know so I can reply to them by later today.

Also, the Subcommittee wants documents, some of which I don't have. Who finds those things?

Thank you,

David

David M. Morens, M.D.

CAPT, USPHS (ret.)

Senior Advisor to the Director

Office of the Director

National Institute of Allergy and Infectious Diseases

National Institutes of Health

Building 31, Room 7A-03

31 Center Drive, MSC 2520

Bethesda, MD 20892-2520

b6

(assistant: Ms. Sherri DePollar,

b6

Disclaimer: This message is intended for the exclusive use of the recipient(s) named above. It may contain information that is PROTECTED, PRIVILEGED, and/or CONFIDENTIAL, and it should not be disseminated, distributed, or copied to persons not authorized to receive such information. All sensitive documents must be properly labeled before dissemination via email. If you are not the intended recipient, any dissemination, distribution, or copying is strictly prohibited. If you have received this communication in error, please erase all copies of the message and its attachments and notify us immediately.



From: Ganapathy, Tara (HHS/OGC) <**b6**>

Sent: Thursday, July 13, 2023 11:10 AM

To: Morens, David (NIH/NIAID) [E] <**b6**>; Lankford, David (NIH/OD) [E]

b6

Cc: Ford, Kenya S. (CDC/OGC) <**b6**>

Subject: RE: Letter from SSCP

David,

I hope this email finds you well, and apologize for the circumstances of these communications. While we cannot provide legal counsel in connection with this, we did want to relay a note we received from the Select Subcommittee:

“We haven’t heard anything – from the Department or if Dr. Morens has procured private counsel. An update would be helpful.”

Because we are unable to act as intermediary for this inquiry (as we represent the Department), we will be directing the Select Subcommittee to either you or your personal counsel if you have secured one. Also, for our own information, it would be helpful to know if you have secured personal counsel. If you have questions please feel free to call me at the number in my signature line below.

Thanks,
Tara

Tara P. Ganapathy
Senior Oversight Counsel
Department of Health and Human Services
200 Independence Ave., SW
Washington, DC 20201

b6

Confidentiality Notice: This message (including any attachments) from the HHS Office of the General Counsel normally contains information that is PRIVILEGED and CONFIDENTIAL, and is for the sole use of the intended recipient(s). Use or distribution by an unintended recipient is prohibited. If you believe you received this message (and any attachments) in error, please do not read, copy, print, forward, or otherwise use or share the information; please permanently delete all copies of the email and attachments and notify the sender immediately. Your receipt of this message is not intended to waive any applicable privilege. This document may be exempt from disclosure under the Freedom of Information Act.

From: Morens, David (NIH/NIAID) [E] b6
Sent: Friday, July 7, 2023 5:54 PM
To: Lankford, David (NIH/OD) [E] b6
Cc: Ganapathy, Tara (HHS/OGC) <b6> Ford, Kenya S. (CDC/OGC)
Subject: Re: Letter from SSCP

OK, sorry i bothered you, i just got the idea that i was the only one who had no idea what was actually going on, since i sensed that there were lower bolgias i to which everyone had descended but me

whatever, i wish us well. I have been a loyal nih employee for 25 years, a loyal army officer for 16 years before that, and a loyal cdc scientist for 6+ plus years before that

In other words i am old enough to have seen it all, experienced it all, and will hopefully be fine

My best to you and nih and all of us. david

Sent from my iPhone
David M Morens

On Jul 7, 2023, at 17:36, Lankford, David (NIH/OD) [E] wrote:

b6

Those are all good questions. Unfortunately we cannot advise you on them; those questions would more appropriately be directed to your personal counsel, should you choose to retain one.

Regards,

David W. Lankford
NIH Legal Advisor
Office of the General Counsel
Public Health Division, NIH Branch

b6

This e-mail message is intended for the exclusive use of the recipient(s) named above. It may contain information that is protected, privileged, or confidential, and it should not be disseminated, distributed, or copied to persons not authorized to receive such information. If you are not the intended recipient, any dissemination, distribution, or copying is strictly prohibited. If you think you have received this e-mail message in error, please notify the sender immediately.

From: Morens, David (NIH/NIAID) [E]

b6

Sent: Friday, July 7, 2023 11:36 AM

To: Lankford, David (NIH/OD) [E]

b6

Cc: Ganapathy, Tara (HHS/OGC)

b6

Ford, Kenya S. (CDC/OGC)

b6

Subject: RE: Letter from SSCP

Thank you David, yes, I do understand that you are counsel for NIH and not for me, and I am considering obtaining counsel.

To help me understand what the issues are for me, do you know, or know how I can find out, what I am or might be accused of in terms of whether I am accused of a crime, or a policy violation, or what.

It is true that I did use my gmail, but not to conduct government business: rather it was to keep personal communications from and to scientist-friends OFF of my government email, since they were personal and not related to government business. The difference is significant, and I always believed I was doing what I was supposed to do based on the IT training we get every year. IF there is any specific law or policy I am accused of violating I need to know what that is.

Thank you,

<image001.gif>

David M. Morens, M.D.

CAPT, USPHS (ret.)

Senior Advisor to the Director

Office of the Director

National Institute of Allergy and Infectious Diseases

National Institutes of Health

Building 31, Room 7A-03

31 Center Drive, MSC 2520

Bethesda, MD 20892-2520

b6

(assistant: Ms. Sherri DePollar,

Disclaimer: This message is intended for the exclusive use of the recipient(s) named above. It may contain information that is PROTECTED, PRIVILEGED, and/or CONFIDENTIAL, and it should not be disseminated, distributed, or copied to persons not authorized to receive such information. All sensitive documents must be properly labeled before dissemination via email. If you are not the intended recipient, any dissemination, distribution, or copying is strictly prohibited. If you have received this communication in error, please erase all copies of the message and its attachments and notify us immediately.

<image002.jpg>

From: Lankford, David (NIH/OD) [E] **b6**
Sent: Friday, July 7, 2023 9:14 AM
To: Morens, David (NIH/NIAID) [E] **b6**
Cc: Ganapathy, Tara (HHS/OGC) **b6**; Ford, Kenya S. (CDC/OGC)
Subject: Letter from SSCP

Dr. Morens -- I am following up on the attached letter addressed to you from the House Select Subcommittee on the Coronavirus Pandemic, dated June 29, 2023. The letter cites documents that, in the Select Subcommittee's view, "suggest that you may have used your personal e-mail to avoid transparency and the Freedom of Information Act (FOIA), [and] potentially intentionally deleted federal records," among other things. The letter requests documents from your personal email and phone.

We wanted to clarify the role of the HHS Office of the General Counsel (OGC) with respect to this inquiry. OGC is the sole, officially authorized and designated source of legal advice to the Department's operating and staff divisions. OGC's representation and advice only extends to the agency itself, and does not extend to individuals who are accused of engaging in unauthorized activities. Thus, OGC is unable to advise you or represent you in responding to this letter. It is at your option to secure private counsel

should you wish to do so, though OGC cannot advise you on whether you should secure private counsel.

As you proceed, please feel free to contact OGC with any questions, but keep in mind that OGC is counsel for the agency, and will accordingly not be providing you with any legal advice on a personal level.

David W. Lankford
NIH Legal Advisor
Office of the General Counsel
Public Health Division, NIH Branch

b6

This e-mail message is intended for the exclusive use of the recipient(s) named above. It may contain information that is protected, privileged, or confidential, and it should not be disseminated, distributed, or copied to persons not authorized to receive such information. If you are not the intended recipient, any dissemination, distribution, or copying is strictly prohibited. If you think you have received this e-mail message in error, please notify the sender immediately.

From: David Morens [b6]
Sent: 7/21/2023 5:04:18 PM
To: Morens, David (NIH/NIAID) [E] [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=12de367cc65c42879ea45d128710a383-dmorens]
Subject: [EXTERNAL] Fwd: Sachs and Relman quoted again today

David M. Morens, MD

b6

IMPORTANT: My gmail frequently sends incoming messages to Trash, which is apparently not correctable. If you don't hear from me in a reasonable time, please try again, call, or use my NIH email address

IMPORTANT: For US Government-related email, please also reply to my NIAID address

----- Forwarded message -----

From: Peter Daszak [b6]
Date: Fri, Jul 1, 2022 at 9:36 AM
Subject: Sachs and Relman quoted again today
To: Roberts, Rich [b6]; Hotez, Peter Jay [b6]
Cc: Gerald T Keusch [b6]; Aleksei Chmura [b6]; David Morens [b6]; Jeffrey Sturchio [b6]

We've been fielding questions all week from a reporter at US Right to Know because they've FoIA'd another batch of emails. Here's an article today claiming that Ian Lipkin should have reported working with EHA as a 'Conflict of Interest' for his Nature Medicine paper with Kristian Andersen et al. back in Feb 2020.

Here's the link:

<https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fusrtk.org%2Fbiohazards-blog%2Fanti-lab-leak-virologist-ecohealth-alliance-partner%2F&data=05%7C01%7Cdmores%40niaid.nih.gov%7C3389c0e0a0a34e936cc608db8a0ca101%7C14b77578977342d58507251ca2dc2b06%7C0%7C0%7C63825559103422813%7CUnknown%7CTWFpbGZsb3d8eyJWIjoIMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6IklhawwiLCJXVCIMn0%3D%7C3000%7C%7C%7C&sdata=ZVLVQWDISVzdVWyNSgqP3tF12C1RckcaIXbh0XRaTzk%3D&reserved=0>

You'll be irritated to see quotes from Jeff Sachs and David Relman. Everyone seems happy with the idea that somehow collaborating with EcoHealth Alliance means you have a conflict of interest in this world of fake COVID origin stories.

The article is also utterly disingenuous in pretending it took a FoIA lawsuit to find out that Ian Lipkin collaborated with us. All it would have taken is a 5 second Google Search.

Note also US Right to Know's motto: "Pursuing truth and transparency for public health".

PURSUING TRUTH AND TRANSPARENCY FOR PUBLIC HEALTH

Virologist who tried to discredit the lab leak theory was once a 'partner' to EcoHealth Alliance

PrintEmailShareTweet

Posted on July 1, 2022 by Emily Kopp

Columbia University virologist Ian Lipkin has coauthored several articles with EcoHealth Alliance since 2011. (Photo credit: kris krüg)

A virologist who coauthored a paper marginalizing the lab leak theory did not disclose his ties to the research group at the center of it.

Director of Columbia University's Center for Infection and Immunity Ian Lipkin has often worked with EcoHealth Alliance, a U.S.-based collaborator of the Wuhan Institute of Virology, the group confirmed in an email.

EcoHealth Alliance listed Lipkin as a "partner" from 2012 to 2014, an archived version of the group's website shows. Lipkin has coauthored at least ten scientific papers with EcoHealth researchers from 2011 to 2021, EcoHealth Alliance President Peter Daszak said in an email. These publications include a paper about novel coronaviruses EcoHealth and its partners sampled around the world.

EcoHealth Alliance hunts for novel viruses in wildlife and funds research at the Wuhan Institute of Virology.

Lipkin did not disclose his partnership with EcoHealth in "The proximal origin of SARS-CoV-2," a highly influential paper that states that COVID-19 arose from nature.

A central premise of that paper: COVID-19 is too dissimilar from viruses commonly employed in experiments to have spilled out of a lab.

"It is improbable that SARS-CoV-2 emerged through laboratory manipulation of a related SARS-CoV-like coronavirus," the paper states. "The genetic data irrefutably show that SARS-CoV-2 is not derived from any previously used virus backbone."

But Lipkin did not disclose his connection to a nonprofit that uncovers new and novel viruses. Some of those viruses were likely studied at its partnering lab in Wuhan, which housed one of the world's largest collection of bat coronaviruses.

Lipkin did not return several requests for comment.

At 5.7 million views, the Nature Medicine article may be one of the most widely read scientific papers in history – though the piece is formally a "correspondence."

David Relman, a Stanford University microbiologist and emerging infectious diseases expert for the National Academies, said conflicts of interest are especially troublesome when writing on high profile issues.

"For any major, controversial issue, I believe that all of us have an even greater responsibility to reveal those conflicts upfront—and let others have an opportunity to judge what effect those conflicts might have had," said Relman.

Relman also called into question the logic of the paper's premise. The Wuhan Institute of Virology may have simply been experimenting with unfamiliar viruses. The disappearance of the lab's coronavirus sequence database in 2019 and the lab's history of gain-of-function experiments also weaken the claims of Lipkin and his coauthors, Relman said.

"The Proximal Origins paper is flawed in its assumptions, logic and the soundness of its conclusions. I was very surprised that it passed review at Nature Medicine," he said.

Columbia University Center for Sustainable Development Director Jeffrey Sachs – chair of The Lancet COVID-19 Commission – said the citation the authors used to prop up the paper's premise deserves more scrutiny.

"The Proximal Origins paper has no credibility," Sachs wrote in an email. "The paper's central claim – that SARS-CoV-2 is not related to viruses previously reported in laboratory research – offers as proof a footnote to a 2014 paper!"

"It ludicrously claims to debunk a 2019 lab emergence using a 2014 paper," he continued. "The paper offers no real evidence whatsoever against the possible lab origin of the virus, even though it claimed to do so."

Lipkin himself has since acknowledged the possibility that the Wuhan Institute of Virology was experimenting with unknown viruses, contradicting the popular paper he coauthored.

"If they've got hundreds of bat samples that are coming in, and some of them aren't characterized, how would they know whether this virus was or wasn't in this lab? They wouldn't," Lipkin said in an interview with the Washington Post last year.

But Lipkin has not disclosed his work with EcoHealth to reporters.

Nature Medicine, the journal that published the paper, defines a "competing interest" requiring disclosure as including "personal or professional relations with organizations and individuals" – paid or unpaid. A spokesperson for parent company Springer Nature did not respond to a request for comment by press time.

Lipkin's connection to a group at the center of lab leak suspicions is the latest revelation to cast doubt on the correspondence.

Significant questions remain. It's still unclear how the authors dispelled their own private concerns that the virus had been engineered within a couple of days.

For example, Lipkin privately voiced concerns to his coauthors about a "nightmare of circumstantial evidence" pointing to the Wuhan Institute of Virology, Vanity Fair reported.

It's also unknown to what extent leaders of the National Institutes of Health, which funded the EcoHealth Alliance, may have shaped the paper.

Grant reports that led a reporter to the defunct link showing Lipkin's partnership with EcoHealth Alliance were obtained through a Freedom of Information Act request to the U.S. Agency for International Development.

Biohazards, Biohazards Blog Anthony Fauci, David Relman, EcoHealth Alliance, Ian Lipkin, Jeff Sachs, Kristian Andersen, Peter Daszak, proximal origin, Robert Garry, The Lancet's COVID Commission, Virologist, Wuhan Institute of Virology

0

Cheers,

Peter

Peter Daszak
President

EcoHealth Alliance
520 Eighth Avenue, Suite 1200
New York, NY 10018-6507
USA

Tel.: [b6]

Website:
<https://gcc02.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.ecohealthalliance.org%2F&data=05%7C01%7Cdmorens%40niaid.nih.gov%7C3389c0e0a0a34e936cc608db8a0ca101%7C14b77578977342d58507251ca2dc2b06%7C0%7C0%7C63825559103422813%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luZSIiLCJBTiI6IklhYWwiLCJXVCi6Mn0%3D%7C3000%7C%7C%7C&sdata=Atw8DFJE6EXgOgQINQ%2FpPPw11F5WLTtX4V%2FajWJYr4%3D&reserved=0>

Twitter: @PeterDaszak

EcoHealth Alliance develops science-based solutions to prevent pandemics and promote conservation

From: Roberts, Rich [b6]
Sent: Thursday, June 30, 2022, 11:21 AM
To: Hotez, Peter Jay [b6]; Peter Daszak
Cc: Gerald T. Keusch [b6]; Aleksei Chmura [b6]; David Morens [b6]; Jeffrey Sturchio [b6]
Subject: RE: Jeff Sachs' comments RE: COVID-19 Commission: Need approval of minor edits after first peer review

What a joke - he should be locked up

Richard J. Roberts
New England Biolabs
240 County Road
Ipswich, MA 01938-2723
USA

[b6]

From: Hotez, Peter Jay [b6]
Sent: Thursday, June 30, 2022, 10:50 AM
To: Peter Daszak [b6]
Cc: Gerald T. Keusch [b6]; Aleksei Chmura [b6]; David Morens [b6]; Jeffrey Sturchio [b6]; Roberts, Rich [b6]
Subject: Re: Jeff Sachs' comments RE: COVID-19 Commission: Need approval of minor edits after first peer review

EXTERNAL SENDER

Looks like Joe Rogan has gone full down the rabbit hole

https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Ftwitter.com%2Fskmorefield%2Fstatus%2F1542497337171496961%3Fs%3D21%26t%3D6w48UFQhdjizsws_RXhHfQ&data=05%7C01%7Cdmorens%40niaid.nih.gov%7C3389c0e0a0a34e936cc608db8a0ca101%7C14b77578977342d58507251ca2dc2b06%7C0%7C63825559103422813%7CUnknown%7CTWfpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1hawwiLCJXVCI6Mn0%3D%7C3000%7C%7C&sdata=D9dp19MdSS%2Bbi1GhR7eSGrNsV%2FgxcDdVqx1JZEKq4%3D&reserved=0

Peter Hotez, MD, PhD, DSc (hon), FASTMH, FAAP

Dean, National School of Tropical Medicine
Professor, Departments of Pediatrics, Molecular Virology & Microbiology
Health Policy Scholar

Baylor College of Medicine

Texas Children's Hospital Endowed Chair of Tropical Pediatrics
Co-Director, Texas Children's Hospital Center for Vaccine Development

University Professor, Baylor University

Faculty Fellow, Hagler Institute for Advanced Study

Senior Fellow, Scowcroft Institute of International Affairs

Texas A&M University

Baker Institute Fellow in Disease & Poverty and Adjunct Professor of
Bioengineering, Rice University

Adjunct Professor, University of Texas, School of Public Health

Donate to our COVID-19 Vaccine Development

E-mail:
Twitter:
Skype: p
LinkedIn:

b6

Amazon Author Center:

<https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.amazon.com%2FPeter-J.-Hotez%2Fe%2FB001HPIC48&data=05%7C01%7Cdmorens%40niaid.nih.gov%7C3389c0e0a0a34e936cc608db8a0ca101%7C14b77578977342d58507251ca2dc2b06%7C0%7C63825559103422813%7CUnknown%7CTWfpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1hawwiLCJXVCI6Mn0%3D%7C3000%7C%7C&sdata=g9%2BTTZvJKohAtqxLQH%2BVHuud9UL2sCnosZ0N565GX8%3D&reserved=0>

Daily Beast Contributor

<https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.thedailybeast.com%2Fauthor%2Fpeter-j-hotez&data=05%7C01%7Cdmorens%40niaid.nih.gov%7C3389c0e0a0a34e936cc608db8a0ca101%7C14b77578977342d58507251ca2dc2b06%7C0%7C63825559103422813%7CUnknown%7CTWfpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1hawwiLCJXVCI6Mn0%3D%7C3000%7C%7C&sdata=g5cZoY0pnH2N0%2BDf%2F2GL6M2czgI7zjceVb32CgroaTw%3D&reserveD=0>

Like us on Facebook

<https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.facebook.com%2FBCMNationalSchoolofTropicalMedicine%2F&data=05%7C01%7Cdmorens%40niaid.nih.gov%7C3389c0e0a0a34e936cc608db8a0ca101%7C14b77578977342d58507251ca2dc2b06%7C0%7C63825559103422813%7CUnknown%7CTWfpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1hawwiLCJXVCI6Mn0%3D%7C3000%7C%7C&sdata=g5cZoY0pnH2N0%2BDf%2F2GL6M2czgI7zjceVb32CgroaTw%3D&reserveD=0>

Senior Coordinator / Executive Support: Douglas Soriano

b6

iPhone

On Jun 28, 2022, at 10:54 AM, Peter Daszak **b6** wrote:

Richard Horton already made a false statement about me to the House of Commons – saying that it took him a year to get me to fully disclose my conflicts of interests for the Lancet ‘Statement of support’ we wrote in Feb 2020. He referred to me as “that individual”. De-humanizing and dishonest. So I doubt he’ll intervene, but worth a shot.

By the way – here’s today’s gloating article by the “White Coat Waste” celebrating Republican congressional member Reschenthaler (PA) who has been doggedly pursuing our defunding for the last 2 years. The amendments do not actually make any iota of difference of course – No funds from DoD ever went to Wuhan either directly or through EcoHealth. But it does the job of painting us as an organization that should be attacked. Just as Sachs’ Lancet Commission report will now do.

<https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fblog.whitecoatwaste.org%2F2022%2F06%2F24%2Fprogress-congress-defunds-wuhan-animal-lab-ecohealth-alliance%2F&data=05%7C01%7Cdmorens%40niaid.nih.gov%7C3389c0e0a0a34e936cc608db8a0ca101%7C14b77578977342d58507251ca2dc2b06%7C0%7C0%7C638255559103422813%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6IklhaWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=rTtTX%2FCRbqvdlkaiFufC1lRzSyF9hhsGboID1MUrI8%3D&reserved=0>

PROGRESS! CONGRESS DEFUNDS WUHAN ANIMAL LAB, ECOHEALTH ALLIANCE

POSTED BY AMANDA NIEVES

24 JUNE 2022 | BLOG

Ever since White Coat Waste Project (WCW) first exposed that dangerous coronavirus experiments on animals at the Wuhan Institute of Virology (WIV) were funded by U.S. taxpayers, the idea that the coronavirus accidentally leaked from the lab and caused the COVID pandemic has gained international traction. Even the World Health Organization (WHO) – which once dismissed the theory – now says that the lab leak hypothesis deserves “further investigation.”

Congress recognizes the threat posed by funding risky animal experiments at the notorious Wuhan lab, too. On Wednesday, June 22, the powerful House Appropriations Committee, which sets the budget for federal agencies, approved a White Coat Waste Project-endorsed amendment from Rep. Guy Reschenthaler (R-PA), banning any Department of Defense (DOD) funds from being spent at the Wuhan Institute of Virology. The DOD, along with the National Institutes of Health (NIH) and State Department, funded dangerous animal experiments at the Wuhan Lab.

The committee also approved a second WCW-backed amendment from Rep. Reschenthaler, barring the DOD, for the second year in a row, from funding any work in China performed by the white coats at shady nonprofit EcoHealth Alliance, which funneled tax dollars to the Wuhan Lab. A majority of Americans, as well as the FBI and other experts, believe their gain-of-function experiments on animals could have caused the pandemic.

Rep. Reschenthaler, a Waste Warrior, has been a long-time ally of WCW, recently penning a joint op-ed in Newsweek with our founder and president Anthony Bellotti about our work together to investigate the lab leak hypothesis and hold government bureaucrats accountable.

The bill will soon head to the House for a vote, then the Senate. As it progresses, we will keep you posted; in the meantime, thank you to Rep. Reschenthaler, and other members of the Appropriations Committee, for protecting taxpayers, animals and public health!

Cheers,

Peter

Peter Daszak
President

EcoHealth Alliance
520 Eighth Avenue, Suite 1200
New York, NY 10018-6507
USA

Tel.: b6

Website:
<https://gcc02.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.ecohealthalliance.org%2F&data=05%7C01%7Cdmorens%40niaid.nih.gov%7C3389c0e0a0a34e936cc608db8a0ca101%7C14b77578977342d58507251ca2dc2b06%7C0%7C63825559103422813%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6IklhYWwiLCJXVCi6Mn0%3D%7C3000%7C%7C%7C&sdata=Atw8DfJE6EXgOgQINQ%2FpPPw11F5wLTTX4Vvk%2FajwJYr4%3D&reserved=0>

Twitter: @PeterDaszak

EcoHealth Alliance develops science-based solutions to prevent pandemics and promote conservation

From: Hotez, Peter Jay b6
Sent: Tuesday, June 28, 2022, 11:44 AM
To: Peter Daszak b6
Cc: Gerald T Keusch b6; Aleksei Chmura

b6

David Morens

b6

Jeffrey Sturchio
Subject: Re: Jeff Sachs' comments RE: COVID-19 Commission. Need
approval of minor edits after first peer review

b6

Rich Roberts

b6

It's beyond disgusting, hopefully Richard Horton intervenes

Peter Hotez, MD, PhD, DSc (hon), FASTMH, FAAP

Dean, National School of Tropical Medicine
Professor, Departments of Pediatrics, Molecular Virology & Microbiology
Health Policy Scholar

Baylor College of Medicine

Texas Children's Hospital Endowed Chair of Tropical Pediatrics
Co-Director, Texas Children's Hospital Center for Vaccine Development

University Professor, Baylor University

Faculty Fellow, Hagler Institute for Advanced Study

Senior Fellow, Scowcroft Institute of International Affairs

Texas A&M University

Baker Institute Fellow in Disease & Poverty and Adjunct Professor of
Bioengineering, Rice University

Adjunct Professor, University of Texas, School of Public Health

Donate to our COVID-19 Vaccine Development

E-mail:
Twitter

b6

Skype:

LinkedIn:

Amazon Author Center:

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and are confident the content is safe.

From: Morens, David (NIH/NIAID) [E] [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=12DE367CC65C42879EA45D128710A383-DMORENS]
Sent: 9/21/2023 8:08:46 PM
To: David Morens [REDACTED] b6
Subject: FW: Request for Text Message Search - Fauci, Auchincloss and Morens (FOIA Request #23-IN-00062)

David Morens

David M. Morens, M.D.

CAPT, United States Public Health Service (ret.)
Senior Advisor to the Director
Office of the Director
National Institute of Allergy and Infectious Diseases
National Institutes of Health
Building 31, Room 7A-03
31 Center Drive, MSC 2520
Bethesda, MD 20892-2520

b6

Assistant: Sherri DePollar)

Disclaimer: This message is intended for the exclusive use of the recipient(s) named above. It may contain information that is PROTECTED, PRIVILEGED, and/or CONFIDENTIAL, and it should not be disseminated, distributed, or copied to persons not authorized to receive such information. All sensitive documents must be properly labeled before dissemination via email. If you are not the intended recipient, any dissemination, distribution, or copying is strictly prohibited. If you have received this communication in error, please erase all copies of the message and its attachments and notify us immediately.

From: Gilles, Sharon (NIH/NIAID) [E] [REDACTED] b6
Sent: Wednesday, September 20, 2023 7:52 AM
To: Morens, David (NIH/NIAID) [E] [REDACTED] b6
Subject: RE: Request for Text Message Search - Fauci, Auchincloss and Morens (FOIA Request #23-IN-00062)

Thank you.

From: Morens, David (NIH/NIAID) [E] [REDACTED] b6
Sent: Tuesday, September 19, 2023 8:19 PM
To: Gilles, Sharon (NIH/NIAID) [E] [REDACTED] b6
Cc: Harper, Jill (NIH/NIAID) [E] [REDACTED] b6
Subject: Re: Request for Text Message Search - Fauci, Auchincloss and Morens (FOIA Request #23-IN-00062)

sharon

a text search turns up no hits on zhou or yusen. Never heard of this person.
Very strange. d

Sent from my iPhone
David M Morens
OD, NIAID, NIH

On Sep 19, 2023, at 08:52, Gilles, Sharon (NIH/NIAID) [E] [b6] wrote:

David. Would you please check your phone for text messages re the below request.

Thank you,
Sharon

From: Citarella, Kara (NIH/NHLBI) [C] [b6]
Sent: Friday, September 15, 2023 3:34 PM
To: Harper, Jill (NIH/NIAID) [E] [b6]
Cc: Manheim, Marianne (NIH/NHLBI) [E] [b6]; Schofield, Robin (NIH/NHLBI) [E] [b6]; Gilles, Sharon (NIH/NIAID) [E] [b6]
Subject: Request for Text Message Search - Fauci, Auchincloss and Morens (FOIA Request #23-IN-00062)

Good afternoon, Jill,

I am emailing you to request you have someone search for the following: Text messages to/from Dr. Anthony Fauci, to/from Dr. Hugh Auchincloss OR to/from Dr. David Morens for the attached FOIA request and as referenced below:

“Any written or electronic communications, including email attachments and text messages, sent or received by Anthony Fauci, Francis Collins, Lawrence Tabak, David Morens, and/or Hugh Auchincloss that reference Yusen Zhou, also known as Zhou Yusen, who was a decorated Chinese scientist affiliated with the People's Liberation Army, the Wuhan Institute of Virology, and other Chinese biomedical and research institutions . You can read more about Zhou here: <https://nypost.com/2021/06/04/chinese-scientist-filed-covid-vaccine-patent-after-contagion-emerged-report/>”

The key words are “Yusen Zhou” OR “Zhou Yusen”.

The timeframe is January 1, 2020 through August 1, 2023.

I’ve attached your permission for the CIT search and a copy of the FOIA request.

Thanks so much, and have a great weekend!

Kara Citarella
Policy/FOIA Analyst
Freedom of Information and Privacy Act Branch/FOIA Service Center
National Heart, Lung and Blood Institute (NHLBI), NIH
GAP Solutions, Inc.

[b6]

b6

From: [REDACTED] **b6**
Sent: 5/22/2024 4:58:46 PM
To: Morens, David (NIH/NIAID) [E] [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=12de367cc65c42879ea45d128710a383-dmorens]
Subject: [EXTERNAL] Request for Comment

Hi Dr. Morens,

Good afternoon. Do you have a comment about admitting to delete emails before they could be obtained by FOIA requesters and others?

Thank you,

[REDACTED] **b6**

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and are confident the content is safe.

From: Rebecca Heilweil b6
Sent: 5/22/2024 8:01:54 PM
To: Morens, David (NIH/NIAID) [E] [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=12de367cc65c42879ea45d128710a383-dmorens]
Subject: [EXTERNAL] Comment on email discussing FOIA



David Morens



Hi David,


My name is Rebecca and I'm a reporter at FedScoop, which covers government technology. I'm reaching out request a comment on emails attributed to you which came up in Congress today. Specifically, they describe methods of circumventing FOIA to avoid sharing emails that are requested. Are you able to provide a comment on this?

Best,
Rebecca

Yes, interested...

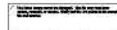
No thanks...

Reply

 [View Rebecca's LinkedIn profile](#)

[Unsubscribe](#) | [Help](#)

This email was intended for David Morens (Senior Advisor to the Director at National Institute of Allergy and Infectious Diseases (NIAID)). [Learn why we included this.](#)



© 2024 LinkedIn Corporation, 1000 West Maude Avenue, Sunnyvale, CA 94085. LinkedIn and the LinkedIn logo are registered trademarks of LinkedIn.



CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and are confident the content is safe.