



DEPARTMENT OF HEALTH & HUMAN SERVICES

Office of the Secretary

Assistant Secretary for Public Affairs
Washington, D.C. 20201

**FOIA Case Nos.: 2020-00618-FOIA-OS
2020-00634-FOIA-OS
2020-00754-FOIA-OS
American Oversight vs HHS, FDA, NIAID,
& CMS, 1:20-cv-01063-APM**

July 30, 2021

Mr. Austin R. Evers
Executive Director
American Oversight
1030 15th Street, N.W., Suite B255
Washington, DC 20005
foia@americanoversight.org

Dear Ms. Evers:

This release involved 25 records responsive to your Freedom of Information Act (FOIA) requests and sent for disclosure review by other agencies. As a result of these reviews, we are withholding 7 pages in their entirety and releasing 18 pages with portions redacted pursuant to Exemptions (b)(5) and (b)(6) of the FOIA (5 U.S.C. §§ 552).

FOIA exemption (b)(5) protects inter-agency or intra-agency memoranda or letters which would not be available by law to a party other than an agency in litigation with the agency. This exemption protects documents that would be covered by any privilege an agency could assert in a civil proceeding. These privileges include, amongst others, the deliberative process privilege, the attorney-client privilege, and the attorney work-product privilege.

FOIA exemption (b)(6) permits a Federal agency to withhold information and records about individuals in “personnel and medical files and similar files, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.” The definition of “similar files” has historically been broadly interpreted to include a wide variety of files, and the United States Supreme Court has held that Congress intended the term “similar files” to be interpreted broadly, rather than narrowly. I have analyzed these records and find they meet the threshold requirement of this exemption.

We will process the remaining records responsive to your request as efficiently and expeditiously as possible, consistent with our available resources. Should you have questions or concerns regarding the Department’s response and/or the processing of your request, any such issues should be communicated to your legal counsel and the Department of Justice attorney representing the Department in this matter.

Sincerely yours,

Alesia Y. Williams
Director, FOIA Appeals and Litigation
FOI/Privacy Act Division

Enclosures: 25 pages

From: Wilson, John Mark M. EOP/NSC <(b)(6)>

Nute, Kathryn M <NuteKM3@state.gov>;
MALIN, STEPHANIE <(b)(6)>;
Bars, Michael <(b)(6)>;
Henry, Kia T <HenryKT@state.gov>;
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<amie.kalsbeek@dot.gov>;
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 Henry, Kia T <HenryKT@state.gov>;
 NATIONAL JIC <(b)(6)>

Subject: NSC Press Guidance January 28

Date: 2020/01/28 22:07:06

Priority: Normal

Type: Note

Colleagues:

Updated NSC Press Guidance for January 28th.

Key changes include (b)(5)

(b)(5)

Thanks

John Mark

John Mark Wilson

Office of Strategic Communications

National Security Council

(b)(6)

Office: [202-456-9275](tel:202-456-9275)

Cell: (b)(6)

Sender: Wilson, John Mark M. EOP/NSC <(b)(6)>

Nute, Kathryn M <NuteKM3@state.gov>;
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Henry, Kia T <HenryKT@state.gov>;
NATIONAL JIC <(b)(6)>

Sent Date: 2020/01/28 22:06:45

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National Security Council Press Guidance
Novel Coronavirus
1.28.20 (v1)

(b)(5)

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 Daravi, Roma S. EOP/WHO <(b)(6)>;
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 McMillin, Virginia D. EOP/WHO <(b)(6)>;
 Boney, Virginia M. EOP/WHO <(b)(6)>;
 Planning, David M. EOP/WHO <(b)(6)>;
 <jeannie.shiffer@faa.gov>;
 Kan, Derek T. EOP/OMB <(b)(6)>;
 McKenna, Michael A. EOP/WHO <(b)(6)>;
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 Daravi, Roma S. EOP/WHO <(b)(6)>;
 Lin, Merry S. EOP/WHO <(b)(6)>;
 Gabriel, Robert Jr. EOP/WHO <(b)(6)>;
 <michaela.c.coughlin@dot.gov>

Subject: NSC Press Guidance NCOV 1.29v1

Date: 2020/01/29 22:16:49

Priority: Normal

Type: Note

Colleagues:

Please see tonight's updated PG. Will look to distribute updated PG next 12 hours to account for likely, but unconfirmed changes over the next 12 hours.

Thanks

John Mark

John Mark Wilson
Director for Strategic Communications
National Security Council

(b)(6)

Office: 202-456-9275

Cell: (b)(6)

Sender: Wilson, John Mark M. EOP/NSC (b)(6)

Nute, Kathryn M <NuteKM3@state.gov>;
MALIN, STEPHANIE (b)(6);
Bars, Michael (b)(6);
Henry, Kia T <HenryKT@state.gov>;
Hall, Bill (HHS/ASPA) /o=ExchangeLabs/ou=Exchange Administrative Group
(FYDIBOHF23SPDLT)/cn=Recipients/cn=02b39f27f3b4469a960054b23545cc24-Hall, Bill
<bill.hall@hhs.gov>;
Heldman, Amy B. (CDC/OD/OADC) /o=ExchangeLabs/ou=Exchange Administrative Group
(FYDIBOHF23SPDLT)/cn=Recipients/cn=83a9fa86982a40238ae2f162b869ef39-Burnett, Am
<evd4@cdc.gov>;
Ostrander, Samuel C <ostrand@state.gov>;
Manzelli, Brianna (FAA <Brianna.Manzelli@faa.gov>;
Post, Andy (OST <Andy.Post@dot.gov>;
<Adam.sullivan@dot.gov>;
Brown, Cale <BrownC4@state.gov>;
HOULTON, TYLER (b)(6);
<Gregory.Martin@faa.gov>;

Recipient: Bonds, Michelle E. (CDC/OD/OADC) /o=ExchangeLabs/ou=Exchange Administrative Group
(FYDIBOHF23SPDLT)/cn=Recipients/cn=458a7c66b66a4e9ca7bc1963da0bcb81-michelle.bo
<meb0@cdc.gov>;
SEGWIN, DEBBIE W (b)(6);
PAYNE, LAWRENCE R (b)(6);
FRIEL, MICHAEL J (b)(6);
<amie.kalsbeek@dot.gov>;
CAPRESSREQUESTS (b)(6);
Shockey, Caitlin E. (CDC/DDID/NCEZID/DGMQ) /o=ExchangeLabs/ou=Exchange Administrative Group
(FYDIBOHF23SPDLT)/cn=Recipients/cn=f135bb28b0094b5b9fffe9fa3420ce16-Shockey, Ca
<gqw6@cdc.gov>;
Krohmer, Jon (NHTSA <jon.krohmer@dot.gov>;
Wijetunge, Gamunu (NHTSA <Gamunu.Wijetunge@dot.gov>;
PA Press Duty <papressduty@state.gov>;
Gowa, Timothy M <GowaTM@state.gov>;
Ditto, Jessica E. EOP/WHO (b)(6);
Deere, Judd P. EOP/WHO (b)(6);
DL NSC STRATCOM (b)(6);
Boney, Virginia M. EOP/WHO (b)(6);

Sinclair, Michael R. EOP/NSC <(b)(6)>;
 Troye, Olivia EOP/NSC <(b)(6)>;
 Bonner, Maria K. EOP/WHO <(b)(6)>;
 zTask Force 4 Mailbox <TaskForce4Mailbox@state.gov>;
 McKenna, Michael A. EOP/WHO <(b)(6)>;
 Telle, Adam R. EOP/WHO <(b)(6)>;
 McMillin, Virginia D. EOP/WHO <(b)(6)>;
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 PA Press Duty <PAPressDuty@state.gov>;
 EAP-Press <EAP-Press@state.gov>;
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 <(b)(6)>;
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 <amie.kalsbeek@dot.gov>;
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 Wijetunge, Gamunu (NHTSA <Gamunu.Wijetunge@dot.gov>;
 PA Press Duty <PAPressDuty@state.gov>;
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 zTask Force 4 Mailbox <TaskForce4Mailbox@state.gov>;
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 <(b)(6)>;
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Lin, Merry S. EOP/WHO <(b)(6)>;
Gabriel, Robert Jr. EOP/WHO <(b)(6)>;
<michaela.c.coughlin(b)(6)>

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National Security Council Press Guidance
Novel Coronavirus
1.29.20 (v1)

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From: Martin, Michael E. EOP/NSC <(b)(6)>

Wilson, John Mark M. EOP/NSC <(b)(6)>;
 Nute, Kathryn M <NuteKM3@state.gov>;
 MALIN, STEPHANIE <(b)(6)>;
 Bars, Michael <(b)(6)>;
 Henry, Kia T <HenryKT@state.gov>;
 Hall, Bill (HHS/ASPA) /o=ExchangeLabs/ou=Exchange Administrative Group
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 <Gregory.Martin@faa.gov>;
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 <amie.kalsbeek@dot.gov>;
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 zTask Force 4 Mailbox <TaskForce4Mailbox@state.gov>;
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 <Gregory.Martin@faa.gov>;
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 <amie.kalsbeek@dot.gov>;
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 Planning, David M. EOP/WHO <(b)(6)>;
 EAP-Press <EAP-Press@state.gov>;
 Kilmartin, Alison M. EOP/WHO <(b)(6)>;
 Hudson, Renee R. EOP/WHO <(b)(6)>;
 <(b)(6)>;
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 <jeannie.shiffer@faa.gov>;
 Kan, Derek T. EOP/OMB <(b)(6)>;
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 Lin, Merry S. EOP/WHO <(b)(6)>;
 Gabriel, Robert Jr. EOP/WHO <(b)(6)>;
 <(b)(6)>;
 Kennedy, Adam R. EOP/WHO <(b)(6)>;
 Gidley, Hogan H. EOP/WHO <(b)(6)>;

Subject: NSC Press Guidance NCOV 1.30v1

Date:	2020/01/31 09:01:15
Priority:	Normal
Type:	Note

Sorry for the delay on this. We expect to have additional updates this afternoon, but as right now, this is the latest.

Thanks

Mike Martin
NSC Comms

(b)(6)

Sender:	Martin, Michael E. EOP/NSC <(b)(6)>
	Wilson, John Mark M. EOP/NSC <(b)(6)>;
	Nute, Kathryn M <NuteKM3@state.gov>;
	MALIN, STEPHANIE <(b)(6)>;
	Bars, Michael <(b)(6)>;
	Henry, Kia T <HenryKT@state.gov>;
	Hall, Bill (HHS/ASPA) /o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=02b39f27f3b4469a960054b23545cc24-Hall, Bill <bill.hall@hhs.gov>;
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	Manzelli, Brianna (FAA <Brianna.Manzelli@faa.gov>;
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	HOULTON, TYLER <(b)(6)>;
	<Gregory.Martin@faa.gov>;
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Recipient:	SEGUIN, DEBBIE W <(b)(6)>;
	PAYNE, LAWRENCE R <(b)(6)>;
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	<amie.kalsbeek@dot.gov>;
	CAPRESSREQUESTS <(b)(6)>;
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Boney, Virginia M. EOP/WHO <(b)(6)>;
Planning, David M. EOP/WHO <(b)(6)>;
<jeannie.shiffer@faa.gov>;
Kan, Derek T. EOP/OMB <(b)(6)>;
McKenna, Michael A. EOP/WHO <(b)(6)>;
Hoelscher, Douglas L. EOP/WHO <(b)(6)>;
Yanick, Brittany M. EOP/WHO <(b)(6)>;
Burris, Meghan K. EOP/WHO <(b)(6)>;
Henning, Alexa A. EOP/WHO <(b)(6)>;
Daravi, Roma S. EOP/WHO <(b)(6)>;
Lin, Merry S. EOP/WHO <(b)(6)>;
Gabriel, Robert Jr. EOP/WHO <(b)(6)>;
<(b)(6)>;
Kennedy, Adam R. EOP/WHO <(b)(6)>;
Gidley, Hogan H. EOP/WHO <(b)(6)>

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