



DEPARTMENT OF HEALTH & HUMAN SERVICES

Public Health Service

National Institutes of Health  
Freedom of Information Office  
Building 31, Room 5B-35  
31 Center Drive, MSC 2107  
Bethesda, Maryland 20892-2107  
phone: (301) 496-5633  
fax: (301) 402-4541

Via e-mail: [foia@americanoversight.org](mailto:foia@americanoversight.org)

July 17, 2024

Austin Evers  
American Oversight  
1030 15th Street, B255  
Washington, DC 20005

Re: FOIA Case No. 53778

Dear Mr. Evers:

This responds to your March 18, 2020, Freedom of Information Act (FOIA) request addressed to the FOIA Office, National Institute of Allergy and Infectious Diseases (NIAID), National Institutes of Health (NIH). Department of Health and Human Services' (HHS) policy calls for the fullest possible disclosure provided by the FOIA, 5 U.S.C. §552, consistent with the protections contained therein. The implementing HHS Regulations establish the criteria pursuant to which the FOIA is administered, *see* 45 C.F.R. Part 5. Copies of the FOIA and the HHS FOIA Regulations are located at: <http://www.nih.gov/icd/od/foia/efoia.htm> and <http://www.nih.gov/icd/od/foia/cfr45.htm>.

You requested:

1. All email communications (including email messages, complete email chains, email attachments, calendar invitations) sent by Director Anthony Fauci, containing any of the key terms listed below:
  - a. Bossert
  - b. Ziemer
  - c. Borio
  - d. Luciana
  - e. Bolton
  - f. Waddell
  - g. NSC
  - h. "National Security Council"
  - i. Pandemic
  - j. "global health"
  - k. "health security"
  - l. "bio defense"
  - m. biodefense
  - n. "bio-defense"
  - o. Flu

p. Influenza

American Oversight has limited its request to sent messages to reduce the volume of potentially responsive records. American Oversight still requests complete email chains. So, for example, if a government official sent a response to an incoming message containing one of the key terms above, the email chain containing the initially received message and the response is responsive to this request.

2. All email communications (including email messages, complete email chains, email attachments, calendar invitations) between (a) Director Anthony Fauci, and (b) any of the then-Executive Office of the President officials listed below:
  - i. John Bolton, former National Security Advisor
  - ii. Tom Bossert, former Homeland Security Advisor
  - iii. Rear Adm. Timothy Ziemer, former Senior Director for Global Health Security and Biodefense
  - iv. Luciana Borio, former National Security Council Director for Medical and Biodefense Preparedness
  - v. Any other officials communicating with an email address ending in @nsc.eop.gov

For items 1 and 2, please provide all responsive records from April 9, 2018, through May 17, 2018

Two days ago, we indicated to you in a formal letter that we had referred 53 pages for consultation. Enclosed please find 5 of those records which are now back from consultation. Please note that NIH does not have jurisdiction over remaining 48 pages that are out for consultation with other equities. Therefore, those pages have been **referred to those agencies for their review and direct response to you.**

The information being withheld is protected from release pursuant to Exemptions 4, 5, and 6 of the FOIA, 5 U.S.C. § 552 (b)(4), (b)(5) and (b)(6); and sections 5.31(d), (e) and (f) of the HHS FOIA Regulations, 45 CFR Part 5. Exemption 4 protects from disclosure trade secrets and commercial or financial information that is privileged and confidential. Exemption 5 permits the withholding of internal government records which are predecisional and contain staff advice, opinion, and recommendations. This exemption is intended to preserve free and candid internal dialogue leading to decision-making. Exemption 6 exempts from disclosure records the release of which would cause a clearly unwarranted invasion of personal privacy.

Should you wish to contact the offices, please direct your inquiry to the following:

Freedom of Information Act Services  
U.S. Department of Health and Human Services  
Hubert H. Humphrey Building, Room 729H  
200 Independence Avenue, SW Washington, D.C. 20201  
(202) 690-7453  
[FOIARequest@hhs.gov](mailto:FOIARequest@hhs.gov)

U. S. Department of State  
Office of Information Programs and Services  
A/GIS/IPS/RL  
2201 C Street N.W., Suite B266  
Washington, D.C. 20520-0000  
(202) 261-8484.  
[FOIAReferrals@state.gov](mailto:FOIAReferrals@state.gov)

U.S. Agency for International Development  
1300 Pennsylvania Avenue, NW  
USAID Annex, M/MS/IRD, Room 2.4.0A  
Washington, DC 20523  
Phone: (202) 916-4990  
[foia@usaid.gov](mailto:foia@usaid.gov)

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

Stephanie Clipper  
Building 31, Room 5B35  
31 Center Drive  
Bethesda, MD 20814  
301-496-2411 (phone)  
301-402-0818 (fax)  
[nihfoia@od.nih.gov](mailto:nihfoia@od.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](mailto:ogis@nara.gov) (email)

In certain circumstances provisions of the FOIA and HHS FOIA Regulations allow us to recover part of the cost of responding to your request. There are no charges associated with the NIH processing of your request. HHS FOIA will contact you if there are any fees associated with processing your request.

Sincerely,

Gorka Garcia-  
malene -S

Digitally signed by  
Gorka Garcia-malene -S  
Date: 2024.07.17  
14:57:47 -04'00'

Gorka Garcia-Malene  
NIH FOIA Office, NIH

Enclosures: 2,034 pages (one PDF)

**From:** Conrad, Patricia (NIH/NIAID) [E]  
**Sent:** Tue, 8 May 2018 15:16:25 +0000  
**To:** Fauci, Anthony (NIH/NIAID) [E]  
**Subject:** Fwd: Media request for comment: Rescission of Ebola funds to USAID and NIAID Ebola budget/Bloomberg Law

Sent from my iPhone

Begin forwarded message:

**From:** "Oplinger, Anne (NIH/NIAID) [E]" (b)(6)  
**Date:** May 8, 2018 at 11:09:00 AM EDT  
**To:** "Conrad, Patricia (NIH/NIAID) [E]" (b)(6) NIAID COGCORE  
(b)(6)  
**Cc:** NIAID Media Inquiries (b)(6) NIAID FOG  
(b)(6)  
**Subject:** Media request for comment: Rescission of Ebola funds to USAID and NIAID Ebola budget/Bloomberg Law

Jeannie Baumann  
reporter

Bloomberg Law

Direct (703) 341-5722

Mobile (b)(6)

[jbaumann@bloomberglaw.com](mailto:jbaumann@bloomberglaw.com)

Topic: **Will the proposed rescission of Ebola funds from USAID impact NIAID's Ebola work?**

Also, What is the NIAID budget for Ebola research (I will ask the budget for this number)?

Deadline: 3 pm today

Clearance: Not yet requested

Additional Info: See below for the OMB press release about this

Patty,

This reporter is asking if NIAID has any comment on the impact, if any, of this proposed rescission. Scroll down for the OMB press release (complete with holding place for dollar figure!) from this morning.

Anne A. Oplinger  
NIAID Office of Communications and Government Relations  
Bldg 31, Rm 7A17D  
Bethesda, MD 20892  
(b)(6)  
Media line: (b)(6)  
Main line: (b)(6)

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**From:** Baumann, Jeannie  
**Sent:** Tuesday, May 8, 2018 10:18:44 AM (UTC-05:00) Eastern Time (US & Canada)  
**To:** NIAID NEWS (NIH/NIAID)  
**Subject:** FW: RELEASE: President Trump Proposes Historic \$15 Billion In Common-Sense Spending Reductions

Hi I'm not sure if NIAID is able to comment on this (and I understand if you can't) but will this impact the NIH's ability to fund its ongoing work with Ebola? And is there a way to get data on how much Ebola research the institute funded in FY 2017 or 2016 (whatever the latest year is)?

**Ebola Response (USAID):** A rescission of \$252 million in excess funds remaining from the initial Ebola outbreak in 2015; the World Health Organization declared the end of the Ebola epidemic in 2016.

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**Jeannie Baumann**  
reporter

**Bloomberg Law**

Direct (703) 341-5722

Mobile (b)(6)

(b)(6)

Twitter // IG: @MedResJourn

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**From:** Baker, Coalter (b)(6)  
**Sent:** Tuesday, May 08, 2018 10:01 AM  
**To:** Baker, Coalter  
**Cc:** Burris, Meghan K. EOP/OMB  
**Subject:** RELEASE: President Trump Proposes Historic \$15 Billion In Common-Sense Spending Reductions

THE OFFICE OF MANAGEMENT AND BUDGET  
Office of the Director

FOR IMMEDIATE RELEASE  
Tuesday, May 8, 2018

**PRESIDENT TRUMP PROPOSES HISTORIC \$15 BILLION IN**

## COMMON-SENSE SPENDING REDUCTIONS

*Package is First in a Series to Address Out-of-Control Government Spending*

**Washington** - Today, President Donald J. Trump submitted to Congress the first installment of common-sense rescissions of government spending, using his authority under the 1974 Impoundment Control Act (ICA).

The largest single proposed rescissions package in history, President Trump's first "special message" identifies \$15.4 billion in federal spending by proposing to reduce or eliminate unobligated balances: money that was appropriated in years past but never spent. The message calls for the rescission of unspent funds within the Departments of Energy, Agriculture, Commerce, Health and Human Services, Housing and Urban Development, Justice, Transportation, State/USAID, Treasury, and others.

With the transmission of the special message, and pursuant to the ICA, the Office of Management and Budget (OMB) has instructed the federal agencies included to withhold the identified funds from obligation for 45 days.

"President Trump clearly understands that Washington has a spending problem. By utilizing a tool deployed by every President from Ford to Clinton, today's historic [\$XX billion] rescissions package is an obvious step toward reducing unnecessary spending and protecting the American taxpayer," said OMB Director Mick Mulvaney. "With a national debt exceeding \$21 trillion, every member of Congress should support rescinding these unspent, sometime egregious, but obviously unnecessary funds that are simply sitting in the coffers of federal agencies."

Both Democrats and Republicans have recognized rescissions as a bipartisan, good-government tool. For example, in 2011, Democratic Senator Debbie Stabenow offered an amendment to rescind \$44 billion in unobligated funds. That amendment received support from 81 Senators, including Senators Casey, Feinstein, Klobuchar, Manchin, McCaskill, Nelson, and Tester, among others.

As recently as April 13, 2018, House Minority Whip Steny Hoyer stated:

"I wouldn't irrationally oppose a rescission which said we've had money laying in an account that has not been spent for 1, 2, 3 years, we shouldn't just have it sitting in that account."

The President agrees, and encourages both the House of Representatives and the Senate to act expeditiously to end this spending. If this passes through Congress, it would constitute the largest ICA rescissions package in history.

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For background

## **Facts About President Trump's Historic Rescissions Package**

*"I wouldn't irrationally oppose a rescission which said we've had money laying in an account that has not been spent for 1, 2, 3 years, we shouldn't just have it sitting in that account."*

*– Democratic Whip Steny Hoyer*

On May 8, the President exercised his authority under the Congressional Budget and Impoundment Control Act of 1974 (ICA) and transmitted a special message to the Congress requesting they rescind more than \$15 billion in previously appropriated funding.

Since taking office, President Trump has proposed billions in cuts through multiple budget requests to Congress. Given the long-term fiscal constraints facing our Nation, the President is committed to using all available tools to put our fiscal house back in order. As the first of several proposed rescissions packages, this Administration is fully committed to protecting taxpayers, and urges Congress to do the same.

Rescissions are reductions of funding previously provided in law. Since the President cannot rescind funding on his own, Congress needs to pass new legislation to eliminate this funding. The ICA provides special procedures for the President to propose rescissions and for Congress to quickly act on them.

Under the ICA, Congress has 45 days to act on the President's request. During this period, this funding may be formally withheld from obligation so agencies cannot spend it, and any member of Congress may introduce a bill with the President's rescission proposals. This legislation receives special treatment under House and Senate rules, and cannot be filibustered by the Senate.

Since 1974, both Democratic and Republican Presidents have used the ICA to propose nearly \$76 billion in cuts to Federal spending. Today's package is the largest in the history of the ICA, and includes rescissions of unobligated balances from prior years and reductions to budget authority for mandatory programs. In some cases, this funding has been sitting in agency coffers for years with no plans to spend it.

Highlights of the funding proposed for rescission include:

- **Advanced Technology Vehicles Manufacturing Loan Program (Energy):** A \$4.3

billion rescission of funds that have been untouched since 2011. Since ATVM's inception in 2007, only five loans have been closed under this authority.

- **Title 17 Innovative Technology Loan Guarantee Program (Energy):** A rescission of \$523 million in unobligated balances dating back to the stimulus that were provided for energy loan guarantees. The authority to make new guarantees lapsed in 2011.
- **Center for Medicare and Medicaid Innovation (HHS):** A rescission of \$800 million that the Innovation Center has no plans to spend in FYs 2018 and 2019. In 2020, CMMI will receive a new mandatory appropriation of \$10 billion.
- **Ebola Response (USAID):** A rescission of \$252 million in excess funds remaining from the initial Ebola outbreak in 2015; the World Health Organization declared the end of the Ebola epidemic in 2016.
- **Railroad Unemployment Insurance Extended Benefits (RRB):** A rescission of \$133 million in unobligated balances for a program that expired in 2012.
- **Animal and Plant Health Inspection Service (Department of Agriculture):** A rescission of \$148 million, including funds for responding to disease outbreaks that are now resolved (e.g., the highly pathogenic avian influenza outbreak in 2015).

Coalter Baker  
Press Secretary  
Office of Management and Budget  
Direct: 202-456-6364  
Mobile: (b) (6)