



Case No. 2021-00567-FOIA-OS

March 24, 2021

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

Dear Mr. Evers:

This letter is the final response to your April 07, 2020, Freedom of Information Act (FOIA) request. Specifically, you requested the following records:

“All records regarding or reflecting the content of a meeting titled “AMA Staff Brief re: UAC Update” as indicated by the document attached hereto as Exhibit A. This request includes, but is not limited to, materials shared during the meeting, notes taken during the meeting, memoranda memorializing the meeting, and read-outs of the meeting.”

The Centers for Disease Control and Prevention (CDC) conducted a search and referred **13 pages** of responsive records to our office for direct response to you. After a careful review of these pages, I have determined to release **6 pages** to you in their entirety, and I am further releasing **7 pages** in part, with portions redacted, pursuant to Exemption (b)(5) of the FOIA (5 U.S.C. §552 (b)(5)).

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, among others, the deliberative process privilege, the attorney-client privilege, and the attorney work-product privilege. In this instance, the deliberative process privilege applies.

If you believe the information withheld should not be exempt from disclosure, or this response constitutes an adverse determination, you may appeal. By filing an appeal, you preserve your rights under FOIA and give the agency a chance to review and reconsider your request and the agency's decision.

Your appeal must be postmarked or electronically transmitted within 90 calendar days of the date of this letter, to

Carol Maloney
Deputy Agency Chief FOIA Officer
U.S. Department of Health and Human Services
Office of the Assistant Secretary for Public Affairs
Room 729H
200 Independence Avenue, S.W.
Washington, DC 20201

Please clearly mark both the envelope and your letter “Freedom of Information Act Appeal.” You may also e-mail your appeal to: HHS.ACFO@hhs.gov.

If you would like to discuss our response before filing an appeal to attempt to resolve your dispute without going through the appeals process, you may contact the HHS FOIA Public Liaison for assistance at:

HHS FOIA/PA Public Liaison

FOI/Privacy Acts Division
Assistant Secretary for Public Affairs (ASPA)
Office of the Secretary (OS)
U.S. Department of Health and Human Services (HHS)
200 Independence Avenue, SW, Suite 729H
Washington, DC 20201

Telephone: (202) 690-7453
Fax: (202) 690-8320
E-mail: HHS_FOIA_Public_Liaison@hhs.gov

If you are unable to resolve your FOIA dispute through our FOIA Public Liaison, the Office of Government Information Services (OGIS), the Federal FOIA Ombudsman's office, offers mediation services to help resolve disputes between FOIA requesters and Federal agencies. The contact information for OGIS is:

Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road-OGIS
College Park, MD 20740-6001

Telephone: 202-741-5770
Toll-Free: 1-877-684-6448
E-mail: ogis@nara.gov
Fax: 202-741-5769

There are no charges in this instance because the billable costs are less than our threshold of \$25.

Sincerely yours,

Wakema Williams for

Brandon J. Gaylord
Director
FOI/Privacy Acts Division

Enclosure(s)

From: omc2@cdc.gov
Sent: Mon, 31 Dec 2018 13:47:07 +0000
Subject: FW: CLOSE HOLD - confidential / deliberative and pre decisional - Briefing Paper Request

From: McGowan, Robert (Kyle) (CDC/OD/OCS)
Sent: Monday, December 31, 2018 8:39 AM
To: Johnson, Lynn (ACF) <Lynn.Johnson@acf.hhs.gov>; Hayes, Jonathan (ACF) <Jonathan.Hayes@acf.hhs.gov>
Cc: Redfield, Robert R. (CDC/OD) <olx1@cdc.gov>
Subject: RE: CLOSE HOLD - confidential / deliberative and pre decisional - Briefing Paper Request

Good morning Lynn and Jonathan. Below is a summary of the CDC's actions so far. Please let me know if there is anything else you need from me.

CDC is providing technical assistance in three areas all geared toward minimizing the risk that any contagious disease would spread more widely and ultimately to the domestic U.S. population. Specifically:

- Assessment of influenza risk –
 - CDC is actively looking at our current U.S. and global influenza data to assess the risk of influenza in the border region. Current activities include a series of assessments of influenza activity and laboratory characterization, as reported in CDC's FluView.
 - CDC is working with the relevant state departments of health to evaluate the risk among the relevant populations.
 - CDC will continue to provide support to the state health departments in their evaluation of cause of deaths.

(b)(5)

From: Urbanowicz, Peter (HHS/IOS) <Peter.Urbanowicz@hhs.gov>

Sent: Sunday, December 30, 2018 6:20 PM

To: Johnson, Lynn (ACF) <Lynn.Johnson@acf.hhs.gov>

Cc: Hayes, Jonathan (ACF) <Jonathan.Hayes@acf.hhs.gov>; Redfield, Robert R. (CDC/OD) <olx1@cdc.gov>; McGowan, Robert (Kyle) (CDC/OD/OCS) <omc2@cdc.gov>; Kadlec, Robert (OS/ASPR/IO) <Robert.Kadlec@hhs.gov>; Giroir, Brett (HHS/OASH) <Brett.Giroir@hhs.gov>; Wynne, Maggie (HHS/IOS) <Margaret.Wynne@hhs.gov>; Harrison, Brian (HHS/IOS) <Brian.Harrison@hhs.gov>; Kellogg, Rachel (HHS/OS) <Rachel.Kellogg@hhs.gov>; Brennan, Patrick (OS/ASPA) <Patrick.Brennan@hhs.gov>; Charrow, Robert (HHS/OGC) <Robert.Charrow@hhs.gov>

Subject: CLOSE HOLD - confidential / deliberative and pre decisional - Briefing Paper Request

Lynn

Copying (CDC, ASH and ASPR as well):

(b)(5)

(b)(5)

Thanks,

Peter

Peter Urbanowicz
Chief of Staff
U.S. Department of Health and Human Services
200 Independence Avenue S.W.
Washington, D.C. 20201
(202) 690-7000
peter.urbanowicz@hhs.gov

From: omc2@cdc.gov
Sent: Tue, 1 Jan 2019 20:55:27 +0000
To: Brennan, Patrick (OS/ASPA); Tignor, Beth (HHS/IOS); Harrison, Brian (HHS/IOS)
Cc: Giroir, Brett (HHS/OASH); Urbanowicz, Peter (HHS/IOS); Johnson, Lynn (ACF); Hayes, Jonathan (ACF); Redfield, Robert R. (CDC/OD); Kadlec, Robert (OS/ASPR/IO); Wynne, Maggie (HHS/IOS); Kellogg, Rachel (HHS/OS); Charrow, Robert (HHS/OGC)
Subject: RE: CLOSE HOLD - confidential / deliberative and pre decisional - Briefing Paper Request

My one edit would be around

(b)(5)

(b)(5)

From: Brennan, Patrick (OS/ASPA) <Patrick.Brennan@hhs.gov>
Date: January 1, 2019 at 3:48:30 PM EST
To: McGowan, Robert (Kyle) (CDC/OD/OCS) <omc2@cdc.gov>, Tignor, Beth (HHS/IOS) <Beth.Tignor@hhs.gov>, Harrison, Brian (HHS/IOS) <Brian.Harrison@hhs.gov>
Cc: Giroir, Brett (HHS/OASH) <Brett.Giroir@hhs.gov>, Urbanowicz, Peter (HHS/IOS) <Peter.Urbanowicz@hhs.gov>, Johnson, Lynn (ACF) <Lynn.Johnson@acf.hhs.gov>, Hayes, Jonathan (ACF) <Jonathan.Hayes@acf.hhs.gov>, Redfield, Robert R. (CDC/OD) <olx1@cdc.gov>, Kadlec, Robert (OS/ASPR/IO) <Robert.Kadlec@hhs.gov>, Wynne, Maggie (HHS/IOS) <Margaret.Wynne@hhs.gov>, Kellogg, Rachel (HHS/OS) <Rachel.Kellogg@hhs.gov>, Charrow, Robert (HHS/OGC) <Robert.Charrow@hhs.gov>
Subject: RE: CLOSE HOLD - confidential / deliberative and pre decisional - Briefing Paper Request

From: omc2@cdc.gov
Sent: Tue, 1 Jan 2019 21:03:47 +0000
To: Urbanowicz, Peter (HHS/IOS)
Cc: Brennan, Patrick (OS/ASPA)
Subject: Re: CLOSE HOLD - confidential / deliberative and pre decisional - Briefing Paper Request

(b)(5)

From: Urbanowicz, Peter (HHS/IOS) <Peter.Urbanowicz@hhs.gov>
Date: January 1, 2019 at 4:00:01 PM EST
To: McGowan, Robert (Kyle) (CDC/OD/OCS) <omc2@cdc.gov>
Cc: Brennan, Patrick (OS/ASPA) <Patrick.Brennan@hhs.gov>
Subject: Re: CLOSE HOLD - confidential / deliberative and pre decisional - Briefing Paper Request

From: McGowan, Robert (Kyle) (CDC/OD/OCS)
To: Tignor, Beth (HHS/IOS); Harrison, Brian (HHS/IOS)
Cc: Giroir, Brett (HHS/OASH); Urbanowicz, Peter (HHS/IOS); Johnson, Lynn (ACF); Hayes, Jonathan (ACF); Redfield, Robert R. (CDC/OD/OCS); Kadlec, Robert (OS/ASPR/IO); Wynne, Maggie (HHS/IOS); Kellogg, Rachel (HHS/OASH); Brennan, Patrick (OS/ASPA); Charrow, Robert (HHS/OGC)
Subject: Re: CLOSE HOLD - confidential / deliberative and pre decisional - Briefing Paper Request
Date: Sunday, December 30, 2018 6:39:47 PM

CDC will have a paragraph too Lynn and Jonathan tomorrow morning.

From: Tignor, Beth (HHS/IOS) <Beth.Tignor@hhs.gov>
Date: December 30, 2018 at 6:35:17 PM EST
To: Harrison, Brian (HHS/IOS) <Brian.Harrison@hhs.gov>
Cc: Giroir, Brett (HHS/OASH) <Brett.Giroir@hhs.gov>, Urbanowicz, Peter (HHS/IOS) <Peter.Urbanowicz@hhs.gov>, Johnson, Lynn (ACF) <Lynn.Johnson@acf.hhs.gov>, Hayes, Jonathan (ACF) <Jonathan.Hayes@acf.hhs.gov>, Redfield, Robert R. (CDC/OD) <olx1@cdc.gov>, McGowan, Robert (Kyle) (CDC/OD/OCS) <omc2@cdc.gov>, Kadlec, Robert (OS/ASPR/IO) <Robert.Kadlec@hhs.gov>, Wynne, Maggie (HHS/IOS) <Margaret.Wynne@hhs.gov>, Kellogg, Rachel (HHS/OS) <Rachel.Kellogg@hhs.gov>, Brennan, Patrick (OS/ASPA) <Patrick.Brennan@hhs.gov>, Charrow, Robert (HHS/OGC) <Robert.Charrow@hhs.gov>
Subject: Re: CLOSE HOLD - confidential / deliberative and pre decisional - Briefing Paper Request

(b)(5)

Sent from my iPhone

On Dec 30, 2018, at 6:26 PM, Harrison, Brian (HHS/IOS) <Brian.Harrison@hhs.gov> wrote:

+Beth

Brian Harrison
Deputy Chief of Staff
U.S. Department of Health and Human Services
202.260.7338
brian.harrison@hhs.gov

On Dec 30, 2018, at 5:22 PM, Giroir, Brett (HHS/OASH) <Brett.Giroir@hhs.gov> wrote:

Sure thing

I have not received an appointment yet for the meeting

From: Urbanowicz, Peter (HHS/IOS) <Peter.Urbanowicz@hhs.gov>
Sent: Sunday, December 30, 2018 6:20 PM
To: Johnson, Lynn (ACF) <Lynn.Johnson@acf.hhs.gov>
Cc: Hayes, Jonathan (ACF) <Jonathan.Hayes@acf.hhs.gov>; Redfield, Robert R. (CDC/OD) <olx1@cdc.gov>; McGowan, Robert (Kyle) (CDC/OD/OCS) <omc2@cdc.gov>; Kadlec, Robert (OS/ASPR/IO) <Robert.Kadlec@hhs.gov>; Giroir, Brett (HHS/OASH) <Brett.Giroir@hhs.gov>; Wynne, Maggie (HHS/IOS) <Margaret.Wynne@hhs.gov>; Harrison, Brian (HHS/IOS) <Brian.Harrison@hhs.gov>; Kellogg, Rachel (HHS/OS) <Rachel.Kellogg@hhs.gov>; Brennan, Patrick (OS/ASPA) <Patrick.Brennan@hhs.gov>; Charrow, Robert (HHS/OGC) <Robert.Charrow@hhs.gov>
Subject: CLOSE HOLD - confidential / deliberative and pre decisional - Briefing Paper Request

Lynn

Copying (CDC, ASH and ASPR as well):

(b)(5)

(b)(5)

Thanks,

Peter

Peter Urbanowicz
Chief of Staff
U.S. Department of Health and Human Services
200 Independence Avenue S.W.

Washington, D.C. 20201
(202) 690-7000
peter.urbanowicz@hhs.gov

(b)(5)

From: McGowan, Robert (Kyle) (CDC/OD/OCS)
To: Daniel, Katherine Lyon (CDC/DDPHSIS/OD); Bonds, Michelle E. (CDC/OD/OADC)
Subject: FW: [DRAFT, PRE-DECISIONAL, DELIBERATIVE] draft TPs/background on CDC/PHS assistance to DHS
Date: Monday, December 31, 2018 8:40:44 AM
Attachments: DRAFT TPs re CDC – ASPR Assistance to DHS.docx

FYI on this. I'm not sure if you got this or not.

From: Murphy, Ryan (OS/ASPA) <Ryan.Murphy1@hhs.gov>
Sent: Sunday, December 30, 2018 6:10 PM
To: Harrison, Brian (HHS/IOS) <Brian.Harrison@hhs.gov>; Stecker, Judy (OS/ASPA) <Judy.Stecker@hhs.gov>; Urbanowicz, Peter (HHS/IOS) <Peter.Urbanowicz@hhs.gov>; Kadlec, Robert (OS/ASPR/IO) <Robert.Kadlec@hhs.gov>; Charrow, Robert (HHS/OGC) <Robert.Charrow@hhs.gov>; Weber, Mark (HHS/ASPA) <Mark.Weber@hhs.gov>; Redfield, Robert R. (CDC/OD) <olx1@cdc.gov>; Meekins, Chris (OS/ASPR/IO) <Christopher.Meekins@hhs.gov>; McGowan, Robert (Kyle) (CDC/OD/OCS) <omc2@cdc.gov>; Kemper, Laura (HHS/ASL) <Laura.Kemper@hhs.gov>; Stimson, Brian (HHS/OGC) <Brian.Stimson@hhs.gov>; Johnson, Lynn (ACF) <Lynn.Johnson@acf.hhs.gov>; Stauffer, Evelyn (OS/ASPA) <Evelyn.Stauffer@hhs.gov>
Subject: [DRAFT, PRE-DECISIONAL, DELIBERATIVE] draft TPs/background on CDC/PHS assistance to DHS

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(b)(5)

From: Murphy, Ryan (OS/ASPA)

Sent: Friday, December 28, 2018 5:09 PM

To: Harrison, Brian (HHS/IOS) <Brian.Harrison@hhs.gov>; Stecker, Judy (OS/ASPA) <Judy.Stecker@hhs.gov>; Urbanowicz, Peter (HHS/IOS) <Peter.Urbanowicz@hhs.gov>; Kadlec, Robert (OS/ASPR/IO) <Robert.Kadlec@hhs.gov>; Charrow, Robert (HHS/OGC) <Robert.Charrow@hhs.gov>; Weber, Mark (HHS/ASPA) <Mark.Weber@hhs.gov>; Redfield, Robert R. (CDC/OD) <olx1@cdc.gov>; Meekins, Chris (OS/ASPR/IO) <Christopher.Meekins@hhs.gov>; McGowan, Robert (Kyle) (CDC/OD/OCS) <omc2@cdc.gov>; Kemper, Laura (HHS/ASL) <Laura.Kemper@hhs.gov>; Stimson, Brian (HHS/OGC) <Brian.Stimson@hhs.gov>
Subject: [DRAFT, PRE-DECISIONAL, DELIBERATIVE] DHS statement + current draft reactive statement

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