

EMPOWER OVERSIGHT

Whistleblowers & Research



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July 14, 2021

VIA ELECTRONIC TRANSMISSION: NIHFOIA@MAIL.NIH.GOV

National Institutes of Health
Building 31 Room 5B35
9000 Rockville Pike
Bethesda, MD 20892

RE: RECORDS REGARDING NIH'S SARS-CoV-2 (COVID19) DATABASE

Dear FOIA Officer:

Empower Oversight Whistleblowers & Research (“Empower Oversight”) is a nonpartisan, nonprofit educational organization dedicated to enhancing independent oversight of government and corporate wrongdoing. We work to help insiders safely and legally report waste, fraud, abuse, corruption, and misconduct to the proper authorities help to hold those authorities accountable to act on such reports.

We respectfully request records be delivered from the National Institutes of Health (NIH) pursuant to this request under the Freedom of Information Act (FOIA), 5 U.S.C. 552 within the next 20 business days. As detailed below, we request access to certain records regarding SARS-CoV-2 sequences submitted for posting to the Sequence Read Archive in March 2020 by Chinese researchers and subsequently requested to be withdrawn by the submitting investigator in June 2020. Sequences of SARS-CoV-2 virus are critical to understanding how this pandemic (which has killed more than 600,000 Americans) started, in order to prevent future pandemics.¹ Furthermore, the State Department has noted that China has not been transparent in its handling of the SARS-CoV-2 origin question and has removed virus sequences from its own online databases that could help uncover how the pandemic started.²

The *New York Times* and the *Washington Post* have reported on requests to remove these sequences and this removal has added fuel to the SARS-CoV-2 origin debate.³

¹ “COVID Mortality Data,” Johns Hopkins University (<https://coronavirus.jhu.edu/data/mortality>).

² “Fact Sheet on Activity at the Wuhan Institute of Virology,” U.S. State Dep’t (<https://2017-2021.state.gov/fact-sheet-activity-at-the-wuhan-institute-of-virology/index.html>)

³ “Scientist Finds Early Virus Sequences That Had Been Mysteriously Deleted,” *New York Times* ([Jun 23, 2021](#)); “Seattle scientist digs up deleted coronavirus genetic data, adding fuel to the covid origin debate,” *Washington Post* ([Jun 23, 2021](#)).

According to the *Washington Post*, “The NIH released a statement Wednesday saying that a researcher who originally published the genetic sequences asked for them to be removed from the NIH database so that they could be included in a different database.”⁴ In a statement to the *Washington Post*, the NIH said:

These SARS-CoV-2 sequences were submitted for posting in SRA in March 2020 and subsequently requested to be withdrawn by the submitting investigator in June 2020. The requestor indicated the sequence information had been updated, was being submitted to another database, and wanted the data removed from SRA to avoid version control issues.⁵

And, according to the *New York Times*:

“These SARS-CoV-2 sequences were submitted for posting in SRA in March 2020 and subsequently requested to be withdrawn by the submitting investigator in June 2020,” said Renate Myles, a spokeswoman for the National Institutes of Health. She said that the investigator, whom she did not name, told the archive managers that the sequences were being updated and would be added to a different database.⁶

Accordingly, please provide all records relating to the following:

- 1) All communications regarding the request to post the SARS-CoV-2 sequences to the Sequence Read Archive in March 2020. This request covers all communications between March 1, 2020 to March 31, 2020.
- 2) All communications regarding the request to withdraw the SARS-CoV-2 sequences from Sequence Read Archive in June 2020. This request covers all communications between June 1, 2020 to June 31, 2020.
- 3) All communications regarding these withdrawn sequences as reported by a preprint titled “Recovery of deleted deep sequencing data sheds more light on the early Wuhan SARS-CoV-2 epidemic” by Jesse Bloom, a virologist at the Fred Hutchinson Cancer Research Center.⁷ This request covers all communications between Jesse Bloom and the NIH, from January 1, 2021 and the present. This request all covers all communications inside the NIH regarding the preprint from June 21, 2021 to the present.
- 4) All communications to, from, and within the NIH press office about the NIH statement released on June 23, 2021, and about reports that these sequences were removed from the Sequence Read Archive. This includes all emails related to the drafting of the statement, communications about the reported removal, and communications with reporters. This request covers all communications between June 21, 2021 to June 25, 2021.

⁴ *Id.*

⁵ *Id.*

⁶ *Id.*

⁷ “Recovery of deleted deep sequencing data sheds more light on the early Wuhan SARS-CoV-2 epidemic,” *bioRxiv* ([Jun 18, 2021](#)).

Fee Waiver Request

Empower Oversight requests a waiver of fees associated with processing this request, in keeping with 5 U.S.C. § 552 (a)(4)(A)(iii). The information sought is in the public interest because it is likely to contribute significantly to the public understanding of the operations or activities of the government. Empower Oversight is a non-profit organization as defined under Section 501(c)(3) of the Internal Revenue Code and has no commercial interest in making this request. The public has a significant interest in understanding how this pandemic started. Empower Oversight is committed to government accountability and public integrity and is committed to public disclosure of documents via its website, and by providing these documents to the media for public dissemination.⁸

Request for Expedited Processing

Empower Oversight also requests expedited processing of this request. Understanding how the SARS-CoV-2 pandemic started is of massive public interest both in the United States and around the globe, particularly because understanding how this pandemic started can help us stop future pandemics. The information requested is urgently needed to inform the public concerning actual or alleged federal government activity, namely why were genetic sequences removed from a United States federal database when they could help understand how the pandemic started. The request is of widespread and exceptional media interest and the information sought involves questions about research integrity, which affect public confidence in the operations of NIH. Empower Oversight is engaged in disseminating information to the public through its website and working with media.⁹ It is important that this request be processed and the results publicly disseminated as quickly as possible to help the country guard against future pandemics.

For ease of administration and to conserve resources, we ask that documents be produced in a readily accessible electronic format. In the event our request for a fee waiver is denied or if you have any questions about this request, please contact us immediately. Thank you for your prompt attention to this matter.

Cordially,

[/Jason Foster/](#)

Jason Foster
Founder & President

⁸ "Mission," *Empower Oversight* (<http://empowr.us/mission>).

⁹ *Id.*