

**Exhibit 10**



Department of Energy  
National Nuclear Security Administration  
Office of the General Counsel  
P.O. Box 5400  
Albuquerque, NM 87185-5400



May 3, 2022

**SENT VIA EMAIL**

[petesorenson@gmail.com](mailto:petesorenson@gmail.com)

Mr. C. Peter Sorenson  
Sorenson Law Office  
PO Box 10836  
Eugene, OR 97440

**RECEIPT OF FREEDOM OF INFORMATION ACT REQUEST**

Dear Mr. Sorenson:

This letter acknowledges the receipt of your November 15, 2021, Freedom of Information Act (FOIA) request on behalf of Mr. Keliang Zhu. You requested the following:

- 1) Any reports, training manuals or documents, policy directives, and emails to and from any American academic institutions including but not limited to administrators, employees, grant recipients or administrators, associated unions, and businesses or commercial entities working with academic intuitions; regarding the "China Initiative" and/or those records that relate to federal funding or grants and the following laws and/or their contents generally:
  - a. 18 U.S.C. § 371 – Conspiracy
  - b. 18 U.S.C. § 666 – Theft or bribery concerning programs receiving federal funds
  - c. 18 U.S.C. § 1001 – Unlawful statements or entries generally
  - d. 18 U.S.C. § 1343 – Wire Fraud
  - e. 18 U.S.C. § 1512(c)(1)-(2) – Alteration, destruction, mutilation, or concealment of records; obstruction of official proceedings
  - f. 18 USC § 1542 – False statement in application and use of passport
  - g. 18 U.S.C. § 1546 – Fraud and misuse of visas, permits, and other documents
  - h. 18 U.S.C. § 1831 – Economic espionage
  - i. 18 U.S.C. § 1832 – Theft of trade secrets
- 2) All records pertaining to the agency's communications to or from American academic institutions, associations or groups representing academics, unions representing

university or college staff and employees, businesses or academic activities on American academic institutions' campuses that include any of the following word combinations:

- a. "Chinese" and/or "China" + "Non-traditional collector(s)"
  - b. "Chinese" and/or "China" + "Non-traditional Intelligence collector(s)"
  - c. "Chinese" and/or "China" + "conflict(s) of interest(s)"
  - d. "Chinese" and/or "China" + "conflict(s) of commitment(s)"
  - e. "Chinese" and/or "China" + "Falsifying"
  - f. "Chinese" and/or "China" + "Failing to report"
  - g. "Chinese" and/or "China" + "Misleading statement(s)"
  - h. "Chinese" and/or "China" + "Obscure(d) affiliation"
  - i. "Chinese" and/or "China" + "Funding restriction(s)"
  - j. "Chinese" and/or "China" + "Restriction(s) of fund(s)"
  - k. "Chinese" and/or "China" + "Restriction(s) of funding"
  - l. "Chinese" and/or "China" + "Restriction(s) to fund(s)"
  - m. "Chinese" and/or "China" + "Restriction(s) to funding"
  - n. "Chinese" and/or "China" + "Fraud"
  - o. "Chinese" and/or "China" + "Defraud"
  - p. "Chinese" and/or "China" + "Scheme to defraud"
  - q. "Chinese" and/or "China" + "Scheme to conceal"
  - r. "Chinese" and/or "China" + "Conceal(ing)"
  - s. "Chinese" and/or "China" + "Conceal(ed)"
  - t. "Chinese" and/or "China" + "Foreign support"
  - u. "Chinese" and/or "China" + "Economic Espionage"
  - v. "Chinese" and/or "China" + "Theft"
  - w. "Chinese" and/or "China" + "Theft of trade secret(s)"
- 3) Records containing statistics or data concerning the number of instances or reports of grant fraud initiated per year, month or any other time period, as well as any statistics or data concerning race, ethnicity, and or the national origin of those involved in these instances or reports.
  - 4) Records containing statistics or data concerning the race, ethnicity, and or the national origin of those targeted by currently open or closed investigations as part of the "China initiative" or violations of any of the federal laws listed above as part of request (1).
  - 5) Records relating to the agency's expenditures, budget, allocation of funds, or other monetary distributions relating to the enforcement of the federal laws listed above as part of request (1), or laws, regulations, or rules relating to them or their general purpose.

For all requests and their counter parts, the time frame is identified to include November 2015, to the present (i.e., throughout the time of the agency's search); roughly equaling three years before, and three years after the official start of the "China Initiative."

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You submitted an amended request to the Department of Energy (DOE) on April 18, 2022, for the following:

- 1) all electronic communications, including attachments, to and from the Department of Justice headquarters and the following Department of Energy officials, whether acting, appointed or confirmed, mentioning "China Initiative":

- Secretary of Energy
- Chief of Staff to the Secretary of Energy
- Deputy Secretary of Energy
- Chief of Staff to the Deputy Secretary of Energy
- Under Secretary for Science
- Under Secretary for Nuclear Security and Administrator of NNSA (National Nuclear Security Administration)
- Assistant Secretary of Energy for International Affairs
- Director of Economic Impact and Diversity
- General Counsel

- 2) all electronic communications, including attachments, to and from the Federal Bureau of Investigation headquarters and the following Department of Energy officials, whether acting, appointed or confirmed, mentioning "China Initiative":

- Secretary of Energy
- Chief of Staff to the Secretary of Energy
- Deputy Secretary of Energy
- Chief of Staff to the Deputy Secretary of Energy
- Under Secretary for Science
- Under Secretary for Nuclear Security and Administrator of NNSA (National Nuclear Security Administration)
- Assistant Secretary of Energy for International Affairs
- Director of Economic Impact and Diversity

- 3) We wish to delete other aspects of the request previously submitted and assigned FOIA request HQ-2022-00153. (Date Range for Record Search: From 1/20/2017 to 4/25/2022)

Your amended request was transferred from the Department of Energy (DOE) and received in this office on April 25, 2022.

The National Nuclear Security Administration (NNSA) has jurisdiction over the "Under Secretary for Nuclear Security and Administrator of NNSA (National Nuclear Security Administration)" only.

You asked for expedited processing of your request. According to 5 USC § 552(a)(6)(E), as implemented by the Department of Energy in 10 CFR § 1004.5(d)(6), in order for you to qualify for expedited processing, you must demonstrate a "compelling need" for the information. "Compelling need" means that the failure to obtain the records on an expedited basis could

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reasonably be expected to pose a threat to the life or physical safety of an individual, or that the information is needed by an individual primarily engaged in disseminating information and there is an urgency to inform the public concerning actual or alleged Federal Government activity.

Your justification for requesting expedited processing is:

“The records requested are urgently needed to inform the public about possible ongoing civil rights violations being carried out by the government in its pursuit of the “China Initiative.” Beyond the government’s likely discriminatory prosecutions under this initiative, the effect of the unlawful discrimination is likely having a chilling effect on the collaboration and free association rights of Asian Americans, especially concerning their roles and opportunities in academic and scientific institutions. Thus, it’s no coincidence that former China Initiative Steering Committee member and former U.S. Attorney for the District of Massachusetts, Andrew Lelling, stated that the initiative’s purpose was to have a “chilling effect on collaboration with the Chinese.””

Although we are committed to responding to your request in a timely manner, I cannot grant your request for expedited processing. I considered your request and I do not believe that you have demonstrated a compelling need. Therefore, placing your request ahead of all the other pending requests currently being processed within this Department is not appropriate.

It is the practice of the NNSA, in accordance with the Departmental policy, to process FOIA requests in the approximate order of the date received by this office. Your request is out for a search for the responsive record(s). A number of requests received prior to yours are pending, and your request will be processed in turn. We will make every effort to respond to your request as quickly as possible. Please note that for fee purposes, “unusual circumstances” as defined in the Open Government Act of 2007 occur, as there is a need to search for or collect records from facilities geographically separated from this office. We estimate that we will not be able to provide responsive records in 20 working days, as we need more time to complete the search, review the record(s) for release, and prepare a response to you, as some requests, depending on the volume of records, the complexity of the search, and/or the sensitivity of the subject matter, require additional time to complete. Reformulating or otherwise narrowing the scope of your request may result in a quicker processing time.

Due to the current events surrounding COVID-19, the agency is working with an extremely limited staff. Field offices, laboratories, and other program offices are performing mission critical work on an extremely reduced workforce. Furthermore, many of our records are located off site and require in person handling. Therefore, our FOIA process will be severely delayed, and you may experience a longer delay in the processing of your request. We thank you for your patience during these unprecedented times.

With respect to your request for a fee waiver, pursuant to 10 CFR § 1004.9(a)(6), fees are not charged where they would amount to \$15.00 or less. We have not determined, at this time, the costs of processing your request; however, your request for a waiver will be considered if it is later determined that costs would exceed \$15.00.

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You may appeal our denial of expedited processing pursuant to 10 CFR § 1004.8(a). Such an appeal must be made in writing within 90 calendar days after receipt of this letter, addressed to the Director, Office of Hearings and Appeals, HG-1, U.S. Department of Energy, 1000 Independence Avenue SW, L'Enfant building, Washington, DC 20585. Your appeal must contain a concise statement of the grounds for the appeal and a description of the relief sought. Please submit a copy of this letter with the appeal. Please clearly mark both the envelope and the letter "Freedom of Information Appeal." You may also submit your appeal by e-mail to [OHA\\_filings@hq.doe.gov](mailto:OHA_filings@hq.doe.gov), including the phrase "Freedom of Information Appeal" in the subject line (this is the method preferred by the Office of Hearings and Appeals). Thereafter, judicial review will be available to you in the District of Columbia or in the district where (1) you reside, (2) you have your principal place of business, or (3) the Department's records are situated.

You may also contact NNSA's FOIA Public Liaison, Christina H. Hamblen, Office of the General Counsel, at 1-866-747-5994, or by mail at Department of Energy, National Nuclear Security Administration, Office of the General Counsel, PO Box 5400, Albuquerque, NM 87185, for further assistance and to discuss any aspect of your request. Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at [ogis@nara.gov](mailto:ogis@nara.gov); telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

If you have questions concerning the processing of this request, please contact Delilah Perez by e-mail at [Delilah.perez@nnsa.doe.gov](mailto:Delilah.perez@nnsa.doe.gov), or write to the address above. Please reference Control Number FOIA 22-00182-M in your communication.

Sincerely,

Christina H.  
Hamblen

Digitally signed by  
Christina H. Hamblen  
Date: 2022.05.03  
12:54:50 -0600

Christina H. Hamblen  
FOIA Officer