

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

AMERICA FIRST LEGAL FOUNDATION,  
611 Pennsylvania Avenue SE #231  
Washington, D.C. 20003,

*Plaintiff*

v.

U.S. SECRET SERVICE,  
245 Murray Ln SW, Bldg T-5,  
Washington, DC 20223

U.S. DEPARTMENT OF HOMELAND  
SECURITY,  
2707 Martin Luther King Jr. Ave, SE  
Washington, DC 20528

*Defendants.*

Civil Action No.: 24-2680

**COMPLAINT**

1. Plaintiff America First Legal Foundation (“AFL”) brings this action against Defendants U.S. Department of Homeland Security (“DHS”) and U.S. Secret Service (“USSS”) to compel compliance with the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552.

2. On July 13, 2024, in Butler, Pennsylvania, President Donald J. Trump faced an attempted assassination only days before accepting his party’s nomination for the upcoming presidential election.

3. One bullet struck President Trump, and the shooter killed one rallygoer and injured multiple others who were expressing their First Amendment right to assemble and listen to President Trump speak.

4. The American people have questioned how a would-be assassin was able to fire a relatively simple shot that came within an inch of killing President Trump and struck fellow Americans.

5. In the aftermath of the attack, AFL opened an investigation into the federal agencies tasked with ensuring President Trump's safety to identify any shortcomings in their operations, management, and procedures.

6. Just sixty-four days after the assassination attempt in Butler, Pennsylvania, and fifty-one days from Election Day, there was another attempted assassination of President Trump.

### **JURISDICTION AND VENUE**

7. The Court has jurisdiction over this action under 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. § 1331. Additionally, it may grant declaratory relief pursuant to 28 U.S.C. § 2201, *et seq.*

8. Venue is proper in this District under 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. § 1391(e).

### **PARTIES**

9. Plaintiff AFL is a nonprofit organization working to promote the rule of law in the United States, prevent executive overreach, ensure due process and equal protection for all Americans, and encourage public knowledge and understanding of

the law and individual rights guaranteed under the United States Constitution and the laws of the United States. AFL's mission includes promoting government transparency and accountability by gathering official information, analyzing it, and disseminating it through reports, press releases, and/or other media, including social media platforms, all to educate the public.

10. Defendants DHS and USSS are both agencies subject to FOIA under 5 U.S.C. § 552(f).

11. The headquarters for DHS is located at 2707 Martin Luther King Jr. Ave, SE Washington, DC 20528.

12. The headquarters for USSS is at 245 Murray Ln SW, Building T-5, Washington, DC 20223.

## **LEGAL AND FACTUAL BACKGROUND**

### *DHS FOIA Request: 2024-HQFO-01980*

1. On July 13, 2024, AFL submitted a FOIA request to DHS seeking all records of communications for DHS Secretary Alejandro Mayorkas, DHS Senior Official Performing the Duties of the Deputy Secretary Kristie Canegallo, and DHS Chief of Staff Jonathan Davidson that took place on July 13, 2024, the day of the attempted assassination of President Trump in Butler, Pennsylvania. Ex. 1.

2. In its request, AFL requested expedited processing on the grounds that “[c]ircumstances in which the lack of expedited processing could reasonably be expected to pose an imminent threat to the life or physical safety of [President Trump],” 6 C.F.R. § 5.5(e)(1)(i), that there is both “[a]n urgency to inform the public

about an actual or alleged federal government activity, if made by a person who is primarily engaged in disseminating information,” 6 C.F.R. § 5.5(e)(1)(ii), and that the request addressed a “matter of widespread and exceptional media interest in which there exist possible questions about the government’s integrity which affect public confidence.” 6 C.F.R. § 5.5(e)(iv). *Id.* at 2.

3. AFL also requested a waiver of all search and duplication fees under 5 U.S.C. § 552(a)(4)(A)(iii) and 6 C.F.R. § 5.11. *Id.* at 2.

4. On July 17, 2024, AFL received a letter from DHS acknowledging receipt of the request and assigning it the tracking number 2024-HQFO-01980. Ex. 2.

5. AFL has received no further communication from DHS regarding the status of this request since the July 17, 2024, letter.

6. As of the date of this filing, DHS has provided no documents under this FOIA request.

*USSS FOIA Request: 20241241*

7. On July 13, 2024, AFL submitted a FOIA request to DHS seeking records reflecting all calendar entries of the Director and Deputy Director of USSS, in addition to calendar entries from DHS personnel, for the time period from June 14, 2024, through July 14, 2024. Ex. 3.

8. In its request, AFL requested expedited processing on the grounds that “[c]ircumstances in which the lack of expedited processing could reasonably be expected to pose an imminent threat to the life or physical safety of [President Trump],” 6 C.F.R. § 5.5(e)(1)(i), that there is both “[a]n urgency to inform the public

about an actual or alleged federal government activity, if made by a person who is primarily engaged in disseminating information,” 6 C.F.R. § 5.5(e)(1)(ii), and that the request addressed a “matter of widespread and exceptional media interest in which there exist possible questions about the government’s integrity which affect public confidence.” 6 C.F.R. § 5.5(e)(iv). *Id.* at 2.

9. AFL also requested a waiver of all search and duplication fees under 5 U.S.C. § 552(a)(4)(A)(iii) and 6 C.F.R. § 5.11. *Id.* at 2.

10. On July 17, 2024, AFL received a letter from DHS acknowledging receipt of the request and assigned it the tracking number 2024-HQFO-01978. Ex. 4.

11. In the July 17, 2024, letter, DHS transferred portions of the request to USSS. *Id.* at 1.

12. On August 2, 2024, AFL received a letter from USSS acknowledging receipt of the transferred portions of the request, assigning it the file number 20241241. Ex. 5.

13. In the August 2, 2024, letter, USSS granted AFL’s request for expedited processing. *Id.* at 1.

14. AFL has received no further communication from USSS regarding the status of this request since the August 2, 2024, letter.

15. As of the date of this filing, USSS has provided no documents under this FOIA request.

*USSS FOIA Request: 20241077*

16. On July 17, 2024, AFL submitted a FOIA request to USSS seeking records relating to the hiring and employment standards at USSS at the time of the attempted assassination of President Trump in Butler, Pennsylvania. Ex. 6.

17. In its request, AFL requested expedited processing on the grounds that “[c]ircumstances in which the lack of expedited processing could reasonably be expected to pose an imminent threat to the life or physical safety of [President Trump],” 6 C.F.R. § 5.5(e)(1)(i), that there is both “[a]n urgency to inform the public about an actual or alleged federal government activity, if made by a person who is primarily engaged in disseminating information,” 6 C.F.R. § 5.5(e)(1)(ii), and that the request addressed a “matter of widespread and exceptional media interest in which there exist possible questions about the government’s integrity which affect public confidence.” 6 C.F.R. § 5.5(e)(iv). *Id.* at 3–4.

18. AFL also requested a waiver of all search and duplication fees under 5 U.S.C. § 552(a)(4)(A)(iii) and 6 C.F.R. § 5.11. *Id.* at 3.

19. On August 9, 2024, AFL received a letter from USSS acknowledging receipt of the request and assigning it the file number 20241077. Ex. 7.

20. AFL has received no further communication from USSS regarding the status of this request since the August 9, 2024, letter.

21. As of the date of this filing, USSS has provided no documents under this FOIA request.

*USSS FOIA Request: 20241105*

22. On July 18, 2024, AFL submitted a FOIA request to USSS seeking records relating to its staffing levels and its progress in meeting staffing targets identified by the U.S. Government Accountability Office in a 2022 report that highlighted its staffing shortcomings. *See* Ex. 8 (citing U.S. GOV'T ACCOUNTABILITY OFF., GAO-22-105100, U.S. SECRET SERVICE: FURTHER PROGRESS MADE IMPLEMENTING THE PROTECTIVE MISSION PANEL RECOMMENDATIONS (2022), <https://www.gao.gov/assets/gao-22-105100.pdf> [<https://perma.cc/RPV2-LN99>]).

23. In its request, AFL requested expedited processing on the grounds that “[c]ircumstances in which the lack of expedited processing could reasonably be expected to pose an imminent threat to the life or physical safety of [President Trump],” 6 C.F.R. § 5.5(e)(1)(i), that there is both “[a]n urgency to inform the public about an actual or alleged federal government activity, if made by a person who is primarily engaged in disseminating information,” 6 C.F.R. § 5.5(e)(1)(ii), and that the request addressed a “matter of widespread and exceptional media interest in which there exist possible questions about the government’s integrity which affect public confidence.” 6 C.F.R. § 5.5(e)(iv). Ex. 8 at 4–5.

24. AFL also requested a waiver of all search and duplication fees under 5 U.S.C. § 552(a)(4)(A)(iii) and 6 C.F.R. § 5.11. *Id.* at 4.

25. On July 19, 2024, AFL received a letter from USSS acknowledging receipt of the request and assigning it the file number 20241105. Ex. 9.

26. In the July 19, 2024 letter, USSS denied AFL's request for expedited processing of the request, stating that AFL had not "demonstrated that there is a threat to the life or physical safety of an individual nor [had AFL] demonstrated there is a particular urgency to inform the public about the government activity involved in the request, beyond the public's right to know about government activity, generally." *Id.* at 2–3.

27. In the July 19, 2024, letter, USSS also stated that AFL's "letter was conclusory, in nature, and did not present any facts to justify a grant of expedited processing under the applicable standards." *Id.* at 3.

28. AFL has received no further communication from USSS regarding the status of this request since the July 19, 2024, letter.

29. As of the date of this filing, USSS has provided no documents under this FOIA request.

### **CLAIM FOR RELIEF**

#### **Violation of the FOIA, 5 U.S.C. § 552**

30. AFL repeats and reincorporates the preceding paragraphs.

31. AFL properly requested records within the possession, custody, and control of the Defendants.

32. For more than a month, the Defendants failed to conduct a reasonable search for responsive records. Moreover, the Defendants failed to disclose any segregable, non-exempt portions of responsive records. *See* 5 U.S.C. § 552(b).



33. The Defendants failed to make a determination on AFL's requests for expedited processing within the statutory time period for requests 2024-HQFO-01980 and 20241077. *See* 5 U.S.C. § 552(a)(6)(E)(ii)(I).

34. The Defendants improperly denied AFL's request for expedited processing of request 20241105. *See* 6 C.F.R. § 5.5(e).

35. The Defendants failed to process request 20241241 "as soon as practicable," 5 U.S.C. § 552(a)(6)(E)(iii), after granting AFL's request for expedited processing.

36. The Defendants failed to respond to AFL's requests within the statutory time period. *See* 5 U.S.C. § 552(a)(6).

37. Accordingly, AFL has exhausted its administrative remedies. *See* 5 U.S.C. § 552(a)(6)(C).

38. The Defendants have violated the FOIA by failing, within the prescribed time limit, to (i) grant AFL's requests for expedited processing; (ii) process AFL's requests as soon as practicable; (iii) reasonably search for records responsive to AFL's requests; (iv) provide a lawful reason for the withholding of any responsive records; and (v) segregate exempt information in otherwise non-exempt responsive records.

### **RELIEF REQUESTED**

WHEREFORE, AFL respectfully requests this Court:

i. Declare that the records sought by these requests, as described in the preceding paragraphs, must be disclosed under 5 U.S.C. § 552;

- ii. Order the Defendants to conduct searches immediately for all records responsive to AFL's FOIA requests and demonstrate that they employed search methods reasonably likely to lead to the discovery of responsive records;
- iii. Order the Defendants to produce by a specific date all non-exempt records responsive to AFL's FOIA requests;
- iv. Award AFL attorneys' fees and costs under 5 U.S.C. § 552(a)(4)(E); and
- v. Grant AFL such other and further relief as this Court deems proper.

Date: September 19, 2024.

Respectfully submitted,

/s/ William Scolinos

William Scolinos (D.C. Bar No. 90023488)  
Michael Ding (D.C. Bar No. 1027252)  
(301) 965-0179  
AMERICA FIRST LEGAL FOUNDATION  
611 Pennsylvania Avenue SE #231  
Washington, D.C. 20003  
William.Scolinos@aflegal.org

*Counsel for America First Legal Foundation*



July 13, 2024

**Via Secure Release Portal:**

Privacy Office, Mail Stop 0655  
Department of Homeland Security  
2707 Martin Luther King Jr. Ave. S.E.  
Washington, DC 20528

**Freedom of Information Act Request: re: Force Protection of Donald J. Trump**

Dear FOIA Officer:

America First Legal Foundation is a national, nonprofit organization working to promote the rule of law in the United States, prevent executive overreach, and ensure due process and equal protection for all Americans, all to promote public knowledge and understanding of the law and individual rights guaranteed under the Constitution and laws of the United States. To that end, we file Freedom of Information Act requests on issues of pressing public concern, then disseminate the information we obtain, making documents broadly available to the public, scholars, and the media. Using our editorial skills to turn raw materials into distinct work, we distribute that work to a national audience through traditional and social media platforms. AFL's X page has over 247,000 followers and the X page of our Founder and President has over 656,000 followers.

**I. Background**

Today, President Trump was shot at a rally in Pennsylvania. Sean Davis reports that "the former and future president's detail has been asking for beefed up protection and resources for weeks, but has been rebuffed time and again by Biden's DHS."<sup>1</sup> Therefore, pursuant to 5 U.S.C. § 552, we request:

1. All records of communications, including text messages, call logs, e-mail and Microsoft Teams messages from July 13, 2024, to or from the following officials:
  - DHS Secretary Alejandro Mayorkas

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<sup>1</sup> Sean Davis (@Seanmdav), X (Jul. 13, 2024), <http://tinyurl.com/yvepycy9>.

- DHS Senior Official Performing the Duties of the Deputy Secretary Kristie Canegallo
- DHS Chief of Staff Jonathan Davidson

## **II. Fee Waiver**

AFL requests a waiver of all search and duplication fees associated with this request under 5 U.S.C. § 552(a)(4)(A)(iii) and 6 C.F.R. §5.11. First, AFL is a qualified non-commercial public education and news media requester. Our officials routinely appear on national television and use social media platforms to disseminate the information it has obtained about federal government activities. In this case, AFL will make your records and your responses publicly available for the benefit of citizens, scholars, and others, and the public's understanding of your policies and practices will be enhanced through AFL's analysis and publication of the requested records. As a nonprofit organization, AFL does not have a commercial purpose, and releasing the requested information is not in AFL's financial interest. We note that DHS has granted us fee waivers in the past.

## **III. Expedited Processing**

DHS regulations require the grant of expedited processing for a FOIA request “whenever the component determines that they involve: (i) Circumstances in which the lack of expedited processing could reasonably be expected to pose an imminent threat to the life or physical safety of an individual; (ii) An urgency to inform the public about an actual or alleged federal government activity, if made by a person who is primarily engaged in disseminating information; ... (iv) A matter of widespread and exceptional media interest in which there exist possible questions about the government's integrity which affect public confidence. 6 C.F.R. § 5.5(e).

This is a critical moment for our nation and the world. This request patently qualifies for expedited processing under §5.5(e)(ii) and §5.5(e)(iv). An attempt has been made to assassinate a former President of the United States, a presumptive nominee of a major political party (who will accept the nomination in less than a week), and a frontrunner in the upcoming presidential election. Now, more than ever, accurate information about the decisions made by DHS leadership is critical to informing the public as to whether the Biden Administration is providing adequate resources to allow the United States Secret Service to appropriately protect a leading candidate for President of the United States. As discussed above, America First Legal is a qualifying news media distributor, which has been recognized by DHS in the past. This manifest attack on our political process is of paramount and urgent interest to the media and all Americans.

#### **IV. Conclusion**

If you have any questions about how to construe this request for records or believe further discussions regarding search and processing would facilitate a more efficient production of records of interest to AFL, please do not hesitate to contact me at FOIA@aflegal.org. Finally, if AFL's request for a fee waiver is not granted in full, please contact us immediately upon making that determination.

Sincerely,

/s/ Andrew J. Block  
America First Legal Foundation



Homeland  
Security

July 17, 2024

**SENT VIA E-MAIL TO: [info@aflegal.org](mailto:info@aflegal.org)**

Reed Rubinstein  
America First Legal Foundation  
611 Pennsylvania Ave SE #231  
Washington, DC 20003

Re: 2024-HQFO-01980

Dear Requester:

This letter acknowledges receipt of your Freedom of Information Act (FOIA) request to the Department of Homeland Security (DHS), dated 7/13/2024, and to your request for expedited handling and a waiver of all assessable FOIA fees. Our office received your request on 7/13/2024. Specifically, you requested

1. All records of communications, including text messages, call logs, e-mail and Microsoft Teams messages from July 13, 2024, to or from the following officials:
  - a. DHS Secretary Alejandro Mayorkas
  - b. DHS Senior Official Performing the Duties of the Deputy Secretary Kristie Canegallo
  - c. DHS Chief of Staff Jonathan Davidson.

Due to the increasing number of FOIA requests received by this office, we may encounter some delay in processing your request. Consistent with 6 C.F.R. Part 5 § 5.5(a) of the DHS FOIA regulations, the Department processes FOIA requests according to their order of receipt. Although DHS' goal is to respond within 20 business days of receipt of your request, FOIA does permit a 10-day extension of this time period in certain circumstances under 6 C.F.R. Part 5 § 5.5(c). As your request seeks a voluminous amount of separate and distinct records, DHS will invoke a 10-day extension for your request pursuant to 6 C.F.R. Part 5 § 5.5(c). If you would like to narrow the scope of your request, please contact our office. We will make every effort to comply with your request in a timely manner.

You have requested a fee waiver. The DHS FOIA regulations at 6 C.F.R. Part 5 § 5.11(k) set forth six factors DHS must evaluate to determine whether the applicable legal standard for a fee waiver has been met: (1) Whether the subject of the requested records concerns "the operations or activities of the government," (2) Whether the disclosure is "likely to contribute" to an understanding of government operations or activities, (3) Whether disclosure of the requested information will contribute to the understanding of the public at large, as opposed to the individual understanding of the requester or a narrow segment of interested persons, (4) Whether the contribution to public understanding of government operations or activities will be

“significant,” (5) Whether the requester has a commercial interest that would be furthered by the requested disclosure, and (6) Whether the magnitude of any identified commercial interest to the requester is sufficiently large in comparison with the public interest in disclosure, that disclosure is primarily in the commercial interest of the requester.

Upon review of the subject matter of your request, and an evaluation of the six factors identified above, DHS has determined that it will conditionally grant your request for a fee waiver. The fee waiver determination will be based upon a sampling of the responsive documents received from the various DHS program offices as a result of the searches conducted in response to your FOIA request. DHS will, pursuant to DHS FOIA regulations applicable to media requesters, process the first 100 pages free of charge. If upon review of these documents, DHS determines that the disclosure of the information contained in those documents does not meet the factors permitting DHS to waive the fees, then DHS will at that time either deny your request for a fee waiver entirely, or will allow for a percentage reduction in the amount of the fees corresponding to the amount of relevant material found that meets the factors allowing for a fee waiver. In either case, DHS will promptly notify you of its final decision regarding your request for a fee waiver and provide you with the responsive records as required by applicable law.

In the event that your fee waiver is denied, and you determine that you still want the records, provisions of the FOIA allow us to recover part of the cost of complying with your request. We shall charge you for records in accordance with the DHS FOIA regulations as they apply to media requesters. As a media requester you will be charged 10 cents per page for duplication; the first 100 pages are free. In the event that your fee waiver is denied, we will construe the submission of your request as an agreement to pay up to \$25.00. This office will contact you before accruing any additional fees.

We have queried the appropriate component(s) of DHS for responsive records. If any responsive records are located, they will be reviewed for determination of releasability. Please be assured that one of the analysts in our office will respond to your request as expeditiously as possible. We appreciate your patience as we proceed with your request.

Your request has been assigned reference number 2024-HQFO-01980. Please refer to this identifier in any future correspondence. If you have any questions, or would like to discuss this matter, please feel free to contact this office at 1-866-431-0486 or 202-343-1743.

Regards,

DHS Privacy Office  
Disclosure & FOIA Program  
STOP 0655  
Department of Homeland Security  
245 Murray Drive, SW  
Washington, DC 20528-0655  
Telephone: 1-866-431-0486 or 202-343-1743  
Fax: 202-343-4011  
Visit our FOIA website <https://www.dhs.gov/foia>



July 13, 2024

**Via Secure Release Portal:**

Privacy Office, Mail Stop 0655  
Department of Homeland Security  
2707 Martin Luther King Jr. Ave. S.E.  
Washington, DC 20528

**Freedom of Information Act Request: re: Force Protection of Donald J. Trump**

Dear FOIA Officer:

America First Legal Foundation is a national, nonprofit organization working to promote the rule of law in the United States, prevent executive overreach, and ensure due process and equal protection for all Americans, all to promote public knowledge and understanding of the law and individual rights guaranteed under the Constitution and laws of the United States. To that end, we file Freedom of Information Act requests on issues of pressing public concern, then disseminate the information we obtain, making documents broadly available to the public, scholars, and the media. Using our editorial skills to turn raw materials into distinct work, we distribute that work to a national audience through traditional and social media platforms. AFL's X page has over 247,000 followers and the X page of our Founder and President has over 656,000 followers.

**I. Background**

Earlier today, President Trump was shot at a rally in Pennsylvania. Sean Davis reports that "the former and future president's detail has been asking for beefed up protection and resources for weeks, but has been rebuffed time and again by Biden's DHS."<sup>1</sup> Therefore, pursuant to 5 U.S.C. § 552, we request:

1. Records reflecting all calendar entries for the time frame of June 14, 2024, through July 14, 2024, of the following officials:
  - Director of the United States Secret Service
  - Deputy Director of the United States Secret Service
  - Secretary, Deputy Secretary, General Counsel, Chief of Staff, and any Front Office advisor at DHS

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<sup>1</sup> Sean Davis (@Seanmdav), X (Jul. 13, 2024), <http://tinyurl.com/yvepycy9>.



## **II. Fee Waiver**

AFL requests a waiver of all search and duplication fees associated with this request under 5 U.S.C. § 552(a)(4)(A)(iii) and 6 C.F.R. §5.11. First, AFL is a qualified non-commercial public education and news media requester. Our officials routinely appear on national television and use social media platforms to disseminate the information it has obtained about federal government activities. In this case, AFL will make your records and your responses publicly available for the benefit of citizens, scholars, and others, and the public's understanding of your policies and practices will be enhanced through AFL's analysis and publication of the requested records. As a nonprofit organization, AFL does not have a commercial purpose, and releasing the requested information is not in AFL's financial interest. We note that DHS has granted us fee waivers in the past.

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DHS regulations require the grant of expedited processing for a FOIA request "whenever the component determines that they involve: (i) Circumstances in which the lack of expedited processing could reasonably be expected to pose an imminent threat to the life or physical safety of an individual; (ii) An urgency to inform the public about an actual or alleged federal government activity, if made by a person who is primarily engaged in disseminating information; ... (iv) A matter of widespread and exceptional media interest in which there exist possible questions about the government's integrity which affect public confidence. 6 C.F.R. § 5.5(e).

This is a critical moment for our nation and the world. This request patently qualifies for expedited processing under §5.5(e)(ii) and §5.5(e)(iv). An attempt has been made to assassinate a former President of the United States, a presumptive nominee of a major political party (who will accept the nomination in less than a week), and a frontrunner in the upcoming presidential election. Now, more than ever, accurate information about the decisions made by DHS leadership is critical to informing the public as to whether the Biden Administration is providing adequate resources to allow the United States Secret Service to appropriately protect a leading candidate for President of the United States. As discussed above, America First Legal is a qualifying news media distributor, which has been recognized by DHS in the past. This manifest attack on our political process is of paramount and urgent interest to the media and all Americans.

## **IV. Conclusion**

If you have any questions about how to construe this request for records or believe further discussions regarding search and processing would facilitate a more efficient production of records of interest to AFL, please do not hesitate to contact me at

FOIA@aflegal.org. Finally, if AFL's request for a fee waiver is not granted in full, please contact us immediately upon making that determination.

Sincerely,

/s/ Andrew J. Block  
America First Legal Foundation



Homeland  
Security

July 17, 2024

**SENT VIA E-MAIL TO: [info@aflegal.org](mailto:info@aflegal.org)**

Reed Rubinstein  
America First Legal Foundation  
611 Pennsylvania Ave SE #231  
Washington, DC 20003

Re: 2024-HQFO-01978

Dear Requester:

This letter acknowledges receipt of your Freedom of Information Act (FOIA) request to the Department of Homeland Security (DHS), dated 7/13/2024, and to your request for expedited handling and a waiver of all assessable FOIA fees. Our office received your request on 7/13/2024. Specifically, you requested

1. Records reflecting all calendar entries for the time frame of June 14, 2024, through July 14, 2024, of the following officials:
  - a. Director of the United States Secret Service
  - b. Deputy Director of the United States Secret Service
  - c. Secretary, Deputy Secretary, General Counsel, Chief of Staff, and any Front Office advisor at DHS.

Due to the subject matter of your request, I am transferring items a and b of this request request to the FOIA Officer for United States Secret Service (USSS), for processing under the FOIA and direct response to you. Please see below for their contact information.

United States Secret Service (USSS)  
Freedom of Information Act and Privacy Act Branch  
245 Murray Lane, SW Building T-5  
Washington, D.C. 20223  
Phone: 202-406-6370 | Fax: 202-406-5586 | E-mail: [FOIA@ussd.dhs.gov](mailto:FOIA@ussd.dhs.gov)

Due to the increasing number of FOIA requests received by this office, we may encounter some delay in processing your request. Consistent with 6 C.F.R. Part 5 § 5.5(a) of the DHS FOIA regulations, the Department processes FOIA requests according to their order of receipt. Although DHS' goal is to respond within 20 business days of receipt of your request, FOIA does permit a 10-day extension of this time period in certain circumstances under 6 C.F.R. Part 5 § 5.5(c). As your request seeks documents that will require a thorough and wide-ranging search, DHS will invoke a 10-day extension for your request pursuant to 6 C.F.R. Part 5 § 5.5(c). If you

would like to narrow the scope of your request, please contact our office. We will make every effort to comply with your request in a timely manner.

You have requested a fee waiver. The DHS FOIA regulations at 6 C.F.R. Part 5 § 5.11(k) set forth six factors DHS must evaluate to determine whether the applicable legal standard for a fee waiver has been met: (1) Whether the subject of the requested records concerns “the operations or activities of the government,” (2) Whether the disclosure is “likely to contribute” to an understanding of government operations or activities, (3) Whether disclosure of the requested information will contribute to the understanding of the public at large, as opposed to the individual understanding of the requester or a narrow segment of interested persons, (4) Whether the contribution to public understanding of government operations or activities will be “significant,” (5) Whether the requester has a commercial interest that would be furthered by the requested disclosure, and (6) Whether the magnitude of any identified commercial interest to the requester is sufficiently large in comparison with the public interest in disclosure, that disclosure is primarily in the commercial interest of the requester.

Upon review of the subject matter of your request, and an evaluation of the six factors identified above, DHS has determined that it will conditionally grant your request for a fee waiver. The fee waiver determination will be based upon a sampling of the responsive documents received from the various DHS program offices as a result of the searches conducted in response to your FOIA request. DHS will, pursuant to DHS FOIA regulations applicable to media requesters, process the first 100 pages free of charge. If upon review of these documents, DHS determines that the disclosure of the information contained in those documents does not meet the factors permitting DHS to waive the fees, then DHS will at that time either deny your request for a fee waiver entirely, or will allow for a percentage reduction in the amount of the fees corresponding to the amount of relevant material found that meets the factors allowing for a fee waiver. In either case, DHS will promptly notify you of its final decision regarding your request for a fee waiver and provide you with the responsive records as required by applicable law.

In the event that your fee waiver is denied, and you determine that you still want the records, provisions of the FOIA allow us to recover part of the cost of complying with your request. We shall charge you for records in accordance with the DHS FOIA regulations as they apply to media requesters. As a media requester you will be charged 10 cents per page for duplication; the first 100 pages are free. In the event that your fee waiver is denied, we will construe the submission of your request as an agreement to pay up to \$25.00. This office will contact you before accruing any additional fees.

We have queried the appropriate component(s) of DHS for responsive records. If any responsive records are located, they will be reviewed for determination of releasability. Please be assured that one of the analysts in our office will respond to your request as expeditiously as possible. We appreciate your patience as we proceed with your request.

Your request has been assigned reference number 2024-HQFO-01978. Please refer to this identifier in any future correspondence. If you have any questions, or would like to discuss this matter, please feel free to contact this office at 1-866-431-0486 or 202-343-1743.

Regards,

DHS Privacy Office  
Disclosure & FOIA Program  
STOP 0655  
Department of Homeland Security  
245 Murray Drive, SW  
Washington, DC 20528-0655  
Telephone: 1-866-431-0486 or 202-343-1743  
Fax: 202-343-4011  
Visit our FOIA website <https://www.dhs.gov/foia>



**DEPARTMENT OF HOMELAND SECURITY**  
UNITED STATES SECRET SERVICE  
WASHINGTON, D.C. 20223

Freedom of Information Act Program  
Communications Center  
245 Murray Lane, SW, Building T-5  
Mail Stop 8205  
Washington, D.C. 20223

Date: August 2, 2024

America First Legal Foundation  
600 14th Street NW, 5th Floor  
Washington, DC 20005  
Attn: Reed Rubinstein  
Email: [info@aflegal.org](mailto:info@aflegal.org)

File Number: 20241241

Dear Requester:

This letter acknowledges the receipt of your recent Freedom of Information Act (FOIA) request, received by the United States Secret Service (Secret Service) on August 2, 2024, for the following records, from June 14, 2024 to July 14, 2024:

1. Records reflecting all calendar entries for the time frame of June 14, 2024, through July 14, 2024, of the following officials:
  - a. Director of the United States Secret Service
  - b. Deputy Director of the United States Secret Service
  - c. Secretary, Deputy Secretary, General Counsel, Chief of Staff, and any Front Office advisor at DHS.

Your request, for expedited treatment, has been granted.

Under the DHS/FOIA regulation, 6 C.F.R., Chapter I, Part 5 § 5.5, expedited processing of a FOIA request is warranted if the request involves “circumstances in which the lack of expedited treatment could reasonably be expected to pose an imminent threat to the life or physical safety of an individual” ((d)(1)(i)), or “an urgency to inform the public about an actual or alleged federal government activity, if made by a person primarily engaged in disseminating information” ((d)(1)(ii)). Requesters that seek expedited processing must submit a statement explaining, in detail, the basis for the request. Additionally, FOIA regulation 6 C.F.R., Chapter I, Part 5 § 5.5(d)(3), requires that statements be certified, by the requester, to be “true and correct to the best of that person’s knowledge and belief.”

Your request has been granted because you have demonstrated a need, under DHS/FOIA regulation 6 C.F.R., Chapter I, Part 5 § 5.5(d)(1)(i) or 5.5(d)(1)(ii), for expedited processing. Your request for a fee waiver will be held in abeyance pending the quantification of responsive records. The FOIA regulations, Title 6 C.F.R., Chapter I, Part 5 § 5.11(k)(2)(3), set forth six factors to examine when determining whether the applicable legal standard for a fee waiver has been met. We will consider these factors:

- 1) Whether the subject of the requested records concerns “the operations or activities of the government;”
- 2) Whether the disclosure is “likely to contribute” to an understanding of government operations or activities;
- 3) Whether disclosure of the requested information will contribute to the understanding of the public at large, as opposed to the individual understanding of the requestor or a narrow segment of interested persons;
- 4) Whether the contribution of public understanding of government operations or activities will be “significant;”
- 5) Whether the requester has a commercial interest that would be furthered by the requested disclosure; and
- 6) Whether the magnitude of any identified commercial interest to the requestor is sufficiently large in comparison with the public interest in disclosure, that disclosure is primarily in the commercial interest of the requestor.

In the event that your fee waiver is denied, we shall charge you for the records in accordance with Interim FOIA regulations as they apply to “media” requesters. The first 100 pages of duplication are free of charge. As a “media” requester, you will be charged .10 cents a page for the duplication of each additional page.

Furthermore, the submission of your request is viewed as an agreement, by you, to pay duplication costs up to \$25.00. A search for files responsive to your request is being conducted. The appropriate components of the Secret Service are being queried for responsive documents. If any responsive records are located, they will be reviewed for a disclosure determination. You will be contacted before any additional fees are accrued.

Due to the increasing number of FOIA requests received by this office, we may encounter some delay in processing your request. Per Section 5.5(a) of the FOIA regulations, 6 C.F.R, Chapter I, Part 5, Secret Service processes FOIA requests according to their order of receipt. As your request seeks documents that will require a thorough and wide-ranging search, the Secret Service will invoke a 10-day extension for your request, pursuant to 6 C.F.R., Part 5 § 5.5(c). If you would like to narrow the scope of your request, please contact our office. We will make every effort to comply with your request in a timely manner.

Your request has been assigned FOIA File No. 20241241. We solicit your cooperation and assure you that the search will be conducted as expeditiously as possible. If you have any questions or would like to check the status of your request, please contact our FOIA Public Liaison Kevin Tyrrell, at (202) 220-1819. Alternatively, you may email this office at [FOIA@uss.dhs.gov](mailto:FOIA@uss.dhs.gov).

Please use the file number indicated above in all future correspondence with this office.

Thank you,

Freedom of Information Act Program  
United States Secret Service  
245 Murray Lane, SW, Building T-5  
Mail Stop 8205  
Washington, DC 20223  
Phone: (202) 220-1819  
Fax: (202) 220-1755  
Email: [FOIA@USSS.DHS.GOV](mailto:FOIA@USSS.DHS.GOV)





July 17, 2024

**Via Email: FOIA@usss.dhs.gov**

Freedom of Information Act and Privacy Act Branch  
245 Murray Lane, SW Building T-5  
Washington, DC 20223

**Freedom of Information Act Request: United States Secret Service (“USSS”) Hiring and Employment Standards**

Dear FOIA Officer:

America First Legal Foundation (“AFL”) is a national, nonprofit organization working to promote the rule of law in the United States, prevent executive overreach, and ensure due process and equal protection for all Americans, all to promote public knowledge and understanding of the law and individual rights guaranteed under the Constitution and laws of the United States. To that end, we file Freedom of Information Act requests on issues of pressing public concern, then disseminate the information we obtain, making documents broadly available to the public, scholars, and the media. Using our editorial skills to turn raw materials into distinct work, we distribute that work to a national audience through traditional and social media platforms. AFL’s X page has over 248,000 followers and the X page of our Founder and President has over 664,000 followers.

**I. Records Request**

On July 13, 2024, there was an attempted assassination of President Trump, where a rally-goer was killed. These events will be remembered throughout history. The security failure indicates a failure of leadership and a profound misallocation of law enforcement personnel and resources. Further, it raises questions and concerns regarding the current priorities of the USSS in how they recruit, hire, physically train, and agents to carry out their missions.<sup>1</sup> Therefore, pursuant to 5 U.S.C. § 552, we request:

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<sup>1</sup> U.S. GOV’T ACCOUNTABILITY OFF., *U.S. Secret Service: Further Progress Made Implementing the Protective Mission Panel Recommendations* (Jan. 2022) (available at <https://tinyurl.com/4z3n8cp4>).

611 Pennsylvania Ave SE #231  
Washington, DC 20003

320 South Madison Avenue  
Monroe, Georgia 30655

- A. Records of any change in the hiring standards in the USSS from:
  - 1. From March 2, 2024, to the date this request is processed; and
  - 2. From January 21, 2021, to March 1, 2024.
- B. USSS hiring practices and requirements related to skills, abilities to support investigations, and/or protection, including any differences across USSS related to agents' assignments.
- C. Physical testing standards of USSS agents, including the frequency of such testing.
- D. USSS field office testing requirements related to the physical standards of agents.
- E. USSS physical testing standards for men and women that must be met before, during, and after USSS training.<sup>2</sup> This request includes all different standards during the relevant period.
- F. USSS procedure for when agents do not meet the USSS physical testing standards, including the number of such physical testing failures, broken down by the agents' sex and which test they failed.
- G. Number and area of assignment for agents who failed physical testing requirements.
- H. Differences in physical training standards for male and female agents, including whether such differences affect the agent's responsibilities and assignments within USSS.
- I. Case management records of USSS agents from the Investigative Division, who are also expected to provide support to the USSS Protection Operations Division.
- J. All electronic communications regarding Requests A through I sent to or from custodians listed in Part II.
- K. All records from Requests B through J as of July 13, 2024.

The time period for the above requests, unless otherwise indicated, is from January 21, 2021, through the date this request is processed.

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<sup>2</sup> U.S. Secret Service, Fitness Standards (available at <https://tinyurl.com/2mu7kn6k>).

## **II. Custodians**

- A. Kimberly Cheatle, Director
- B. Ronald L. Rowe, Jr., Deputy Director
- C. Cynthia Sjoberg Radway, Chief Operating Officer
- D. Michael Plati, Assistant Director, Office of Protective Operations
- E. Brian S. Lambert, Assistant Director, Office of Investigations
- F. Vincent Tutoni, Assistant Director, Office of Intergovernmental & Legislative Affairs
- G. David M. Smith, Assistant Director, Office of Professional Responsibility
- H. David Torres, Assistant Director, Office of Strategic Intelligence and Information
- I. Milton D. Wilson, Assistant Director, Office of Training
- J. Delisa Walker Hall Chief Human Capital Officer, Office of Human Resources

## **III. Fee Waiver**

AFL requests a waiver of all search and duplication fees associated with this request under 5 U.S.C. § 552(a)(4)(A)(iii) and 6 C.F.R. §5.11. First, AFL is a qualified non-commercial public education and news media requester. Our officials routinely appear on national television and use social media platforms to disseminate the information it has obtained about federal government activities. In this case, AFL will make your records and your responses publicly available for the benefit of citizens, scholars, and others, and the public's understanding of your policies and practices will be enhanced through AFL's analysis and publication of the requested records. As a nonprofit organization, AFL does not have a commercial purpose, and releasing the requested information is not in AFL's financial interest. We note that DHS has granted us fee waivers in the past.

## **IV. Expedited Processing**

DHS regulations require the grant of expedited processing for a FOIA request "whenever the component determines that they involve: (i) Circumstances in which the lack of expedited processing could reasonably be expected to pose an imminent

threat to the life or physical safety of an individual; (ii) An urgency to inform the public about an actual or alleged federal government activity, if made by a person who is primarily engaged in disseminating information; ... (iv) A matter of widespread and exceptional media interest in which there exist possible questions about the government's integrity which affect public confidence." 6 C.F.R. § 5.5(e).

This is a critical moment for our nation and the world. This request patently qualifies for expedited processing under §§ 5.5(e)(i), (ii), and (iv). An attempt has been made to assassinate a former President of the United States, a presumptive nominee of a major political party (who will accept the nomination in less than a week), and a frontrunner in the upcoming presidential election. Now, more than ever, the public deserves to know the role of DHS in this historic security failure; the Secret Service's failures may persist, presenting an imminent risk to the life and physical safety of President Trump and any innocent American who chooses to exercise their First Amendment right to assemble and listen to a former president speak. As discussed above, America First Legal is a qualifying news media distributor, which has been recognized by DHS in the past. This manifest attack on our political process is of paramount and urgent interest to the media and all Americans.

## **V. Conclusion**

Disposal of an unscheduled or permanent record; disposal prior to the end of the NARA-approved retention period of a temporary record; and disposal of a record subject to a FOIA request, litigation hold, or any other hold requirement to retain the records constitutes an unlawful destruction of records under 36 C.F.R. § 1230.3. If you have any questions about how to construe this request for records or believe further discussions regarding search and processing would facilitate a more efficient production of records of interest to AFL, please do not hesitate to contact me at FOIA@aflegal.org. Finally, if AFL's request for a fee waiver is not granted in full, please contact us immediately upon making that determination.

Sincerely,

/s/ Rachel L. Jag  
America First Legal Foundation



**DEPARTMENT OF HOMELAND SECURITY**  
UNITED STATES SECRET SERVICE  
WASHINGTON, D.C. 20223

Freedom of Information Act Program  
Communications Center  
245 Murray Lane, SW, Building T-5  
Mail Stop 8205  
Washington, D.C. 20223

Date: August 9, 2024

American First Legal Foundation  
611 Pennsylvania Ave SE #231  
Washington, DC 20003  
Attn: Rachel Jag  
Email:

File Number: 20241077

Dear Requester:

This letter acknowledges the receipt of your recent Freedom of Information Act (FOIA) request, received by the United States Secret Service (Secret Service) on July 18, 2024, for the following information, from January 21, 2021, through the date this request is processed:

1. Records of any change in the hiring standards in the USSS from: March 2, 2024, to the date this request is processed; and January 21, 2021, to March 1, 2024;
2. USSS hiring practices and requirements related to skills, abilities to support investigations, and/or protection, including any differences across USSS related to agents' assignments;
3. Physical testing standards of USSS agents, including the frequency of such testing;
4. USSS field office testing requirements related to the physical standards of agents;
5. USSS physical testing standards for men and women that must be met before, during, and after USSS training.<sup>2</sup> This request includes all different standards during the relevant period;
6. USSS procedure for when agents do not meet the USSS physical testing standards, including the number of such physical testing failures, broken down by the agents' sex and which test they failed;
7. Number and area of assignment for agents who failed physical testing requirements;

8. Differences in physical training standards for male and female agents, including whether such differences affect the agent's responsibilities and assignments within USSS;
9. Case management records of USSS agents from the Investigative Division, who are also expected to provide support to the USSS Protection Operations Division;
10. All electronic communications regarding items 1 through 9 sent to or from custodians listed in Part II; and
11. All records from items 2 through 10 as of July 13, 2024.

Custodians:

- Kimberly Cheadle, Director
- Ronald L. Rowe, Jr., Deputy Director
- Cynthia Sjoberg Radway, Chief Operating Officer
- Michael Plati, Assistant Director, Office of Protective Operations
- Brian S. Lambert, Assistant Director, Office of Investigations
- Vincent Tutoni, Assistant Director, Office of Intergovernmental & Legislative Affairs
- David M. Smith, Assistant Director, Office of Professional Responsibility
- David Torres, Assistant Director, Office of Strategic Intelligence and Information
- Milton D. Wilson, Assistant Director, Office of Training
- Delisa Walker Hall Chief Human Capital Officer, Office of Human Resources.

Please be advised, your request for a fee waiver will be held in abeyance pending the quantification of responsive records. The FOIA regulations, Title 6 C.F.R., Chapter I, Part 5 § 5.11(k)(2)(3), set forth six factors to examine when determining whether the applicable legal standard for a fee waiver has been met. We will consider these factors:

- 1) Whether the subject of the requested records concerns "the operations or activities of the government;"
- 2) Whether the disclosure is "likely to contribute" to an understanding of government operations or activities;
- 3) Whether disclosure of the requested information will contribute to the understanding of the public at large, as opposed to the individual understanding of the requestor or a narrow segment of interested persons;
- 4) Whether the contribution of public understanding of government operations or activities will be "significant;"
- 5) Whether the requester has a commercial interest that would be furthered by the requested disclosure; and

- 6) Whether the magnitude of any identified commercial interest to the requestor is sufficiently large in comparison with the public interest in disclosure, that disclosure is primarily in the commercial interest of the requestor.

If your fee waiver is denied, we shall charge you for the records in accordance with FOIA regulations as they apply to “media” requesters. The first 100 pages of duplication are free of charge. As a “media” requester, you will be charged .10 cents a page for the duplication of each additional page.

Furthermore, the submission of your request is viewed as an agreement, by you, to pay duplication costs up to \$25.00. A search for files responsive to your request is being conducted. The appropriate components of the Secret Service are being queried for responsive documents. If any responsive records are located, they will be reviewed for a disclosure determination. You will be contacted before any additional fees are accrued.

Due to the increasing number of FOIA requests received by this office, we may encounter some delay in processing your request. As your request seeks documents that will require a thorough and wide-ranging search, the Secret Service will invoke a 10-day extension for your request pursuant to 6 C.F.R., Part 5 § 5.5(c). If you would like to narrow the scope of your request, please contact our office. We will make every effort to comply with your request in a timely manner. Additionally, per Section 5.5(a) of the FOIA regulations, 6 C.F.R, Chapter I, Part 5, Secret Service processes FOIA requests according to their order of receipt.

If you need any further assistance, or would like to discuss any aspect of your request, please contact our FOIA Public Liaison Kevin Tyrrell, at (202) 220-1819. Alternatively, you may send an e-mail to [FOIA@uss.dhs.gov](mailto:FOIA@uss.dhs.gov). FOIA File No. 20241077 is assigned to your request. Please refer to this file number in all future communication with this office.

Thank you,

Freedom of Information Act Program  
United States Secret Service  
245 Murray Lane, SW, Building T-5  
Mail Stop 8205  
Washington, DC 20223  
Phone: (202) 220-1819  
Fax: (202) 220-1755  
Email: [FOIA@USSS.DHS.GOV](mailto:FOIA@USSS.DHS.GOV)



July 18, 2024

**Via Email: FOIA@usss.dhs.gov**

Freedom of Information Act and Privacy Act Branch  
245 Murray Lane, SW Building T-5  
Washington, DC 20223

**Freedom of Information Act Request: Records Relating to USSS Staffing Shortages**

Dear FOIA Officer:

America First Legal Foundation is a national, nonprofit organization working to promote the rule of law in the United States, prevent executive overreach, and ensure due process and equal protection for all Americans, all to promote public knowledge and understanding of the law and individual rights guaranteed under the Constitution and laws of the United States. To that end, we file Freedom of Information Act requests on issues of pressing public concern, then disseminate the information we obtain, making documents broadly available to the public, scholars, and the media. Using our editorial skills to turn raw materials into distinct work, we distribute that work to a national audience through traditional and social media platforms. AFL's X page has over 248,000 followers and the X page of our Founder and President has over 665,000 followers.

**I. Records Request**

On July 13, 2024, there was an attempted assassination of President Trump, where a rally-goer was killed. These events will be remembered throughout history. The security failure indicates a failure of leadership and a profound misallocation of law enforcement personnel and resources. Further, it raises questions and concerns regarding the current priorities of the Department of Homeland Security ("DHS") and United States Secret Service ("USSS") in who they recruit and select to carry out their missions. The U.S. Government Accountability Office recognized in 2022 that "the Secret Service has not fully aligned its operations with its priorities" because, in part, of plateaus in agent training hours and being 275 employees, including 190 special

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Washington, DC 20003

320 South Madison Avenue  
Monroe, Georgia 30655



agents, “short of its planned staffing levels.”<sup>1</sup> It is critical for the American people to understand whether a mere staffing shortage, recognized years ago, enabled an assassin to shoot President Trump. Therefore, pursuant to 5 U.S.C. § 552, we request access to the following records:

- A. Reports relating to USSS’s progress in meeting its staffing targets (“increasing the Secret Service’s workforce by 300 personnel per year in fiscal years 2023 through 2025” and “an increase of 119 personnel in Fiscal Years 2021 and 209 personnel in fiscal year 2022”) established under in its *Fiscal Years 2021-2025 Human Capital Strategic Plan* (“the Plan”).<sup>2</sup>
- B. The number of USSS personnel and staffing targets in the Plan for the Uniformed Division for each month since January 2021 through the date of processing.
  - a. Include records sufficient to show the number of personnel and targets for each of the following: Airspace Security Branch, Canine Explosive Detection Unit, Counter Assault Team, Counter Sniper Team, Counter Unmanned Aerial Systems, Emergency Response Team, Hazardous Agent Mitigation Medical Emergency Response Team, Specialized Rifle Unit, and Technical Operations Branch.
- C. The number of USSS personnel and staffing targets in the Plan for the Presidential Protective Division (or Detail) for each month since January 2021 through the date of processing.
- D. The number of USSS personnel and staffing targets in the Plan for the Former President’s Detail Protective Division (“PPD”) for each month from January 2021 through the date of processing.
- E. The number of USSS personnel and staffing targets in the Plan at each USSS field office as of July 13, 2024.
- F. The identity of USSS staffing targets as defined by any other means than workforce targets covered in Request E above on July 13, 2024.
- G. All communications about and with retired agents returning to USSS as Special Agents to increase USSS staffing.

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<sup>1</sup> U.S. GOV’T ACCOUNTABILITY OFF., *U.S. Secret Service: Further Progress Made Implementing the Protective Mission Panel Recommendations* (Jan. 2022) (available at <https://tinyurl.com/4z3n8cp4>).

<sup>2</sup> *Id.*

- H. The number of USSS employees who retired before June 15, 2024, who remain on the USSS payroll.
- I. Records relating to a heightened threat environment and/or lack of resources for advance teams. This includes all records indicating advance teams required additional time, training, or personnel.
- J. All electronic communications, with the term “understaffed” or “staffing target” sent to or from custodians listed in Part II.

The time period for items in this request without a specific date range is May 1, 2024, through the date this request is processed.

## **II. Custodians**

### United States Secret Service (“USSS”)

- A. Kimberly Cheatle, Director
- B. Ronald L. Rowe, Jr., Deputy Director
- C. Cynthia Sjoberg Radway, Chief Operating Officer
- D. Michael Plati, Assistant Director, Office of Protective Operations
- E. Brian S. Lambert, Assistant Director, Office of Investigations
- F. Vincent Tutoni, Assistant Director, Office of Intergovernmental & Legislative Affairs
- G. David M. Smith, Assistant Director, Office of Professional Responsibility
- H. David Torres, Assistant Director, Office of Strategic Intelligence and Information
- I. Milton D. Wilson, Assistant Director, Office of Training
- J. Michael A. Buck, Chief, Uniformed Division
- K. Thomas F. Huse, Chief Counsel
- L. Ted Maliga, Chief Technology Officer

M. Stephen Roncone, Chief Financial Officer

N. Joseph Eddy, Chief Strategy Officer

O. Kevin J. Nally, Chief Information Officer

P. Kyo M. Dolan, Chief of Staff

Q. Delisa Walker Hall Chief Human Capital Officer, Office of Human Resources

R. Stephen Roncone, Chief Financial Officer

### **III. Fee Waiver**

AFL requests a waiver of all search and duplication fees associated with this request under 5 U.S.C. § 552(a)(4)(A)(iii) and 6 C.F.R. §5.11. First, AFL is a qualified non-commercial public education and news media requester. Our officials routinely appear on national television and use social media platforms to disseminate the information it has obtained about federal government activities. In this case, AFL will make your records and your responses publicly available for the benefit of citizens, scholars, and others, and the public's understanding of your policies and practices will be enhanced through AFL's analysis and publication of the requested records. As a nonprofit organization, AFL does not have a commercial purpose, and releasing the requested information is not in AFL's financial interest. We note that DHS has granted us fee waivers in the past.

### **IV. Expedited Processing**

DHS regulations require the grant of expedited processing for a FOIA request "whenever the component determines that they involve: (i) Circumstances in which the lack of expedited processing could reasonably be expected to pose an imminent threat to the life or physical safety of an individual; (ii) An urgency to inform the public about an actual or alleged federal government activity, if made by a person who is primarily engaged in disseminating information; ... (iv) A matter of widespread and exceptional media interest in which there exist possible questions about the government's integrity which affect public confidence." 6 C.F.R. § 5.5(e).

This is a critical moment for our nation and the world. This request patently qualifies for expedited processing under §§ 5.5(e)(i), (ii), and (iv). An attempt has been made to assassinate a former President of the United States, and a frontrunner in the upcoming presidential election. Now, more than ever, the public deserves to know the role of DHS in this historic security failure; the Secret Service's failures may persist, presenting an imminent risk to the life and physical safety of President Trump and any innocent American who chooses to exercise their First Amendment right to

assemble and listen to a former president speak. As discussed above, America First Legal is a qualifying news media distributor, which has been recognized by DHS in the past. This manifest attack on our political process is of paramount and urgent interest to the media and all Americans.

## **V. Conclusion**

Disposal of an unscheduled or permanent record; disposal prior to the end of the NARA-approved retention period of a temporary record; and disposal of a record subject to a FOIA request, litigation hold, or any other hold requirement to retain the records constitutes an unlawful destruction of records under 36 C.F.R. § 1230.3. If you have any questions about how to construe this request for records or believe further discussions regarding search and processing would facilitate a more efficient production of records of interest to AFL, please do not hesitate to contact me at FOIA@aflegal.org. Finally, if AFL's request for a fee waiver is not granted in full, please contact us immediately upon making that determination.

Sincerely,

/s/ Will Scolinos

America First Legal Foundation



**DEPARTMENT OF HOMELAND SECURITY**  
UNITED STATES SECRET SERVICE  
WASHINGTON, D.C. 20223

Freedom of Information Act Program  
Communications Center  
245 Murray Lane, SW, Building T-5, Mail Stop 8205  
Washington, D.C. 20223

Date: July 19, 2024

Will Scolinos  
611 Pennsylvania Ave SE #231  
Washington, DC 20003  
Email: foia@aflegal.org

File Number: 20241105

Dear Requester:

This letter acknowledges the receipt of your recent Freedom of Information Act (FOIA) request, received by the United States Secret Service (Secret Service) on July 19, 2024, for:

1. Reports relating to USSS's progress in meeting its staffing targets ("increasing the Secret Service's workforce by 300 personnel per year in fiscal years 2023 through 2025" and "an increase of 119 personnel in Fiscal Years 2021 and 209 personnel in fiscal year 2022") established under in its Fiscal Years 2021-2025 Human Capital Strategic Plan ("the Plan"),
2. The number of USSS personnel and staffing targets in the Plan for the Uniformed Division for each month since January 2021 through the date of processing.
  1. Include records sufficient to show the number of personnel and targets for each of the following: Airspace Security Branch, Canine Explosive Detection Unit, Counter Assault Team, Counter Sniper Team, Counter Unmanned Aerial Systems, Emergency Response Team, Hazardous Agent Mitigation Medical Emergency Response Team, Specialized Rifle Unit, and Technical Operations Branch,
3. The number of USSS personnel and staffing targets in the Plan for the Presidential Protective Division (or Detail) for each month since January 2021 through the date of processing,
4. The number of USSS personnel and staffing targets in the Plan for the Former President's Detail Protective Division ("PPD") for each month from January 2021 through the date of processing,
5. The number of USSS personnel and staffing targets in the Plan at each USSS field office as of July 13, 2024,
6. The identity of USSS staffing targets as defined by any other means than workforce targets covered in Request 5 above on July 13, 2024,

7. All communications about and with retired agents returning to USSS as Special Agents to increase USSS staffing,
8. The number of USSS employees who retired before June 15, 2024, who remain on the USSS payroll,
9. Records relating to a heightened threat environment and/or lack of resources for advance teams. This includes all records indicating advance teams required additional time, training, or personnel,
10. All electronic communications, with the term “understaffed” or “staffing target” sent to or from custodians listed in Part II.

The time period for items in this request without a specific date range is May 1, 2024, through the date this request is processed.

### **Part II. Custodians**

- A. Kimberly Cheatle, Director
- B. Ronald L. Rowe, Jr., Deputy Director
- C. Cynthia Sjoberg Radway, Chief Operating Officer
- D. Michael Plati, Assistant Director, Office of Protective Operations
- E. Brian S. Lambert, Assistant Director, Office of Investigations
- F. Vincent Tutoni, Assistant Director, Office of Intergovernmental & Legislative Affairs
- G. David M. Smith, Assistant Director, Office of Professional Responsibility
- H. David Torres, Assistant Director, Office of Strategic Intelligence and Information
- I. Milton D. Wilson, Assistant Director, Office of Training
- J. Michael A. Buck, Chief, Uniformed Division
- K. Thomas F. Huse, Chief Counsel
- L. Ted Maliga, Chief Technology Officer
- M. Stephen Roncone, Chief Financial Officer
- N. Joseph Eddy, Chief Strategy Officer
- O. Kevin J. Nally, Chief Information Officer
- P. Kyo M. Dolan, Chief of Staff
- Q. Delisa Walker Hall Chief Human Capital Officer, Office of Human Resources
- R. Stephen Roncone, Chief Financial Officer.

You have requested expedited processing of your request under the Department of Homeland Security (DHS) standard permitting expedition when a requester demonstrates a “compelling need.” Your request for expedited treatment has been denied.

Under the DHS/FOIA regulation, 6 C.F.R., Chapter I, Part 5 § 5.5, expedited processing of a FOIA request is warranted if the request involves “circumstances in which the lack of expedited treatment could reasonably be expected to pose an imminent threat to the life or physical safety of an individual” ((d)(1)(i)), or “an urgency to inform the public about an actual or alleged federal government activity, if made by a person primarily engaged in disseminating information” ((d)(1)(ii)). Requesters that seek expedited processing must submit a statement explaining, in detail, the basis for the request. Additionally, FOIA regulation, 6 C.F.R., Chapter I, Part 5 § 5.5(d)(3), requires that statements be certified, by the requester, to be “true and correct to the best of that person’s knowledge and belief.”

Please be advised, your request has been denied because you do not qualify under either category. You have not demonstrated that there is a threat to the life or physical safety of an individual nor have you demonstrated there is a particular urgency to inform the public about the government activity involved in the request, beyond the public's right to know about government activity, generally. Your letter was conclusory, in nature, and did not present any facts to justify a grant of expedited processing under the applicable standards.

If you deem the decision to deny expedited treatment to your request an adverse determination, you may exercise your appeal rights. Should you wish to file an administrative appeal, your appeal should be made in writing and received within sixty (60) days of the date of this letter, by writing to: Freedom of Information Appeal, Deputy Director, U.S. Secret Service, Communications Center, 245 Murray Lane, S.W., Building T-5, Washington, D.C. 20223. If you choose to file an administrative appeal, please explain the basis of your appeal and reference the case number listed above.

Additionally, you have the right to seek dispute resolution services from the Office of Government Information Services (OGIS) which mediates disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Please note that contacting the Secret Service's FOIA Program and/or OGIS **is not** an alternative to filing an administrative appeal and **does not** stop the 90-day appeal clock. You may contact OGIS at: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001. You may also reach OGIS via e-mail at [ogis@nara.gov](mailto:ogis@nara.gov), telephone at 202-741-5770/toll free at (877) 684-6448, or facsimile at (202) 741-5769.

Your request for a fee waiver will be held in abeyance pending the quantification of responsive records. The FOIA regulations, Title 6 C.F.R., Chapter I, Part 5 § 5.11(k)(2)(3), set forth six factors to examine when determining whether the applicable legal standard for a fee waiver has been met. We will consider these factors:

- 1) Whether the subject of the requested records concerns "the operations or activities of the government;"
- 2) Whether the disclosure is "likely to contribute" to an understanding of government operations or activities;
- 3) Whether disclosure of the requested information will contribute to the understanding of the public at large, as opposed to the individual understanding of the requestor or a narrow segment of interested persons;
- 4) Whether the contribution of public understanding of government operations or activities will be "significant;"
- 5) Whether the requester has a commercial interest that would be furthered by the requested disclosure; and
- 6) Whether the magnitude of any identified commercial interest to the requestor is sufficiently large in comparison with the public interest in disclosure, that disclosure is primarily in the commercial interest of the requestor.

In the event that your fee waiver is denied, we shall charge you for the records in accordance with FOIA regulations as they apply to non-commercial ("all other") requesters. The first 100 pages of duplication are free of charge. As an "all other" requester, you will be charged .10 cents a page for

the duplication of each additional page. As an “all other” requester, the first 2 hours of search time are free of charge, after which you will be charged the per quarter-hour rate (\$4.00, \$7.00, \$10.25) of the searcher.

Furthermore, the submission of your request is viewed as an agreement, by you, to pay duplication and search time costs up to \$25.00. A search for files responsive to your request is being conducted. The appropriate components of the Secret Service are being queried for responsive documents. If any responsive records are located, they will be reviewed for a disclosure determination. You will be contacted before any additional fees are accrued.

Due to the increasing number of FOIA requests received by this office, we may encounter some delay in processing your request. As your request seeks documents that will require a thorough and wide-ranging search, the Secret Service will invoke a 10-day extension for your request pursuant to 6 C.F.R., Part 5 § 5.5(c). If you would like to narrow the scope of your request, please contact our office. We will make every effort to comply with your request in a timely manner. Additionally, per Section 5.5(a) of the FOIA regulations, 6 C.F.R, Chapter I, Part 5, Secret Service processes FOIA requests according to their order of receipt.

If you need any further assistance, or would like to discuss any aspect of your request, please contact our FOIA Public Liaison Kevin Tyrrell, at (202) 220-1819. Alternatively, you may send an e-mail to [FOIA@usss.dhs.gov](mailto:FOIA@usss.dhs.gov). FOIA File No. 20241105 is assigned to your request. Please refer to this file number in all future communication with this office. We solicit your cooperation and assure you that the search will be conducted as expeditiously as possible.

Thank you,

Freedom of Information Act Program  
United States Secret Service  
245 Murray Lane, SW, Building T-5, Mail Stop 8205  
Washington, DC 20223  
Phone: (202) 220-1819  
Fax: (202) 220-1755  
Email: [FOIA@USSS.DHS.GOV](mailto:FOIA@USSS.DHS.GOV)