



United States Department of State

Washington, D.C. 20520

April 22, 2025

Request No.: F-2025-12125

Will Scolinos
America First Legal Foundation
611 Pennsylvania Ave SE #231
Washington, DC 20003
Sent via email: foia@aflegal.org

Dear Mr. Scolinos:

This letter is in regards to your Freedom of Information Act ("FOIA") request received by the U.S. Department of State, Information Access Programs Directorate on March 18, 2025. This Office assigned your request the subject reference number and placed it in the complex processing track where it will be processed as quickly as possible.

This Office will not be able to respond within the 20 days provided by the statute due to "unusual circumstances." In this instance, the unusual circumstances include the need to search for and collect requested records from other Department offices or Foreign Service posts.

You requested a waiver for all fees associated with the processing of your request. Fees shall be waived or in rare cases; perhaps involving exceptional burden or expenditure of public resources in the context of a request that minimally satisfies the "public interest" requirement, it may be possible to give effect to the language of the statute providing for "a charge reduced below the fees" by granting a reduction rather than a complete waiver of fees, if the Department determines that disclosure is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester. Your request does not meet the public interest standard set forth in § 22 CFR 171.16(j)(2)(ii). Therefore, this Office denies your request for a fee waiver.

The Department has determined that you fall within the "news media" requester fee category. News media requesters are not charged fees for search or review and receive the first 100 pages of duplication (or equivalent) free of charge per request. However, after the first 100 pages of duplication, OMB's Uniform Freedom of Information Act (FOIA) Fee Schedule and Guidelines allow agencies to recover the "reasonable direct cost of duplication" for all fee categories of FOIA requesters. (See Section 7(d) of the OMB Uniform Freedom of Information Act Fee Schedule and Guidelines.) The term "duplication" refers to "the process of making a copy of a document necessary to respond to a FOIA request." (See Section 6(e) of the OMB Uniform Freedom of Information Act Fee Schedule and Guidelines.) The Department of State FOIA regulations, 22 CFR Part 171.16(b), define "direct costs" as "those expenses the Department incurs...duplicating...in response to a FOIA request. For example, direct costs include the salary of the employee performing the work (i.e., the basic rate of pay for the employee, plus 16 percent of that rate to cover benefits) and the cost of operating computers and other electronic equipment, such as photocopiers and scanners. The term does not include overhead expenses such as the costs of space and of heating or lighting of a facility." (See 22 CFR 171.1(b))

Your request indicated a willingness to pay \$25.00. The Department anticipates that the direct costs of duplication for an employee to create the standard digital files which will be provided in our response to you will exceed the amount you indicated you were willing to pay. Pursuant to the Department's FOIA Regulations, 22 CFR 171.16(e)(3), **we ask that you provide a willingness to pay the direct costs of duplication for a minimum of two productions totaling \$62.50.**

Your request will be tolled and will not be processed further until we receive confirmation of your willingness to pay the estimated direct cost of duplication fees. **Your response is due within 30 calendar days of this letter and no later than May 21, 2025.** Please provide your determination of your willingness to pay the above specified amount via email to FOIAStatus@state.gov. If we do not receive your response by the stated due date, your request will be administratively closed.

If you have any questions regarding your request, would like to narrow the scope or arrange an alternative time frame to speed its processing, or would like an estimated date of completion, please contact our FOIA Requester Service Center or our FOIA Public Liaison by email at FOIAstatus@state.gov or telephone at 202-261-8484.

If you are not satisfied with this determination, you may administratively appeal by writing to: Appeals Officer, Information Access Programs Directorate (A/SKS/IAP), U.S. Department of State, 2201 C Street, NW, Washington, D.C. 20520; by fax to (202) 485-1718; or by email to FOIAAppeals@state.gov. Your appeal must be postmarked or electronically transmitted within 90 days of the date of this correspondence. Please include a copy of this correspondence with your written appeal and clearly state why you disagree with the determinations set forth in this response.

Additionally, if you are not satisfied with Department's determination in response to your request, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration (NARA) 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, email address: ogis@nara.gov; telephone: (202) 741-5770; toll free number: 1-877-684-6448.

Sincerely,

Megan Farrell

(for)

Ennelle Debrosse

Supervisory Government Information Specialist

FOIA Case Processing Office

Information Access Programs Directorate

Enclosures: As stated herein.