

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

The Center for Reproductive Rights
199 Water Street
New York, NY 10038

Plaintiff,

v.

U.S. Department of State
The Executive Office
Office of the Legal Adviser, Room 5519
Washington, DC 20520

Defendant.

Civil Action No. 25-4338 (LLA)

FIRST AMENDED COMPLAINT

NATURE OF ACTION
(Freedom of Information Act)

Plaintiff, the Center for Reproductive Rights (“the Center” or “Plaintiff”), brings this action against Defendant, the U.S. Department of State (“State Department”) under the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, and the Declaratory Judgment Act, 28 U.S.C. §§ 2201 and 2202, seeking declaratory and injunctive relief to compel compliance with the requirements of FOIA.

On August 29, 2025, the Center filed a FOIA request with the State Department seeking certain information regarding the potential destruction of contraceptive supplies purchased with taxpayer funds by the U.S. Agency for International Development (“USAID”) to provide critical reproductive health care in five African countries. On December 3, 2025, the Center filed another FOIA request with the State Department seeking information pertaining to State Department guidance, policy, and enforcement of the “Siljander Amendment” to the Fiscal Year (“FY”) 1982

Foreign Assistance and Related Programs Appropriations Act. On January 27, 2026, the Center filed a third FOIA request with the State Department, seeking updated information regarding the potential destruction of the contraceptive supplies purchased by USAID.

As further alleged below, the information that the Center seeks—about the State Department’s decision to destroy the contraceptive supplies, any alternatives to destruction that the State Department considered, the cost of destruction, and the State Department’s compliance with and enforcement of federal law regarding foreign assistance funds—are directly relevant to the Center’s mission to expand access to contraception around the world. The requested information is also vital to the public interest in understanding the operations and activities of the government, being able to scrutinize the government’s decisions, and holding the government accountable.

The State Department has not claimed that the requested information is subject to any FOIA exceptions or privilege and has not advanced any other reason why it should not be disclosed. Despite the statutory requirement that an agency respond to a FOIA request within 20 days, or 30 days in the case of unusual circumstances, it has now been 203 days since the Center filed its first FOIA request, 107 days since the Center filed its second request, and 52 days since the Center filed its third request. The State Department has failed to produce any documents in response to any of the Center’s three requests. The Center seeks to compel the State Department to comply with its obligations under FOIA and promptly produce the requested information.

PARTIES

1. Plaintiff, the Center for Reproductive Rights, is a 501(c)(3) non-profit corporation incorporated under the laws of the State of New York and headquartered at 199 Water Street, New York, NY 10038. The Center is dedicated to using the power of law to advance reproductive

rights as fundamental human rights around the world. It is the only global legal advocacy organization dedicated to reproductive rights, and its litigation and advocacy has played a key role in expanding access to reproductive health care around the world.

2. Defendant U.S. Department of State is an “agency” of the United States Government as defined by 5 U.S.C. § 551(1) and 5 U.S.C. § 552(f)(1). The State Department is headquartered at 2201 C Street NW, Washington, DC 20520. The State Department has possession, custody, and control of the documents that the Center seeks in response to its FOIA Request.

JURISDICTION AND VENUE

3. This Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331, 2201, and 2202 and 5 U.S.C. § 552(a)(4)(B).

4. Venue is proper pursuant to 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. § 1391(e).

5. Because Defendant failed to comply with the requirements in 5 U.S.C. § 552(a)(6)(A) and 5 U.S.C. § 552(a)(6)(B), the Center is deemed to have constructively exhausted its administrative remedies pursuant to 5 U.S.C. § 552(a)(6)(C)(i) and is now entitled to judicial action enjoining Defendant from continuing to withhold responsive records and ordering the production of improperly withheld records, *see* 5 U.S.C. § 552(a)(4)(B).

STATEMENT OF FACTS

A. The “Siljander Amendment”

6. In 1981, Congress enacted an amendment to the FY 1982 Foreign Assistance and Related Programs Appropriations Act.¹ The “Siljander Amendment,” named after then-

¹ Luisa Blanchfield, *Abortion Funding Restrictions in Foreign Assistance Legislation*, CONG. RSCH. SERV., IF12235 (Apr. 12, 2024), available at https://www.congress.gov/crs_external_products/IF/PDF/IF12235/IF12235.6.pdf.

Representative Mark Siljander, prohibited U.S. funds from being used to lobby for abortion. Congress subsequently modified the amendment to state that U.S. funds may not be used to “lobby for or against abortion.”²

7. In October 2011, the Government Accountability Office (“GAO”) issued a report finding that the State Department had developed no clear guidance on how to comply with the Siljander Amendment, making it difficult for both State Department officials and award recipients to determine what activities were prohibited.³ GAO recommended that the State Department develop specific guidance indicating what kinds of activities may be prohibited and disseminate that guidance throughout the agency and to award recipients.⁴ The State Department concurred with the GAO recommendation only insofar as it agreed to disseminate internal guidance informing staff of the Siljander Amendment, but declined to provide examples of potentially prohibited activities.⁵ The State finalized such guidance and included it in its 2015 and 2016 Federal Assistance Policy Directive, available to all State staff. In April 2016, the guidance was made available to award recipients and sub-recipients through its Standard Terms and Conditions located on State’s website.⁶ The Terms and Conditions guidance informed recipients “that none of the funds provided by this award shall be used to issue grant funds to lobby for or against abortion,” and that “none of the funds provided by this award shall be used to pay for the

² *Id.*

³ U.S. Gov’t Accountability Office, *U.S. Foreign Assistance: Clearer Guidance on Siljander Amendment Needed*, GAO-12-35 (Oct. 13, 2011) available at <https://www.gao.gov/products/gao-12-35>.

⁴ *Id.*

⁵ *Id.*

⁶ *Id.*

performance of abortion as a method of family planning or to motivate or coerce any person to practice abortions.”⁷ Definitions of prohibited lobbying activities are not provided.⁸

8. In 2019, then-Secretary of State Michael Pompeo announced an enforcement action against the Organization of American States (“OAS”), reducing U.S. contributions to OAS by \$210,000⁹ for alleged Siljander violations. Then-Secretary Pompeo also directed his staff to include a provision in foreign assistance agreements with the OAS that explicitly prohibits the use of funds to lobby for or against abortion.¹⁰

B. The Dismantling of USAID

9. On the same day he took office on January 20, 2025, President Donald J. Trump signed Executive Order 14169, “Reevaluating and Realigning United States Foreign Aid,” which paused new obligations and disbursements of U.S. foreign development assistance funds pending a 90-day review of foreign development assistance programs.¹¹

10. On January 24, 2025, a State Department communique announced a pause on all new obligations of funding for foreign assistance programs funded by the State Department and USAID and ordered officers to immediately issue stop-work orders.¹²

⁷ U.S. Dep’t of State, Standard Terms and Conditions, § XXX (2016), available at <https://www.state.gov/wp-content/uploads/2021/01/U.S.-Department-of-State-Standard-Terms-and-Conditions.pdf>.

⁸ *Id.*

⁹ Carol Morello, *Pompeo cuts OAS funds over advocacy of legal abortion*, WASH. POST, (Mar. 26, 2019).

¹⁰ Michael R. Pompeo, Secretary of State, Remarks to the Press, U.S. DEP’T OF STATE (Mar. 26, 2019), available at <https://2017-2021.state.gov/remarks-to-the-press-7>.

¹¹ Exec. Order No. 14169, 90 Fed. Reg. 8619 (Jan. 30, 2025), <https://www.govinfo.gov/content/pkg/FR-2025-01-30/pdf/2025-02091.pdf>.

¹² Fatma Tanis, *U.S. Puts Virtually All Foreign Aid on 90-Day Hold, Issues ‘Stop-Work’ Order*, NPR (Jan. 24, 2025), <https://www.npr.org/sections/goats-and-soda/2025/01/24/g-s1-44643/trump-foreign-aid-assistance-pause>.

11. On January 24, 2025, USAID issued a Notice on Implementation of the Executive Order, which directed its officers to issue stop-work orders.¹³

12. On January 27, 2025, more than 50 USAID senior employees were put on leave.¹⁴

13. On January 28, 2025, Secretary of State Marco Rubio issued a waiver of the pause on foreign assistance for “life-saving humanitarian assistance,” but that waiver did not apply to “activities that involve abortions [or] family planning”¹⁵

14. On May 28, 2025, the Office of Management and Budget proposed billions of dollars in rescissions from the budgets for the State Department and USAID. This cancellation of funding previously appropriated by Congress included \$500 million in rescissions from USAID’s Global Health Programs, seeking to eliminate programs “that are antithetical to American interests and worsen the lives of women and children, like ‘family planning’ and ‘reproductive health.’”¹⁶ On June 12, 2025, the House passed a bill to rescind the proposed amounts. The bill passed the Senate with an amendment on July 17, and the rescissions were enacted as law on July 24, 2025.¹⁷

¹³ USAID, *Notice on Implementation of Executive Order on Reevaluating and Realigning United States Foreign Aid* (Jan. 24, 2025), <https://research.jhu.edu/wp-content/uploads/2025/02/2025.01.24-USAID-Stop-Work-Order.pdf>.

¹⁴ Daphne Psaledakis, Humeyra Pamuk, and Simon Lewis, *Trump Administration Targets Dozens of Senior USAID Staff After Aid Freeze*, REUTERS (Jan. 27, 2025), <https://www.reuters.com/world/us/trump-administration-puts-leave-nearly-60-usaid-career-staff-after-aid-freeze-2025-01-28/>.

¹⁵ Secretary of State Marco Rubio, *Emergency Humanitarian Waiver to Foreign Assistance Pause* (Jan. 28, 2025), <https://www.state.gov/emergency-humanitarian-waiver-to-foreign-assistance-pause/>.

¹⁶ Rescissions Proposals Pursuant to the Congressional Budget and Impoundment Control Act of 1974, 90 Fed. Reg. 24,298 (June 9, 2025), <https://www.govinfo.gov/content/pkg/FR-2025-06-09/pdf/2025-10377.pdf>.

¹⁷ Rescissions Act of 2025, 119th Cong. § 2 (2025).

15. On July 1, 2025, USAID officially shut down.¹⁸

C. USAID’s Contraception Stockpile

16. In July 2025, multiple news outlets reported that the Trump Administration planned to destroy contraceptive products worth approximately \$9.7 million.¹⁹ Those contraceptive products—acquired pursuant to the authority of and appropriations approved by Congress—were stored in a warehouse in Belgium and were intended for patients in low-income countries, including the Democratic Republic of the Congo, Kenya, Tanzania, Zambia, and Mali.

17. Instead of delivering the contraceptive products to their intended recipients, the Trump Administration decided to incinerate them, at additional taxpayer cost and environmental risk.²⁰ The State Department confirmed the decision to incinerate the contraceptive products and stated that it would cost \$167,000 to do so.²¹

18. The European governments, especially the Belgian and French governments, object to the destruction of these contraceptive products and are seeking to prevent their destruction.²²

19. According to Doctors Without Borders, a humanitarian non-governmental organization (“NGO”), the contraceptive products at issue have expiration dates ranging from 2027

¹⁸ Fatma Tanis and Leila Fadel, *USAID Officially Shuts Down and Merges Remaining Operations with State Department*, NPR (July 1, 2025), <https://www.npr.org/2025/07/01/nx-s1-5451372/usa-id-officially-shuts-down-and-merges-remaining-operations-with-state-department>.

¹⁹ See, e.g., Carter Sherman, *Trump Administration to Destroy Nearly \$10m of Contraceptives for Women Overseas*, THE GUARDIAN (July 18, 2025), <https://www.theguardian.com/us-news/2025/jul/18/trump-administration-destroy-contraceptives-usaid-africa>.

²⁰ Jeanna Smialek and Stephanie Nolen, *As Trump Administration Plans to Burn Contraceptives, Europeans Are Alarmed*, NEW YORK TIMES (Aug. 7, 2025), <https://www.nytimes.com/2025/08/07/world/europe/usa-id-contraceptives-trump.html>.

²¹ Rachel Treisman, *The U.S. is Destroying \$9.7 Million in Contraceptives. Is There Another Option?* NPR (July 28, 2025), <https://www.npr.org/sections/goats-and-soda/2025/07/28/nx-s1-5482742/the-u-s-is-destroying-9-7-million-in-contraceptives-is-there-another-option>.

²² See *supra* n.10.

through 2031, making the products effective and usable contraception tools.²³ Other humanitarian organizations offered to buy the contraceptive products from the U.S. government and to distribute them, but the U.S. government rejected those offers, citing the “Mexico City policy” and falsely characterizing the contraceptives at issue as “abortifacients.”²⁴ Under the so-called “global gag rule,” also known as the “Mexico City policy,” foreign NGOs are not allowed to use U.S. federal funds to provide, counsel, or advocate for legal abortion services.²⁵ The Trump Administration reinstated that policy on January 24, 2025.²⁶

20. Contraceptives are not abortifacients. Contraceptives prevent pregnancy; abortifacients are substances that terminate an existing pregnancy.

21. On September 11, 2025, a spokeswoman for USAID told the *New York Times* that the contraceptives had been destroyed.²⁷ However, the Flemish Government quickly refuted this announcement, stating that the products remained in a Belgian warehouse and had not yet been destroyed.²⁸ Further reporting and information from the Flemish government revealed that the previous estimate of \$9.7 million worth of contraceptive supplies may have been misrepresented by the U.S. government. In addition to four truckloads of contraception (approximately \$10 million worth of product) being stored near Antwerp, authorities in the Flanders region confirmed

²³ *Id.*

²⁴ Stephanie Nolan, Jeanna Smialek and Edward Wong, *\$10 Million in Contraceptives Have Been Destroyed on Orders From Trump Officials*, NEW YORK TIMES (Sep. 11, 2025), <https://www.nytimes.com/2025/09/11/health/usaid-contraceptives-destroyed-trump.html> (citing a spokeswoman for USAID as saying, “[t]he administration will no longer supply abortifacient birth control under the guise of foreign aid.”).

²⁵ Treisman, *supra*.

²⁶ The Mexico City Policy, 90 Fed. Reg. 8753 (Feb. 3, 2025), available at <https://www.federalregister.gov/documents/2025/02/03/2025-02176/the-mexico-city-policy>.

²⁷ Nolan, Smialek and Wong, *supra*.

²⁸ *Id.*

that there were 20 additional truckloads of abandoned products in another warehouse in Kallo, Belgium.²⁹

D. The Center's First FOIA Request

22. Given the lack of clarity and transparency surrounding the U.S. government's stockpile of contraceptive products and its possible destruction, on August 29, 2025, the Center filed a FOIA request with the State Department seeking information about the decision to potentially destroy \$9.7 million in contraceptive supplies purchased by USAID using U.S. taxpayer money.

23. The FOIA request also sought information regarding the process for determining (a) what alternatives to destruction were considered, including distribution of the contraceptive supplies and sale to willing third parties; (b) the cost to taxpayers of these alternatives, including destruction; and (c) why destruction was prioritized by the State Department. In addition, the Center sought information regarding political pressure from within the Trump Administration or external organizations opposed to reproductive rights to arrive at the decision to destroy the contraceptive supplies.

24. Pursuant to 5 U.S.C. § 552(a)(4)(A)(iii), the Center sought a waiver of the fees associated with its FOIA request, or, in the alternative, a reduction in fees given that "disclosure of the information 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." The Center provided supporting justification for its waiver request.

²⁹ Jeanna Smialek, *As Belgium Races to Save U.S.A.I.D. Contraception, Some Supplies Are Reported Ruined*, NEW YORK TIMES (Nov. 12, 2025), <https://www.nytimes.com/2025/11/12/world/europe/belgium-usaid-contraception.html>.

25. A true and correct copy of the Center’s FOIA request to the State Department is attached as **Exhibit A**.

26. Shortly following the submission of the FOIA request on the State Department’s FOIA Submission Site, the Center received an automated response acknowledging receipt of the FOIA request. A true and correct copy of this acknowledgement is attached as **Exhibit B**.

27. In a letter dated September 8, 2025, the State Department confirmed receipt of the FOIA request. The letter provided a request number of F-2025-26796. The letter stated that the State Department “will not be able to respond with 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.” The letter did not include the “date on which a determination is expected to be dispatched” as required under 5 U.S.C. § 552(a)(6)(B)(i). A true and correct copy of the State Department’s September 8, 2025, letter confirming receipt of the FOIA request and denying the Center’s request for a fee waiver is attached as **Exhibit C**.

28. The letter also denied the Center’s request for a fee waiver, finding that the Center’s FOIA request did not satisfy the public interest standard set forth in 22 CFR § 171.16(j)(2)(ii), which requires that disclosure of the requested records be “meaningfully informative about government operations or activities” and “contribute to the understanding of a reasonably broad audience of persons interested in the subject.” The letter stated that the State Department instead determined that the Center fell within the “All Other Requesters” fee category.

E. The Center’s Second FOIA Request

29. On December 3, 2025, the Center filed a separate FOIA request with the State Department seeking records containing information about whether the State Department has developed clear guidance and monitoring mechanisms regarding the Siljander Amendment since

the 2011 GAO report, how the Trump Administration interprets and enforces the Siljander Amendment, and whether enforcement is applied consistently to both organizational lobbying to expand abortion access and those lobbying to restrict abortion access.

30. Pursuant to 5 U.S.C. § 552(a)(4)(A)(iii), the Center sought a waiver of the fees associated with its FOIA request, or, in the alternative, a reduction in fees given that “disclosure of the information 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.” The Center provided supporting justification for its waiver request.

31. A true and correct copy of the Center’s FOIA request to the State Department is attached as **Exhibit D**.

32. Shortly following the submission of the FOIA request on the State Department’s FOIA Submission Site, the Center received an automated response acknowledging receipt of the FOIA request. A true and correct copy of this acknowledgement is attached as **Exhibit E**.

33. In a letter dated January 28, 2026, the State Department confirmed receipt of the FOIA request. The letter provided a request number of F-2025-05250. The letter stated that the State Department “will not be able to respond with[in] 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.” The letter did not include the “date on which a determination is expected to be dispatched” as required under 5 U.S.C. § 552(a)(6)(B)(i). A true and correct copy of the State Department’s January 28, 2026, letter confirming receipt of the FOIA request and denying the Center’s request for a fee waiver is attached as **Exhibit F**.

34. The State Department's January 28, 2026, letter also denied the Center's request for a fee waiver, finding that the Center's FOIA request did not satisfy the public interest standard set forth in 22 CFR § 171.16(j)(2)(ii), which requires that disclosure of the requested records be "meaningfully informative about government operations or activities" and "contribute to the understanding of a reasonably broad audience of persons interested in the subject." The letter stated that the State Department instead determined that the Center fell within the "news media" requester fee category. Under this category, the Center would not be charged fees for search or review for this specific request but would receive only the first 100 pages of duplication free of charge.

F. The Center's Third FOIA Request

35. Given the contradicting reports regarding the status and quantity of product in the U.S. government's stockpile of contraceptive products following the Center's initial FOIA request, on January 27, 2026, the Center filed another FOIA request with the State Department seeking updated information about the Trump Administration's decision to potentially destroy or let expire more than \$10 million, potentially up to \$40 million, in contraceptive supplies purchased by USAID using U.S. taxpayer funds. The FOIA request also sought clarity regarding the conflicting information released by the State Department about the existence and destruction of these products.

36. Pursuant to 5 U.S.C. § 552(a)(4)(A)(iii), the Center sought a waiver of the fees associated with its FOIA request, or, in the alternative, a reduction in fees given that "disclosure of the information 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." The Center provided supporting justification for its waiver request.

37. A true and correct copy of the Center’s FOIA request to the State Department is attached as **Exhibit G**.

38. Shortly following the submission of the FOIA request on the State Department’s FOIA Submission Site, the Center received automated responses acknowledging receipt of the FOIA request. True and correct copies of these acknowledgements are attached as **Exhibit H**.

39. In a letter dated February 10, 2026, the State Department confirmed receipt of the FOIA request. The letter provided a request number of F-2026-09688. The letter stated that the State Department “will not be able to respond with[in] 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.” The letter did not include the “date on which a determination is expected to be dispatched” as required under 5 U.S.C. § 552(a)(6)(B)(i). A true and correct copy of the State Department’s February 10, 2026, letter confirming receipt of the FOIA request and denying the Center’s request for a fee waiver is attached as **Exhibit I**.

40. The State Department’s February 10, 2026, letter also denied the Center’s request for a fee waiver, finding that the Center’s FOIA request did not satisfy the public interest standard set forth in 22 CFR § 171.16(j)(2)(ii), which requires that disclosure of the requested records be “meaningfully informative about government operations or activities” and “contribute to the understanding of a reasonably broad audience of persons interested in the subject.” The letter stated that the State Department instead determined that the Center fell within the “All Other Requesters” fee category.

G. The State Department’s Failure to Adequately Respond to the Center’s FOIA Requests

41. Pursuant to FOIA, within 20 business days of receipt of each of the Center’s requests, the State Department was required to “determine . . . whether to comply with such request” and to “immediately notify” the Center “of such determination and the reasons therefor.” 5 U.S.C. § 552(a)(6)(A)(i). In the case of an adverse determination, the State Department was required to notify the Center of its appeal rights within the same time frame. *Id.*

42. In the case of “unusual circumstances,” “the time limits . . . may be extended by written notice No such notice shall specify a date that would result in an extension for more than ten working days” 5 U.S.C. § 552(a)(6)(B)(i).

43. According to its September 8, 2025, January 28, 2026, and February 10, 2026 letters (attached as Exhibit C, Exhibit F, and Exhibit I), the State Department determined that each of the Center’s FOIA requests fell into the “unusual circumstances” exception. As a result, the State Department was required to “determine . . . whether to comply with such request” and notify the Center of such determination no later than October 14, 2025, January 16, 2026, and March 11, 2026, respectively. 5 U.S.C. § 552(a)(6)(A)(i).

44. As of the date of this Amended Complaint (i.e., a week after the statutory deadline for the Center’s most recent request), the State Department has failed to (a) notify the Center of any determination regarding any of its FOIA requests, including the scope of any responsive records the State Department intends to produce or withhold and the reasons for any withholding; or (b) produce the requested records or demonstrate that the requested records are lawfully exempt from production. *See id.*

45. The State Department’s failure to respond to the Center’s FOIA requests with determinations regarding the requests or the production of the requested records within the time

period required by law means that the Center has constructively exhausted its administrative remedies and it therefore seeks immediate judicial review. 5 U.S.C. § 552(a)(6)(C)(i).

COUNT I

Violation of FOIA, 5 U.S.C. § 552, *et seq.* (Access to Agency Records)

46. The Center incorporates each of the foregoing paragraphs of this Complaint as if they were fully set forth herein.

47. The State Department is an agency subject to FOIA and must therefore make reasonable efforts to search for requested records.

48. Pursuant to FOIA, 5 U.S.C. § 552(a), the Center has a statutory right to access the requested, non-exempt agency records.

49. The State Department has failed to respond to the FOIA Requests within the time limits set forth by FOIA, 5 U.S.C. § 552(a)(6)(A)(i).

50. The State Department has failed to conduct a reasonable search for records responsive to the Requests within the statutorily mandated time period.

51. The State Department is wrongfully withholding non-exempt agency records requested by the Center by failing to produce materials responsive to the Center's FOIA requests.

52. The State Department is wrongfully withholding non-exempt agency records requested by the Center by failing to segregate non-exempt information from otherwise exempt records responsive to the FOIA request.

53. When an agency has "improperly withheld" records, this Court may "enjoin the agency from withholding agency records" and "order the[ir] production." 5 U.S.C. § 552(a)(4)(B).

54. The State Department is in violation of its statutory obligations under FOIA.

55. The Center is thus entitled to declaratory and injunctive relief requiring the State Department to promptly produce all non-exempt records responsive to the FOIA requests and, if applicable, to provide a *Vaughn* index explaining, with specificity, the bases on which any responsive records are withheld as exempt.³⁰

COUNT II

Violation of FOIA, 5 U.S.C. § 552, et seq. (Fee Waiver)

56. The Center incorporates each of the foregoing paragraphs of this Complaint as if they were fully set forth herein.

57. Pursuant to FOIA, 5 U.S.C. § 552(a)(4)(A)(iii), documents are required to be provided to requesters without any charge or at reduced fees “if disclosure of the information 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.” 5 U.S.C. § 552(a)(4)(A)(iii).

58. As a 501(c)(3) nonprofit organization, the Center does not have a commercial purpose and the release of the information requested is not in the organization’s financial interest, but rather in the public interest by ensuring the public understands the operations and activities of USAID and the State Department.

³⁰ *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973). A Vaughn index must describe each document claimed as exempt with sufficient specificity “to permit a reasoned judgment as to whether the material is actually exempt under FOIA.” *Founding Church of Scientology of Washington, D.C., Inc. v. Bell*, 603 F.2d 945, 949 (D.C. Cir. 1979). Moreover, the Vaughn index “must describe each document or portion thereof withheld, and for each withholding it must discuss the consequences of disclosing the sought-after information.” *King v. U.S. Dept. of Justice*, 830 F.2d 210, 223–24 (D.C. Cir. 1987). Further, “the withholding agency must supply ‘a relatively detailed justification, specifically identifying the reasons why a particular exemption is relevant and correlating those claims with the particular part of a withheld document to which they apply.’” *Id.* at 224 (citing *Mead Data Central, Inc. v. U.S. Dept. of Air Force*, 566 F.2d 242, 251 (D.C. Cir. 1977)).

59. By failing, in each case, to grant the Center's requests for a fee waiver, including by categorizing the Center into two different and inconsistent fee categories, the State Department wrongfully denied the Center's requests for a fee waiver, denying the Center's rights under 5 U.S.C. § 552(a)(4)(A)(iii).

60. The Center is thus entitled to declaratory and injunctive relief requiring the State Department to produce the requested documents at no fee or, in the alternative, at a reduced fee.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court enter a judgment for Plaintiff and award the following relief:

- a. Order Defendant, by a date certain, to conduct a search that is reasonably likely to lead to the discovery of any and all records responsive to Plaintiff's FOIA requests;
- b. Order Defendant, by a date certain, to demonstrate that it has conducted a search that is reasonably likely to lead to the discovery of any and all records responsive to Plaintiff's FOIA requests;
- c. Order Defendant, by a date certain, to produce to Plaintiff any and all non-exempt records or portions of records responsive to Plaintiff's FOIA requests, and, if applicable, a *Vaughn* index of any records or portions of records withheld due to a claim of exemption;
- d. Enjoin Defendant from continuing to withhold any and all non-exempt records responsive to Plaintiff's FOIA requests;
- e. Order Defendant to produce to Plaintiff any and all non-exempt records or portions of records responsive to Plaintiff's FOIA requests at no fee or, in the alternative, at a reduced fee;

- f. Award Plaintiff its costs and attorneys' fees reasonably incurred in this action, pursuant to 5 U.S.C. § 552(a)(4)(E); and
- g. Grant Plaintiff such other and further relief as the Court may deem just and proper.

March 20, 2026

Respectfully submitted,

/s/ Ryan Quillian

Ryan Quillian (D.C. Bar No. 994846)
rquillian@cov.com
Brooke Stanley (D.C. Bar No. 1612821)
bstanley@cov.com
Sarah Haddon (D.C. Bar No. 9005098)
shaddon@cov.com
Julie Meyer (D.C. Bar No. 90029721)
jmeyer@cov.com
Covington & Burling LLP
One CityCenter
850 Tenth Street NW
Washington, D.C. 20001
Tel.: 202-662-6000
Fax: 202-662-6291

Counsel for the Center for Reproductive Rights

EXHIBIT A

August 29, 2025

U.S. Department of State
Information Access Liaison Office, A/SKS/IAP/IAL
2201 C Street N.W., Suite B266
Washington, D.C. 20520-0000

Re: Freedom of Information Request

To Whom It May Concern:

This letter constitutes a request made pursuant to the Freedom of Information Act, 5 U.S.C. § 552, and implementing regulations of the United States Department of State, 22 C.F.R. § 171.1 *et seq* (“State Department”).

Starting with the January 20, 2025, Executive Order 14169, “Reevaluating and Realigning United States Foreign Aid,”¹ the Trump Administration has been systematically dismantling the U.S. Agency for International Development (“USAID”). The Trump Administration has also taken steps to reduce USAID’s role in providing foreign assistance and transfer the functions currently assigned to USAID to the State Department or other agencies.

One consequence of these actions is that a stockpile of \$9.7 million in contraceptive supplies purchased by USAID through taxpayer funds is currently stuck unused in a Belgian warehouse. The contraceptives were meant to help provide critical reproductive health care in five African countries: Democratic Republic of the Congo, Kenya, Tanzania, Zambia, and Mali. Despite offers from multiple global partners to purchase and distribute these products immediately, reporting shows that the Trump Administration has decided to incinerate the contraceptives—at additional taxpayer cost and environmental risk.²

The Center for Reproductive Rights (“Center”) seeks to better understand the Trump Administration’s decision to potentially destroy \$9.7 million in contraceptive supplies purchased by USAID, which would result in a massive waste of taxpayer dollars. The Center also seeks information regarding the process for determining (a) what alternatives to destruction were considered—including distribution of the contraceptive supplies, sale to willing third parties, among others; (b) the cost to taxpayers of these alternatives; and (c) why destruction was prioritized by the State Department. Lastly, the Center also seeks information regarding political pressure from within the Trump Administration or external anti-rights organizations to arrive at this decision. Releasing this information is vital to the public interest to understand the potential destruction of products purchased using millions of dollars of taxpayer funds.

¹ Exec. Order No. 14169, 90 Fed. Reg. 19 (Jan. 30, 2025), *available at* <https://www.govinfo.gov/content/pkg/FR-2025-01-30/pdf/2025-02091.pdf>.

² Jeanna Smialek and Stephanie Nolen, *As Trump Administration Plans to Burn Contraceptives, Europeans Are Alarmed*, N.Y. TIMES, Aug. 7, 2025, *available at* <https://www.nytimes.com/2025/08/07/world/europe/usaids-contraceptives-trump.html>.

Records Requested

Please provide all responsive records from January 20, 2025, through the date this search is conducted (unless otherwise specified). As used herein, “records” means all records as defined in 22 C.F.R. § 171.1(b). Additionally, as used herein, any reference to the State Department encompasses all field offices (both current and past), Foreign Service posts abroad, as well as the central offices located in Washington, D.C. 22 C.F.R. §171.1(b)(2). For ease of search, we have included e-mail addresses for individuals whose e-mail addresses are publicly available—lack of e-mail address availability should not hinder the agency’s ability to conduct searches based on individual names or keywords.

We request the following to be produced within twenty business days:

1. All communications, meeting notices, meeting agendas, informational materials, draft legislation, draft rules, talking points, reports, disclosures, or other documents sent to, received by, or exchanged between any State Department employee (temporary or permanent), and any official, appointee, contractor, or grantee regarding the potential destruction of contraceptive supplies purchased by USAID and now being administered by the State Department.
2. The memorandum outlining the various options drafted by staff regarding the potential destruction of contraceptive supplies purchased by USAID and now being administered by the State Department.
3. All communications, meeting notices, meeting agendas, informational materials, draft legislation, draft rules, talking points, reports, disclosures, or other documents sent to, received by, or exchanged between any State Department employee (temporary or permanent), and any official, appointee, contractor, or grantee regarding money spent for the storage, transportation, and destruction of the contraceptive supplies.
4. All communications, meeting notices, meeting agendas, informational materials, draft legislation, draft rules, talking points, reports, disclosures, or other documents sent to, received by, or exchanged between any State Department employee (temporary or permanent), and any official, appointee, contractor, or grantee regarding the characterization of the contraceptive supplies as “abortifacients.”
5. Any and all contracts with third parties currently used or to be used in the future to store, transport, or destroy the contraceptive supplies in question.
6. All communications, meeting notices, meeting agendas, informational materials, draft legislation, draft rules, talking points, reports, disclosures, or other documents sent to, received by, or exchanged between any State Department employee (temporary or permanent), and any official, appointee, contractor, or grantee regarding offers from third parties to purchase the contraceptive supplies in question.

7. All communications, meeting notices, meeting agendas, informational materials, draft legislation, draft rules, talking points, reports, disclosures, or other documents sent to, received by, or exchanged between any State Department employee (temporary or permanent), and any official, appointee, contractor, or grantee with officials from the European Union, Belgium, France or any other foreign government regarding the contraceptive supplies in question.
8. All electronic communications (including emails, email attachments, complete email chains, calendar invitations, and calendar invitation attachment), or messages on messaging platforms (including but not limited to Microsoft Teams, Signal, Slack, GChat or Google Hangouts, Lync, Skype, X (formerly Twitter) direct messages, Facebook messages, Truth Social messages, WhatsApp, Telegram or Parler) regarding the potential destruction of contraceptive supplies purchased by USAID, and now being administered by the State Department, sent or received by any State Department officials, including but not limited to:
 - Marco Rubio
 - Michael A. Needham
 - T. Ulrich Brechbuhl
 - Lisa D. Kenna
 - Stephen E. Biegun
 - James L. Richardson
 - Sam Sampson
 - Jeremy Lewin
 - Kenneth Jackson
 - Michael Anton
 - Courtney E. Austrian
 - Deborah L. Birx
 - Kelley E. Currie
 - Peter Berkowitz

The Center seeks all responsive records regardless of format, medium, or physical characteristics. In conducting your search, please understand the terms “record,” “document,” and “information” in their broadest sense, to include any written, typed, recorded, graphic, printed, or audio material of any kind. We seek records of any kind, including electronic records, audiotapes, videotapes, and photographs, as well as letters, emails, facsimiles, telephone messages, voice mail messages and transcripts, notes, or minutes of any meetings, telephone conversations or discussions. Our request includes any attachments to these records. No category of material should be omitted from search, collection, and production.

In addition to the records requested above, the Center also requests records describing the processing of this request, including records sufficient to identify search terms used, locations and custodians searched, and any tracking sheets used to track the processing of this request. If your agency uses FOIA questionnaires or certifications completed by individual custodians or components to determine whether they possess responsive materials or to describe how they conducted searches, we also request any such records prepared in connection with the processing of this request.

Please search all records regarding agency business. You may not exclude searches of files or emails in the personal custody of your officials, such as personal email accounts or text messages. Records of official business conducted using unofficial systems or stored outside of official files are subject to the Federal Records Act and FOIA. It is not adequate to rely on policies and procedures that require officials to move such information to official systems within a certain period of time; the Center has a right to records contained in those files even if material has not yet been moved to official systems or if officials have, through negligence or willfulness, failed to meet their obligations.

Please note that in conducting a “reasonable search” as required by law, you must employ the most up-to-date technologies and tools available, in addition to searches by individual custodians likely to have responsive information. Recent technology may have rendered your agency’s prior FOIA practices unreasonable. In light of the government-wide requirements to manage information electronically by the end of 2016, it is no longer reasonable to rely exclusively on custodian-driven searches. Furthermore, agencies, including the State Department, which have adopted the National Archives and Records Agency Capstone program, or similar policies, now maintain emails in a form that is reasonably likely to be more complete than individual custodians’ files. For example, a custodian may have deleted a responsive email from his or her email program, but your agency’s archiving tools would capture that email under Capstone.

Accordingly, the Center requests that the State Department use the most up-to-date technologies to search for responsive information and take steps to ensure that the most complete repositories of information are searched. The Center is available to work with you to craft appropriate search terms. However, custodian searches are still required; agencies may not have direct access to files stored in .PST files, outside of network drives, in paper format, or in personal email accounts.

We request that you produce all responsive materials in their entirety; however, should you determine the materials contain information which falls within the statutory exemptions provided in 5 U.S.C. § 552 or 22 C.F.R. § 171.11, we request the information be reviewed for possible discretionary disclosure. We furthermore request that all reasonably segregable portions of the exempt material be provided. We request that any deleted material be described in detail, and that you specify the statutory basis for the denial as well as your reasons for believing that the alleged statutory justification applies in this instance. Please separately state your reasons for not invoking your discretionary powers to release the requested documents in the public interest. Such statements will be helpful in deciding whether to appeal an adverse determination.

Under the FOIA Improvement Act of 2016, agencies must adopt a presumption of disclosure, withholding information “only if . . . disclosure would harm an interest protected by an exemption” or “disclosure is prohibited by law.” If it is your position that any portion of the requested records is exempt from disclosure, the Center requests that you provide an index of those documents as required under *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973), *cert. denied*, 415 U.S. 977 (1974). As you are aware, a *Vaughn* index must describe each document claimed as exempt with sufficient specificity “to permit a reasoned judgment as to whether the material is

actually exempt under FOIA.”³ Moreover, the *Vaughn* index “must describe each document or portion thereof withheld, and for each withholding it must discuss the consequences of disclosing the sought-after information.”⁴ Further, “the withholding agency must supply ‘a relatively detailed justification, specifically identifying the reasons why a particular exemption is relevant and correlating those claims with the particular part of a withheld document to which they apply.’”⁵

You should institute a preservation hold on information responsive to this request. The Center intends to pursue all legal avenues to enforce its right of access under FOIA, including litigation if necessary. Accordingly, your agency is on notice that litigation is reasonably foreseeable.

To ensure that this request is properly construed, that searches are conducted in an adequate but efficient manner, and that extraneous costs are not incurred, the Center welcomes an opportunity to discuss its request with you before you undertake your search or incur search or duplication costs. By working together at the outset, the Center and your agency can decrease the likelihood of costly and time-consuming litigation in the future.

Waiver or Limitation of Fees

Pursuant to 5 U.S.C. § 552(a)(4)(A)(iii), documents are required to be provided to requesters without any charge or at reduced fees “if disclosure of the information 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.” We request a waiver (or, in the alternative, a reduction) of all fees because disclosure of the information would be in the public interest by contributing significantly to the public understanding of the decision to destroy millions of dollars of products purchased by taxpayer funds.

Founded in 1992, the Center is the only global legal advocacy organization dedicated to reproductive rights, and its litigation and advocacy has played a key role in expanding access to reproductive health care around the world. The Center uses information gathered, and its analysis of information gathered, to educate the public through reports, briefing papers, fact sheets, periodicals, articles, blog posts, and other educational materials. Likewise, the Center also makes the materials gathered available on its public website and promotes their availability on social media platforms, such as Facebook, X (formerly known as Twitter), and Instagram. The Center receives hundreds of thousands of website page views, monthly, and publishes newsletters for public dissemination. Thus, the Center has demonstrated commitment to the public disclosure of documents and creation of editorial content.

The Center does not make this request for commercial use. 45 C.F.R. § 5.54(b)(3). As a 501(c)(3) nonprofit organization, the Center does not have a commercial purpose, and the release

³ *Founding Church of Scientology of Washington, D.C. v. Bell*, 603 F.2d 945, 949 (D.C. Cir. 1979).

⁴ *King v. U.S. Dep’t of Just.*, 830 F.2d 210, 223-24 (D.C. Cir. 1987).

⁵ *Id.* at 224.

of the information requested is not in the organization's financial interest. Accordingly, the Center qualifies for a fee waiver.

In the event that you determine you are unable to waive the fees, please provide us with prior notice if the total fees authorized will exceed \$200 so that we can discuss arrangements.

Conclusion

The Center looks forward to working with your agency on this request. Thank you for your prompt attention to this matter.

With respect to the form of production, *see* 5 U.S.C. § 552(a)(3)(B), the Center requests that responsive materials be provided electronically by email or in PDF or TIF format on a USB drive. Please send any responsive material being provided and acknowledgement of receipt of this request to:

Manasi Raveendran
c/o Julia Long
Center for Reproductive Rights
1600 K Street, NW, 7th Floor
Washington, DC 20006
Phone: (202) 524-5536
Email: MRaveendran@reprorights.org

If it will accelerate release of responsive records, please also provide responsive material on a rolling basis.

If you do not understand any part of this request, have any questions, or foresee any problems in fully releasing the requested records, please contact Manasi Raveendran at (202) 524-5536 if you have any questions. Thank you for your assistance.

Sincerely,

Manasi Raveendran

EXHIBIT B

Manasi Raveendran

From: foiastatus@state.gov
Sent: Friday, August 29, 2025 2:51 PM
To: Manasi Raveendran
Subject: Status Update for Request #F-2025-26796 with U.S. Department of State

You don't often get email from foiastatus@state.gov. [Learn why this is important](#)

Dear Manasi Raveendran,

The status of your FOIA request #F-2025-26796 has been updated to the following status 'Received'. To learn more, you may log into the DoS FOIA Portal via the Application URL at <https://pal.foia.state.gov>.

If that status is "On Hold", please review the email you received and provide the requested information. If you did not receive an email, please contact the FOIA Requester Service Center via email at FOIAStatus@state.gov.

If that status is "Closed" or "Documents Delivered", then the Department's response will be emailed or mailed (via US Postal Service). Please check your email account (including junk/spam mail) for the Department's response OR allow 7 to 10 business days to receive the Department's response by US Postal Service mail.

Regards,
U.S.
Department of State

EXHIBIT C



United States Department of State

Washington, D.C. 20520

September 8, 2025

Request No.: F-2025-26796

Manasi Raveendran
1600 K St NW, Suite 700
Washington DC, DC 20006
Sent via email: mraveendran@reprorights.org

Dear Manasi Raveendran:

This letter acknowledges receipt of your Freedom of Information Act (FOIA) request received by the U.S. Department of State, Information Access Programs Directorate on August 29, 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.

Fee Waiver Determination. 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.

Fee Category Determination. The Department has determined that you fall within the “All Other Requesters” fee category. All Other requesters are charged fees which recover the full reasonable direct cost of searching for and reproducing records that are responsive to the request. Except that the first 100 pages of reproduction and the first two hours of search time shall be furnished without charge. 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. The term “duplication” refers to “the process of making a copy of a document necessary to respond to a FOIA request.” 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.”

Your request indicates a willingness to pay fees up to \$200.00. Should our estimate for the total cost of processing your request exceed this amount, we will contact you before fees are incurred.

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 Randall H. at FOIA_Inquiry@state.gov or our FOIA Public Liaison via 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 the 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,

Ennelle Debrosse

Ennelle Debrosse
Supervisory Government Information Specialist
FOIA Case Processing Office
Information Access Programs Directorate

Enclosures: As stated herein.

EXHIBIT D

December 03, 2025

U.S. Department of State
Information Access Liaison Office, A/SKS/IAP/IAL
2201 C Street N.W., Suite B266
Washington, D.C. 20520-0000

Re: Freedom of Information Request

To Whom It May Concern:

This letter constitutes a request made pursuant to the Freedom of Information Act, 5 U.S.C. § 552, and implementing regulations of the United States Department of State, 22 C.F.R. § 171.1 *et seq* (“State Department”).

In the Fiscal Year (FY) 1982 Foreign Assistance and Related Programs Appropriations Act, Congress enacted an amendment, named after then-Representative Mark Siljander, specifying that no U.S. funds may be used to lobby for abortion.¹ Congress subsequently modified the amendment to state that funds may not be used to “lobby for or against abortion.”² The amendment, now colloquially known as the “Siljander Amendment,” has been included in all subsequent State, Foreign Operations, and Related Programs (“SFOPS”) appropriations bills.³

In October 2011, the Government Accountability Office (“GAO”) issued a report finding that the State Department had developed no guidance on Siljander Amendment compliance, making it difficult for both State Department officials and award recipients to determine what activities are prohibited.⁴ GAO recommended that the State Department develop specific guidance indicating what kinds of activities may be prohibited and disseminate this guidance throughout the agency and to award recipients. The State Department concurred only that it should inform staff of the Siljander Amendment but declined to provide examples of potentially prohibited activities.⁵

In 2019, then-Secretary of State Mike Pompeo announced an enforcement action against the Organization of American States (“OAS”), reducing U.S. contributions by \$210,000⁶ for alleged Siljander violations and directing that explicit prohibitions be included in foreign assistance agreements with the OAS.⁷

¹ Luisa Blanchfield, *Abortion Funding Restrictions in Foreign Assistance Legislation*, CONG. RSCH. SERV., IF12235 (Apr. 12, 2024), available at https://www.congress.gov/crs_external_products/IF/PDF/IF12235/IF12235.6.pdf.

² *Id.*

³ *Id.*

⁴ U.S. Gov’t Accountability Office, *U.S. Foreign Assistance: Clearer Guidance on Siljander Amendment Needed*, GAO-12-35 (Oct. 13, 2011), available at <https://www.gao.gov/products/gao-12-35>.

⁵ *Id.*

⁶ Carol Morello, *Pompeo cuts OAS funds over advocacy of legal abortion*, WASH. POST, (Mar. 26, 2019), available at https://www.washingtonpost.com/world/national-security/pompeo-cuts-oas-funds-over-advocacy-of-legal-abortion/2019/03/26/4ea5314d-d7e0-48de-b636-e552447430b0_story.html.

⁷ Michael R. Pompeo, Secretary of State, Remarks to the Press, U.S. DEP’T OF STATE (Mar. 26, 2019), available at <https://2017-2021.state.gov/remarks-to-the-press-7>.

Since January 2025, the Trump administration has implemented a series of policies that significantly restrict abortion access and reproductive health services in U.S. foreign assistance programs. In January, President Trump reinstated and expanded the “Protecting Life in Global Health Assistance” policy (commonly known as the “Global Gag Rule”), which prohibits foreign non-governmental organizations that receive U.S. global health assistance from providing abortion services, counseling, referrals, or advocacy, even with non-U.S. funds.⁸ The administration has also taken unprecedented actions regarding contraceptive supplies, with officials characterizing contraceptive products purchased by the United States Agency for International Development (USAID) and stored in Belgium as “abortifacients” to justify their destruction, despite the biological reality that contraception and abortion are different.⁹ Additionally, when implementing the foreign aid freeze in early 2025, the Trump administration explicitly excluded abortion and family planning services from the category of “life-saving activities” that would be exempt from the freeze, effectively deprioritizing reproductive health care even in humanitarian contexts.¹⁰ These policy decisions raise significant questions about how and whether the administration is enforcing the Siljander Amendment.

The Center for Reproductive Rights (“Center”) seeks to better understand whether the State Department has developed clear guidance and monitoring mechanisms since the 2011 GAO report, how the Trump Administration interprets and enforces the Siljander Amendment, and whether enforcement is applied consistently to both organizations lobbying to expand abortion access and those lobbying to restrict abortion access. Releasing this information is vital to the public interest to understand taxpayer-funded activities, government oversight of foreign assistance, and whether statutory restrictions are being applied even-handedly.

Records Requested

Please provide all responsive records from January 20, 2025, through the date this search is conducted (unless otherwise specified). As used herein, “records” means all records as defined in 22 C.F.R. § 171.1(b). Additionally, as used herein, any reference to the State Department encompasses all field offices (both current and past), Foreign Service posts abroad, as well as the central offices located in Washington, D.C., 22 C.F.R. §171.1(b)(2).

We request the following to be produced within twenty business days:

1. All communications, meeting notices, meeting agendas, informational materials, draft legislation, draft rules, talking points, reports, disclosures, or other documents sent to, received by, or exchanged between any State Department employee (temporary or permanent), and any official, appointee, contractor, or grantee that discusses, references, or concerns:

⁸ The Mexico City Policy, 90 Fed. Reg. 8753 (Feb. 3, 2025), available at <https://www.federalregister.gov/documents/2025/02/03/2025-02176/the-mexico-city-policy>.

⁹ Rachel Treisman, *The U.S. Is Destroying 9.7 Million in Contraceptives. Is There Another Option?*, NPR (Jul. 28, 2025) available at <https://www.npr.org/sections/goats-and-soda/2025/07/28/nx-s1-5482742/the-u-s-is-destroying-9-7-million-in-contraceptives-is-there-another-option>.

¹⁰ Sarah Fortinsky, *Rubio exempting ‘life-saving humanitarian assistance’ from foreign aid restrictions*, THE HILL (Jan. 29, 2025), available at <https://thehill.com/homenews/administration/5113926-trump-executive-order-review/>.

- a. Lobbying activities related to abortion or abortion restrictions;
 - b. Advocacy for or against abortion-related legislation or policies in foreign countries, including but not limited to family planning, contraception, and religious freedom;
 - c. Concerns about potential Siljander Amendment violations;
 - d. Requests for clarification or technical assistance on permissible lobbying or advocacy activities under the Siljander Amendment;
 - e. Guidance or interpretations of what constitutes “lobbying” under the Siljander Amendment;
 - f. Guidance or interpretations of what constitutes “abortion” under the Siljander Amendment;
 - g. Case-by-case recommendations provided by the State Department regarding Siljander compliance.
2. All investigation files, complaint records, findings, determination letters, corrective action plans, suspension notices, termination notices, funding reductions, and related enforcement documents concerning alleged or confirmed violations of the Siljander Amendment, including but not limited to activities involving lobbying for abortion restrictions or anti-abortion legislation.
 3. All activity reports, work plans, and narrative reports submitted by grantee organizations that describe or reference legislative advocacy, policy advocacy, government relations, lobbying activities, or constitutional reform processes related to abortion, reproductive health legislation, or family planning policies.
 4. Sample or template foreign assistance agreements, grant terms and conditions, or contract provisions that include explicit language prohibiting use of funds to lobby for or against abortion. This request non-exclusively seeks records containing any of the following terms in relation to foreign assistance activities: “anti-abortion lobbying,” “pro-life advocacy,” “abortion restrictions,” “legislative advocacy,” “Siljander Amendment,” “lobbying for abortion restrictions,” “constitutional reform,” “policy advocacy abortion,” “GAO-12-35,” or similar terms indicating efforts to restrict or expand abortion access through legislative or policy channels.
 5. All internal guidance documents, standard operating procedures, compliance frameworks, or monitoring protocols concerning interpretation or enforcement of the Siljander Amendment currently in use at the State Department; and
 6. All training materials, presentations, webinars, or educational resources provided to State Department staff or grantee organizations regarding the Siljander Amendment.

The Center seeks all responsive records regardless of format, medium, or physical characteristics. In conducting your search, please understand the terms “record,” “document,” and “information” in their broadest sense, to include any written, typed, recorded, graphic, printed, or audio material of any kind. We seek records of any kind, including electronic records,

audiotapes, videotapes, and photographs, as well as letters, emails, facsimiles, telephone messages, voice mail messages and transcripts, notes, or minutes of any meetings, telephone conversations, or discussions. Our request includes any attachments to these records. No category of material should be omitted from search, collection, and production.

In addition to the records requested above, the Center also requests records describing the processing of this request, including records sufficient to identify search terms used, locations and custodians searched, and any tracking sheets used to track the processing of this request. If your agency uses FOIA questionnaires or certifications completed by individual custodians or components to determine whether they possess responsive materials or to describe how they conducted searches, we also request any such records prepared in connection with the processing of this request.

Please search all records regarding agency business. You may not exclude searches of files or emails in the personal custody of your officials, such as personal email accounts or text messages. Records of official business conducted using unofficial systems or stored outside of official files are subject to the Federal Records Act and FOIA. It is not adequate to rely on policies and procedures that require officials to move such information to official systems within a certain period of time; the Center has a right to records contained in those files even if material has not yet been moved to official systems or if officials have, through negligence or willfulness, failed to meet their obligations.

Please note that in conducting a “reasonable search” as required by law, you must employ the most up-to-date technologies and tools available, in addition to searches by individual custodians likely to have responsive information. Recent technology may have rendered your agency’s prior FOIA practices unreasonable. In light of the government-wide requirements to manage information electronically by the end of 2016, it is no longer reasonable to rely exclusively on custodian-driven searches. Furthermore, agencies, including the State Department, which have adopted the National Archives and Records Agency Capstone program, or similar policies, now maintain emails in a form that is reasonably likely to be more complete than individual custodians’ files. For example, a custodian may have deleted a responsive email from his or her email program, but your agency’s archiving tools would capture that email under Capstone.

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We request that you produce all responsive materials in their entirety; however, should you determine the materials contain information which falls within the statutory exemptions provided in 5 U.S.C. § 552 or 22 C.F.R. § 171.11, we request the information be reviewed for possible discretionary disclosure. We furthermore request that all reasonably segregable portions of the exempt material be provided. We request that any deleted material be described in detail,

and that you specify the statutory basis for the denial as well as your reasons for believing that the alleged statutory justification applies in this instance. Please separately state your reasons for not invoking your discretionary powers to release the requested documents in the public interest. Such statements will be helpful in deciding whether to appeal an adverse determination.

Under the FOIA Improvement Act of 2016, agencies must adopt a presumption of disclosure, withholding information “only if . . . disclosure would harm an interest protected by an exemption” or “disclosure is prohibited by law.” If it is your position that any portion of the requested records is exempt from disclosure, the Center requests that you provide an index of those documents as required under *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973), *cert. denied*, 415 U.S. 977 (1974). As you are aware, a *Vaughn* index must describe each document claimed as exempt with sufficient specificity “to permit a reasoned judgment as to whether the material is actually exempt under FOIA.”¹¹ Moreover, the *Vaughn* index “must describe each document or portion thereof withheld, and for each withholding it must discuss the consequences of disclosing the sought-after information.”¹² Further, “the withholding agency must supply ‘a relatively detailed justification, specifically identifying the reasons why a particular exemption is relevant and correlating those claims with the particular part of a withheld document to which they apply.’”¹³

You should institute a preservation hold on information responsive to this request. The Center intends to pursue all legal avenues to enforce its right of access under FOIA, including litigation if necessary. Accordingly, your agency is on notice that litigation is reasonably foreseeable.

To ensure that this request is properly construed, that searches are conducted in an adequate but efficient manner, and that extraneous costs are not incurred, the Center welcomes an opportunity to discuss its request with you before you undertake your search or incur search or duplication costs. By working together at the outset, the Center and your agency can decrease the likelihood of costly and time-consuming litigation in the future.

Waiver or Limitation of Fees

Pursuant to 5 U.S.C. § 552(a)(4)(A)(iii), documents are required to be provided to requesters without any charge or at reduced fees “if disclosure of the information 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.” We request a waiver (or, in the alternative, a reduction) of all fees because disclosure of the information would be in the public interest by contributing significantly to the public understanding of the decision to destroy millions of dollars of health products purchased with taxpayer funds.

Founded in 1992, the Center is the only global legal advocacy organization dedicated to reproductive rights, and its litigation and advocacy has played a key role in expanding access to

¹¹ *Founding Church of Scientology of Washington, D.C. v. Bell*, 603 F. 2d 945, 949 (D.C. Cir. 1979).

¹² *King v. U.S. Dep’t of Just.*, 830 F.2d 210, 223-24 (D.C. Cir. 1987).

¹³ *Id.* at 224.

reproductive health care around the world. The Center uses information gathered, and its analysis of information gathered, to educate the public through reports, briefing papers, fact sheets, periodicals, articles, blog posts, and other educational materials. Likewise, the Center also makes the materials gathered available on its public website and promotes their availability on social media platforms, such as Facebook, X (formerly known as Twitter), and Instagram. The Center receives hundreds of thousands of website page views, monthly, and publishes newsletters for public dissemination. Thus, the Center has demonstrated commitment to the public disclosure of documents and creation of editorial content.

The Center does not make this request for commercial use. 45 C.F.R. § 5.54(b)(3). As a 501(c)(3) nonprofit organization, the Center does not have a commercial purpose, and the release of the information requested is not in the organization's financial interest. Accordingly, the Center qualifies for a fee waiver.

In the event that you determine you are unable to waive the fees, please provide us with prior notice if the total fees authorized will exceed \$200 so that we can discuss arrangements.

Conclusion

The Center looks forward to working with your agency on this request. Thank you for your prompt attention to this matter.

With respect to the form of production, *see* 5 U.S.C. § 552(a)(3)(B), the Center requests that responsive materials be provided electronically by email or in PDF or TIF format on a USB drive. Please send any responsive material being provided and acknowledgement of receipt of this request to:

Mariakarla Nodarse Venancio
c/o Julia Long
Center for Reproductive Rights
1600 K Street, NW, 7th Floor
Washington, DC 20006
Phone: 917-637-3782
Email: MNodarse@reprorights.org

If it will accelerate release of responsive records, please also provide responsive material on a rolling basis.

If you do not understand any part of this request, have any questions, or foresee any problems in fully releasing the requested records, please contact Mariakarla Nodarse Venancio at 917-637-3782 if you have any questions. Thank you for your assistance.

Sincerely,
Mariakarla Nodarse Venancio

EXHIBIT E



Outlook

Status Update for Request #F-2026-05250 with U.S. Department of State

From foiastatus@state.gov <foiastatus@state.gov>

Date Wed 12/3/2025 10:56 AM

To Mariakarla Nodarse Venancio <MNodarse@reprorights.org>

You don't often get email from foiastatus@state.gov. [Learn why this is important](#)

Dear Mariakarla Nodarse Venancio,

The status of your FOIA request #F-2026-05250 has been updated to the following status 'Received'. To learn more, you may log into the DoS FOIA Portal via the Application URL at <https://pal.foia.state.gov>.

If that status is "On Hold", please review the email you received and provide the requested information. If you did not receive an email, please contact the FOIA Requester Service Center via email at FOIAStatus@state.gov.

If that status is "Closed" or "Documents Delivered", then the Department's response will be emailed or mailed (via US Postal Service). Please check your email account (including junk/spam mail) for the Department's response OR allow 7 to 10 business days to receive the Department's response by US Postal Service mail.

Regards,
U.S. Department of State

EXHIBIT F



United States Department of State

Washington, D.C. 20520

January 28, 2026

Request No.: F-2026-05250

Ms. Mariakarla Nodarse Venancio
1600 K St.
Washington, DC 20006
Sent via email: mnodarse@reprorights.org

Dear Mariakarla Nodarse Venancio:

This letter acknowledges receipt of your Freedom of Information Act (FOIA) request received by the U.S. Department of State, Information Access Programs Directorate on December 3, 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.

Fee Waiver Determination. 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.

Fee Category Determination. 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))

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 Joseph D., at FOIA_Inquiry@state.gov, or our FOIA Public Liaison via 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) 4851718; 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 the 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

Megan Farrell
Lead Government Information Specialist
FOIA Case Processing Office
Information Access Programs Directorate

EXHIBIT G

January 27, 2026

U.S. Department of State
Information Access Liaison Office, A/SKS/IAP/IAL
2201 C Street N.W., Suite B266
Washington, D.C. 20520-0000

Re: Freedom of Information Request

To Whom It May Concern:

This letter constitutes a request made pursuant to the Freedom of Information Act, 5 U.S.C. § 552, and implementing regulations of the United States Department of State, 22 C.F.R. § 171.1 *et seq* (“State Department”).

Starting with the January 20, 2025, Executive Order 14169, “Reevaluating and Realigning United States Foreign Aid,”¹ the Trump Administration has been systematically dismantling the U.S. Agency for International Development (“USAID”). The Trump Administration has also taken steps to reduce USAID’s role in providing foreign assistance and transfer the functions currently assigned to USAID to the State Department or other agencies.

One consequence of these actions is that a stockpile of at least \$9.7 million in contraceptive supplies purchased by USAID through taxpayer funds is currently stuck unused in a Belgian warehouse. The contraceptives were meant to help provide critical reproductive health care in five African countries: Democratic Republic of the Congo, Kenya, Tanzania, Zambia, and Mali. Despite offers from multiple global partners to purchase and distribute these products immediately, reporting shows that the Trump Administration has decided to incinerate the contraceptives—at additional taxpayer cost and environmental risk.²

Since these initial reports, news about this decision continues to cause concerns. First, in September 2025, the Trump administration incorrectly announced that the contraception had been destroyed, claiming that these products were actually “abortifacients,” and further distributing or selling them would allegedly violate the Global Gag Rule. The Flemish Government quickly refuted the Trump administration’s announcement, stating that the products remained in a Belgian warehouse, and no official request had come from the United States to move or destroy the contraception.³ Then, further reporting as well as information from the Flemish government showed that the previous estimate of contraceptive supplies might have

¹ Exec. Order No. 14169, 90 Fed. Reg. 19 (Jan. 30, 2025), *available at* <https://www.govinfo.gov/content/pkg/FR-2025-01-30/pdf/2025-02091.pdf>.

² Jeanna Smialek and Stephanie Nolen, *As Trump Administration Plans to Burn Contraceptives, Europeans Are Alarmed*, N.Y. TIMES, Aug. 7, 2025, *available at* <https://www.nytimes.com/2025/08/07/world/europe/usaaid-contraceptives-trump.html>.

³ *Id.*

been severely misrepresented by the US government.⁴ Specifically, the Flemish authorities reported that there were 20 *additional* truckloads of abandoned products.⁵

The Center for Reproductive Rights (“Center”) seeks to better understand the Trump administration’s decision to potentially destroy or let expire more than \$10 million, potentially up to \$40 million, in contraceptive supplies purchased by USAID, which would result in a massive waste of taxpayer dollars. The Center also seeks clarity for the public about the mis- and dis-information coming from the State Department about the existence and destruction of these products. Releasing this information is vital to the public interest to understand the potential destruction of products purchased using millions of dollars of taxpayer funds.

Records Requested

Please provide all responsive records from August 30, 2025, through the date this search is conducted (unless otherwise specified). As used herein, “records” means all records as defined in 22 C.F.R. § 171.1(b). Additionally, as used herein, any reference to the State Department encompasses all field offices (both current and past), Foreign Service posts abroad, as well as the central offices located in Washington, D.C. 22 C.F.R. § 171.1(b)(2).

We request the following to be produced within twenty business days:

1. All communications, meeting notices, meeting agendas, meeting notes, informational materials, draft legislation, draft rules, talking points, reports, disclosures, or other documents sent to, received by, or exchanged between any State Department employee (temporary or permanent), and any official, appointee, contractor, or grantee regarding the potential destruction of contraceptive supplies purchased by USAID and now being administered by the State Department.
2. All communications, meeting notices, meeting agendas, informational materials, draft legislation, draft rules, talking points, reports, disclosures, or other documents sent to, received by, or exchanged between any State Department employee (temporary or permanent), and any official, appointee, contractor, or grantee regarding money spent for the storage, transportation, and destruction of the contraceptive supplies.
3. All communications, meeting notices, meeting agendas, meeting notes, informational materials, draft legislation, draft rules, talking points, reports, disclosures, or other documents sent to, received by, or exchanged between any State Department employee (temporary or permanent), and any official, appointee, contractor, or grantee with officials from the European Union, Belgium, France or any other foreign government regarding the contraceptive supplies in question.

⁴ Jeanna Smialek, *As Belgium Races to Save U.S.A.I.D. Contraception, Some Supplies Are Reported Ruined*, N.Y. TIMES, Nov. 12, 2025, available at <https://www.nytimes.com/2025/11/12/world/europe/belgium-usaid-contraception.html>.

⁵ *Id.*

4. Complete inventory list of all contraceptive supplies in Belgium including product names and types, quantities, expiration dates for each item, purchase cost, and current storage locations.

The Center seeks all responsive records regardless of format, medium, or physical characteristics. In conducting your search, please understand the terms “record,” “document,” and “information” in their broadest sense, to include any written, typed, recorded, graphic, printed, or audio material of any kind. We seek records of any kind, including electronic records, audiotapes, videotapes, and photographs, as well as letters, emails, facsimiles, telephone messages, voice mail messages and transcripts, notes, or minutes of any meetings, telephone conversations, or discussions. Our request includes any attachments to these records. No category of material should be omitted from search, collection, and production.

In addition to the records requested above, the Center also requests records describing the processing of this request, including records sufficient to identify search terms used, locations and custodians searched, and any tracking sheets used to track the processing of this request. If your agency uses FOIA questionnaires or certifications completed by individual custodians or components to determine whether they possess responsive materials or to describe how they conducted searches, we also request any such records prepared in connection with the processing of this request.

Please search all records regarding agency business. You may not exclude searches of files or emails in the personal custody of your officials, such as personal email accounts or text messages. Records of official business conducted using unofficial systems or stored outside of official files are subject to the Federal Records Act and FOIA. It is not adequate to rely on policies and procedures that require officials to move such information to official systems within a certain period of time; the Center has a right to records contained in those files even if material has not yet been moved to official systems or if officials have, through negligence or willfulness, failed to meet their obligations.

Please note that in conducting a “reasonable search” as required by law, you must employ the most up-to-date technologies and tools available, in addition to searches by individual custodians likely to have responsive information. Recent technology may have rendered your agency’s prior FOIA practices unreasonable. In light of the government-wide requirements to manage information electronically by the end of 2016, it is no longer reasonable to rely exclusively on custodian-driven searches. Furthermore, agencies, including the State Department, which have adopted the National Archives and Records Agency Capstone program, or similar policies, now maintain emails in a form that is reasonably likely to be more complete than individual custodians’ files. For example, a custodian may have deleted a responsive email from his or her email program, but your agency’s archiving tools would capture that email under Capstone.

Accordingly, the Center requests that the State Department use the most up-to-date technologies to search for responsive information and take steps to ensure that the most complete repositories of information are searched. The Center is available to work with you to craft appropriate search terms. However, custodian searches are still required; agencies may not have

direct access to files stored in .PST files, outside of network drives, in paper format, or in personal email accounts.

We request that you produce all responsive materials in their entirety; however, should you determine the materials contain information which falls within the statutory exemptions provided in 5 U.S.C. § 552 or 22 C.F.R. § 171.11, we request the information be reviewed for possible discretionary disclosure. We furthermore request that all reasonably segregable portions of the exempt material be provided. We request that any deleted material be described in detail, and that you specify the statutory basis for the denial as well as your reasons for believing that the alleged statutory justification applies in this instance. Please separately state your reasons for not invoking your discretionary powers to release the requested documents in the public interest. Such statements will be helpful in deciding whether to appeal an adverse determination.

Under the FOIA Improvement Act of 2016, agencies must adopt a presumption of disclosure, withholding information “only if . . . disclosure would harm an interest protected by an exemption” or “disclosure is prohibited by law.” If it is your position that any portion of the requested records is exempt from disclosure, the Center requests that you provide an index of those documents as required under *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973), *cert. denied*, 415 U.S. 977 (1974). As you are aware, a *Vaughn* index must describe each document claimed as exempt with sufficient specificity “to permit a reasoned judgment as to whether the material is actually exempt under FOIA.”⁶ Moreover, the *Vaughn* index “must describe each document or portion thereof withheld, and for each withholding it must discuss the consequences of disclosing the sought-after information.”⁷ Further, “the withholding agency must supply ‘a relatively detailed justification, specifically identifying the reasons why a particular exemption is relevant and correlating those claims with the particular part of a withheld document to which they apply.’”⁸

You should institute a preservation hold on information responsive to this request. The Center intends to pursue all legal avenues to enforce its right of access under FOIA, including litigation if necessary. Accordingly, your agency is on notice that litigation is reasonably foreseeable.

To ensure that this request is properly construed, that searches are conducted in an adequate but efficient manner, and that extraneous costs are not incurred, the Center welcomes an opportunity to discuss its request with you before you undertake your search or incur search or duplication costs. By working together at the outset, the Center and your agency can decrease the likelihood of costly and time-consuming litigation in the future.

Waiver or Limitation of Fees

Pursuant to 5 U.S.C. § 552(a)(4)(A)(iii), documents are required to be provided to requesters without any charge or at reduced fees “if disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or

⁶ *Founding Church of Scientology of Washington, D.C. v. Bell*, 603 F.2d 945, 949 (D.C. Cir. 1979).

⁷ *King v. U.S. Dep’t of Just.*, 830 F.2d 210, 223-24 (D.C. Cir. 1987).

⁸ *Id.* at 224.

activities of the government and is not primarily in the commercial interest of the requester.” We request a waiver (or, in the alternative, a reduction) of all fees because disclosure of the information would be in the public interest by contributing significantly to the public understanding of the decision to destroy millions of dollars of products purchased by taxpayer funds.

Founded in 1992, the Center is the only global legal advocacy organization dedicated to reproductive rights, and its litigation and advocacy has played a key role in expanding access to reproductive health care around the world. The Center uses information gathered, and its analysis of information gathered, to educate the public through reports, briefing papers, fact sheets, periodicals, articles, blog posts, and other educational materials. Likewise, the Center also makes the materials gathered available on its public website and promotes their availability on social media platforms, such as Facebook, X (formerly known as Twitter), and Instagram. The Center receives hundreds of thousands of website page views, monthly, and publishes newsletters for public dissemination. Thus, the Center has demonstrated commitment to the public disclosure of documents and creation of editorial content.

The Center does not make this request for commercial use. 45 C.F.R. § 5.54(b)(3). As a 501(c)(3) nonprofit organization, the Center does not have a commercial purpose, and the release of the information requested is not in the organization’s financial interest. Accordingly, the Center qualifies for a fee waiver.

In the event that you determine you are unable to waive the fees, please provide us with prior notice if the total fees authorized will exceed \$200 so that we can discuss arrangements.

Conclusion

The Center looks forward to working with your agency on this request. Thank you for your prompt attention to this matter.

With respect to the form of production, *see* 5 U.S.C. § 552(a)(3)(B), the Center requests that responsive materials be provided electronically by email or in PDF or TIF format on a USB drive. Please send any responsive material being provided and acknowledgement of receipt of this request to:

Manasi Raveendran
c/o Julia Long
Center for Reproductive Rights
1600 K Street, NW, 7th Floor
Washington, DC 20006
Phone: (202) 524-5536
Email: MRaveendran@reprorights.org

If it will accelerate release of responsive records, please also provide responsive material on a rolling basis.

If you do not understand any part of this request, have any questions, or foresee any problems in fully releasing the requested records, please contact Manasi Raveendran at (202) 524-5536 if you have any questions. Thank you for your assistance.

Sincerely,

Manasi Raveendran

EXHIBIT H

Manasi Raveendran

From: foiastatus@state.gov
Sent: Tuesday, January 27, 2026 5:38 PM
To: Manasi Raveendran
Subject: Ref: F-2026-09688

Dear Manasi Raveendran:

This acknowledges your information access request to the U.S. Department of State. Your request number is F-2026-09688. You will find additional information such as the date your request was received and your request status in your electronic portal page under this case number.

If you requested expedited processing, a fee waiver, or if unusual circumstances apply, you will receive additional correspondence from us.

For further assistance or to discuss any aspect of your request, you may contact our FOIA Requester Service Center or our FOIA Public Liaison via email to FOIAStatus@state.gov or by telephone at (202) 261-8484.

Regards,
Office of Information Access Liaison
Information Access Programs
U.S. Department of State

Manasi Raveendran

From: foiastatus@state.gov
Sent: Tuesday, January 27, 2026 5:38 PM
To: Manasi Raveendran
Subject: Status Update for Request #F-2026-09688 with U.S. Department of State

Dear Manasi Raveendran,

The status of your FOIA request #F-2026-09688 has been updated to the following status 'Received'. To learn more, you may log into the DoS FOIA Portal via the Application URL at <https://pal.foia.state.gov>.

If that status is "On Hold", please review the email you received and provide the requested information. If you did not receive an email, please contact the FOIA Requester Service Center via email at FOIAStatus@state.gov.

If that status is "Closed" or "Documents Delivered", then the Department's response will be emailed or mailed (via US Postal Service). Please check your email account (including junk/spam mail) for the Department's response OR allow 7 to 10 business days to receive the Department's response by US Postal Service mail.

Regards,
U.S. Department of State

EXHIBIT I



United States Department of State

Washington, D.C. 20520

February 10, 2026

Request No.: F-2026-09688

Ms. Manasi Raveendran
1600 K St NW, Suite 700
Washington DC, DC 20006
Sent via email: mraveendran@reprorights.org

Dear Manasi Raveendran:

This letter acknowledges receipt of your Freedom of Information Act (FOIA) request received by the U.S. Department of State, Information Access Programs Directorate on January 28, 2026. 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.

Fee Waiver Determination. 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.

Fee Category Determination. The Department has determined that you fall within the “All Other Requesters” fee category. All Other requesters are charged fees which recover the full reasonable direct cost of searching for and reproducing records that are responsive to the request. Except that the first 100 pages of reproduction and the first two hours of search time shall be furnished without charge. 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. The term “duplication” refers to “the process of making a copy of a document necessary to respond to a FOIA request.” 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.”

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 Antonio Z., at FOIA_Inquiry@state.gov or our FOIA Public Liaison via 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 the 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

Megan Farrell
Lead Government Information Specialist
FOIA Case Processing Office
Information Access Programs Directorat