

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

CENTER FOR CONSTITUTIONAL  
RIGHTS,

*Plaintiff,*

v.

UNITED STATES DEPARTMENT OF STATE  
and UNITED STATES AGENCY FOR  
INTERNATIONAL DEVELOPMENT,

*Defendants.*

Civil Action No.: 25-cv-6879

**COMPLAINT FOR  
DECLARATORY AND  
INJUNCTIVE RELIEF**

**COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF**

1. Plaintiff the Center for Constitutional Rights (“CCR”) brings this action under the Freedom of Information Act (“FOIA”), 5 U.S.C. §§ 552 *et seq.*, for declaratory, injunctive and other appropriate relief, to compel the release of agency records pertaining to *inter alia* the June 26, 2025 decision to approve \$30 million for the Gaza Humanitarian Foundation (“GHF”). These records have been improperly withheld by Defendants U.S. Department of State (“DOS” or “State Department”) and the U.S. Agency for International Development (“USAID”), as well as offices and components within DOS and USAID, which hold responsive records to Plaintiff’s FOIA request.<sup>1</sup>

2. Plaintiff brings this action to seek the release of records of significant public concern sought in a July 7, 2025 FOIA request (“Request”) to DOS and USAID, regarding any

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<sup>1</sup> The offices and components include but are not limited to: Executive Secretariat; Office of the Legal Adviser; Under Secretary for Management; Deputy Secretary; Near Eastern Affairs; U.S. Embassy in Israel; Office of Global Food Security; Office of the Director for Foreign Assistance and Human Rights; and Political-Military Affairs; Office of the Spokesperson; Bureau for Humanitarian Assistance, and any other appropriate components, field offices, or other parts of DOS and USAID.

and all information related to DOS and USAID's recent funding of GHF. Plaintiff sought both expedited processing and a fee waiver, and provided a detailed justification for both requests. A true and correct copy of the Request is attached as Exhibit A.

3. There is substantial public interest in the U.S. grant to and support of GHF. As explained in the Request, GHF operates a militarized distribution model in Gaza in close coordination with Israel, the occupying power, in circumstances where international legal bodies, such as the International Criminal Court and the International Court of Justice, and a U.S. federal court have acknowledged that the situation in Gaza plausibly involves the commission of atrocity crimes including genocide, crimes against humanity, and war crimes. The 2.2 million Palestinians in Gaza have been repeatedly displaced and are facing mass starvation and famine. Israel has barred the United Nations and humanitarian organizations from providing humanitarian relief. It is against this backdrop that the GHF began its efforts to distribute food aid in Gaza.

4. Since GHF's plan was announced on May 19, 2025, the United Nations and international humanitarian organizations have firmly and strongly repudiated GHF as a militarized aid distribution operation that is more suited to furthering genocide than to providing much-needed humanitarian relief; it has been heavily criticized both for failing to comply with fundamental principles of humanitarian operations and for contributing to international law violations such as forcible transfer while doing little to stave off the Israel-created mass starvation and famine.<sup>2</sup> In the less than three months since GHF began operations on May 26, 2025, nearly 1,400 Palestinians

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<sup>2</sup> See, e.g., *UN Relief Chief calls on Security Council to act decisively to prevent genocide in Gaza*, UN Off. for Coordination of Humanitarian Affs. ("OCHA"), (May 13, 2025), <https://www.unocha.org/news/un-relief-chief-calls-security-council-act-decisively-prevent-genocide-gaza>; UNRWA, *UNRWA Commissioner-General on Gaza: another day of aid distribution another day of death traps*, (June 10, 2025), <https://www.un.org/unispal/document/unrwa-commissioner-general-on-gaza-another-day-of-aid-distribution-another-day-of-death-traps/>; News, *Gaza: Starvation or Gunfire - This is Not a Humanitarian Response*, ReliefWeb (July 1, 2025), <https://reliefweb.int/report/occupied-palestinian-territory/gaza-starvation-or-gunfire-not-humanitarian-response-0>.

have been killed while seeking aid, and at least 859 of these aid-seekers were killed at or near GHF aid sites.<sup>3</sup> More than 8,152 Palestinians have been injured trying to access aid since GHF began operating in Gaza.<sup>4</sup>

5. On June 26, 2025, despite the widespread criticism of GHF and the violence at and around its distribution centers, DOS announced that it had approved a \$30 million grant to GHF apparently to support its Gaza operation. This announcement immediately raised serious concerns among human rights advocates inside and outside the United States. As reporting has revealed, the normal vetting process for such funding was expedited, with GHF's funding approved despite the application falling well below USAID's normal technical standards for funding and larger concerns about the legality and morality of GHF's operations.<sup>5</sup>

6. CCR filed the Request shortly thereafter because of the need for transparency and the significant public interest in GHF's operations, as well as DOS' and USAID's decision-making in funding the deeply flawed and dangerous "aid" operation.<sup>6</sup>

7. Despite the urgent need for the requested information, Defendant DOS has estimated that it will not complete processing of the Request until February 28, 2027, citing a

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<sup>3</sup> *Gaza: Nearly 1,400 Palestinians killed while seeking food, as UN warns airdrops are no solution*, U.N. News (Aug. 1, 2025), <https://news.un.org/en/story/2025/08/1165552>.

<sup>4</sup> *Humanitarian Situation Update #309/Gaza Strip*, OCHA (July 30, 2025), <https://www.ochaopt.org/content/humanitarian-situation-update-309-gaza-strip>; *Reported Impact Snapshot/Gaza Strip*, OCHA (July 30, 2025), <https://www.ochaopt.org/content/reported-impact-snapshot-gaza-strip-30-july-2025>.

<sup>5</sup> *See, e.g.*, Yahya Abou-Ghazala & Jennifer Hansler, *USAID review raised 'critical concerns' over Gaza aid group days before \$30 million US grant*, CNN (July 8, 2025), <https://www.cnn.com/2025/07/08/us/usaaid-gaza-humanitarian-foundation-israel-grant>; Jonathan Landay, *Former DOGE official rushed grant to Trump-backed Gaza aid group over staff objections*, Reuters (July 9, 2025), <https://www.reuters.com/world/middle-east/former-doge-official-rushed-grant-trump-backed-gaza-aid-group-over-staff-2025-07-09/>.

<sup>6</sup> *See, e.g.*, Jessica Le Masurier & Jack Poulson, *'Blood for food': The US soldier-spies sidelining UN aid work in Gaza*, France24 (July 3, 2025), <https://www.france24.com/en/middle-east/20250703-blood-for-food-us-soldier-spies-sidelining-un-aid-work-gaza-ghf-safe-reach>; Andrew Roth, *US to give \$30m to Gaza Humanitarian Foundation despite violent and chaotic rollout of food distribution*, The Guardian (June 24, 2025), <https://www.theguardian.com/us-news/2025/jun/24/us-food-distribution-group-gaza>; Daphne Psaedakis & Humeyra Pamuk, *State Department approves \$30 million in funding for Gaza Humanitarian Foundation*, Reuters (June 26, 2025), <https://www.reuters.com/world/us/state-department-approves-30-million-funding-gaza-humanitarian-foundation-2025-06-26/>; Prem Thanker, *SCOOP: USAID Being 'Forced' to Award Million to Disastrous Gaza Humanitarian Foundation*, Zeteo (June 20, 2025), <https://zeteo.com/p/scoop-usaid-being-forced-to-award>.

backlog of FOIA requests. This estimated date of completion is nearly two years after GHF began operations in Gaza; with Palestinians being killed around the U.S.-funded GHF distribution sites on a near-daily basis, such a delay is simply unacceptable.

8. Such a delay in record production prevents the American public from meaningfully understanding the scope of U.S. support for and involvement in GHF's operations and erodes government transparency. This delay shields what is widely reported to be a controversial, politicized grant approval process for GHF that bypassed normal vetting and review, and – most glaringly – ignores the escalating danger and indignity that Palestinians are being subjected to daily at GHF's distribution sites.

### **JURISDICTION AND VENUE**

9. This Court has both subject matter jurisdiction over this action and personal jurisdiction over the parties pursuant to 5 U.S.C. §§ 552(a)(4)(B) and (a)(6)(C)(i). This Court also has jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1346(a)(2).

10. Venue lies in this district pursuant to 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. §§ 1391(e) and 1402(a), because Plaintiff CCR resides in this district.

11. Because Defendants have failed to comply with the time limits imposed by the FOIA, Plaintiff has exhausted their administrative remedies. 5 U.S.C. § 552(a)(6)(C)(i). Plaintiff is therefore entitled to appeal directly to this Court for relief. *Id.* § 552(a)(4)(B).

### **PARTIES**

12. Plaintiff CCR is a non-profit, public interest legal and public education organization headquartered in New York, New York that engages in litigation, public advocacy and education, and the production of publications. CCR engages in the fields of constitutional, civil and international human rights. CCR's diverse issue areas include litigation and advocacy around Palestinian sovereignty and solidarity, racial and ethnic profiling, and government and corporate

accountability. One of CCR's primary activities is the publication of newsletters, know-your-rights handbooks, legal analysis of current civil and human rights issues, and other similar materials for public dissemination. These and other materials are freely available to the public. CCR operates a website, [ccrjustice.org](http://ccrjustice.org), which addresses the issues on which CCR works. CCR staff members often serve as experts for journalists and media outlets, including on issues related to racial and ethnic discrimination, war crimes, militarism, and Palestinian rights. In addition, CCR regularly issues press releases, has an active social media presence with tens of thousands of followers, and also issues regular email updates sent to over 50,000 supporters about developments and news pertaining to CCR's work.

13. Defendant DOS is a department of the Executive Branch of the United States within the meaning of 5 U.S.C. § 552(f)(1) and 5 U.S.C. § 701. DOS has possession and control of the requested records and is responsible for fulfilling Plaintiff's FOIA request.

14. Defendant USAID is an agency within the meaning of 5 U.S.C. § 552(f) and 5 U.S.C. § 701. USAID has possession and control of the requested records and is responsible for fulfilling Plaintiff's FOIA request.

## STATEMENT OF FACTS

### **I. Background: GHF's Militarized "Aid" Operations in a Famine-Struck Israel-Occupied Gaza**

15. GHF is a newly-established Delaware-registered nonprofit entity. The Boston Consulting Group played a large role in its creation under a multi-million dollar contract, reportedly working alongside former U.S. intelligence and defense officials and private entrepreneurs, and in close consultation with Israel. GHF is supported in its operations by U.S. armed private contractors from Safe Reach Solutions ("SRS") and UG Solutions who provide

logistics and security. GHF's distribution hubs, which are primarily located in the southern part of Gaza and in closed military zones, are operated in close coordination with Israeli forces.<sup>7</sup>

16. The reason for the need for humanitarian aid for Palestinians in Gaza is Israel's 17 year blockade and its U.S.-backed 22-month military assault in which Israel has made good on its promise to deny the basic necessities for life – including food and water – to the 2.2 million Palestinians in Gaza,<sup>8</sup> creating the conditions for mass starvation and famine, alongside the killing of more than 57,000 Palestinians, injury to more than 134,000 Palestinians, and forcible displacement – often repeatedly – of nearly the entire population.<sup>9</sup>

17. GHF began operation of militarized food distribution hubs in Gaza on May 26, 2025, following the 11-week total siege on and closure of Gaza.<sup>10</sup> GHF's operations are carried

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<sup>7</sup> See, e.g., “Designed as Death Traps”: Fmr. Green Beret Who Worked at Gaza Food Sites Reveals Rampant War Crimes, Democracy Now! (July 29, 2025), [https://www.democracynow.org/2025/7/29/anthony\\_aguilar\\_ghf\\_war\\_crimes](https://www.democracynow.org/2025/7/29/anthony_aguilar_ghf_war_crimes); Report, *Gaza: Israeli Killings of Palestinians Seeking Food Are War Crimes, Abandon US-backed 'Death Trap' Scheme, Press Israel to End Mass Starvation*, Human Rights Watch (Aug. 1, 2025) (“Human Rights Watch Report”), <https://www.hrw.org/news/2025/08/01/gaza-israeli-killings-of-palestinians-seeking-food-are-war-crimes>.

<sup>8</sup> Emanuel Fabian, *Defense minister announces 'complete siege' of Gaza: No power, food or fuel*, Times of Israel (Oct. 9, 2023), [https://www.timesofisrael.com/liveblog\\_entry/defense-minister-announces-complete-siege-of-gaza-no-power-food-or-fuel/?trk=public\\_post\\_comment-text](https://www.timesofisrael.com/liveblog_entry/defense-minister-announces-complete-siege-of-gaza-no-power-food-or-fuel/?trk=public_post_comment-text) (Israel's then-Minister of Defense Yoav Gallant declared: “I have ordered a complete siege on the Gaza Strip. There will be no electricity, no food, no fuel, everything is closed.”).

<sup>9</sup> See, e.g., *Humanitarian Situation Update #302/Gaza Strip*, OCHA (July 2, 2025), <https://www.ochaopt.org/content/humanitarian-situation-update-302-gaza-strip>; United Nations Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel, U.N. Doc. [A/78/198](#), (Sept. 5, 2023); AFP, *US approves \$7.4bn sale of more weapons to Israel used to ravage Gaza*, The Guardian (Feb. 7, 2025), <https://www.theguardian.com/us-news/2025/feb/07/israel-weapons-sale-gaza>; *Israel Besieges 2.3 Million Palestinians in Less than 15% of Gaza, Amid Escalating Starvation and Mass Killings*, Palestinian Center for Human Rights (July 7, 2025), <https://pchrgaza.org/israel-besieges-2-3-million-palestinians-in-less-than-15-of-gaza-amid-escalating-starvation-and-mass-killings/>; *Gaza: Evidence points to Israel's continued use of starvation to inflict genocide against Palestinians*, Amnesty Int'l (July 3, 2025), <https://www.amnesty.org/en/latest/news/2025/07/gaza-evidence-points-to-israels-continued-use-of-starvation-to-inflict-genocide-against-palestinians/>.

<sup>10</sup> *Controversial new U.S. and Israel-backed Gaza aid effort gets off to a slow, tumultuous start*, CBS (May 27, 2025), <https://www.cbsnews.com/news/us-israel-backed-gaza-humanitarian-foundation-aid-effort-tumultuous-start/>.

out on land and in areas that Israel has completely razed and emptied of Palestinians, which are now closed Israel-military “no go” zones.<sup>11</sup>

18. GHF’s so-called food distribution sites immediately became a death magnet: the day after operations began, Israel shot and killed three people, and injured at least 50 people seeking aid near GHF’s distribution site in Rafah’s Tal al-Sultan neighborhood in Southern Gaza.<sup>12</sup> In the first week, at least 100 Palestinians were killed and over 184 injured during the intermittent GHF operations.<sup>13</sup> Since then, the killings by GHF contractors and Israeli forces have occurred on a near-daily basis.<sup>14</sup> Moreover, GHF’s aid distribution sites require Palestinians who have been starved to travel great distances into militarized zones or Israel-declared “no-go” zones near the border with Egypt, often under gunfire, in order to access GHF sites.<sup>15</sup>

19. Members of Congress, United Nations officials, humanitarian organizations and legal organizations have all warned that GHF is contributing to international law violations, such as forcible transfer, killing, torture, if not genocide of the Palestinian population in Gaza.<sup>16</sup>

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<sup>11</sup> See, e.g., Human Rights Watch Report, *supra* n. 7; Report, *This is Not Aid. This is Orchestrated Killing*, Doctors Without Borders/Médecins Sans Frontières (MSF) (August 2025) (“MSF Report”), <https://msf.org.uk/sites/default/files/2025-08/MSF-Gaza-ThisIsNotAid-FINAL.pdf>.

<sup>12</sup> *UN aid teams plead for access amid reports Gazans shot collecting food*, UN News (May 28, 2025), <https://news.un.org/en/story/2025/05/1163756>.

<sup>13</sup> *Israeli gunfire kills at least 27 aid seekers in Gaza: Health Ministry*, Al Jazeera (June 3, 2025), <https://www.aljazeera.com/news/2025/6/3/israeli-fire-kills-at-least-27-aid-seekers-in-gaza-health-ministry>.

<sup>14</sup> Andrew Roth, *US to give \$30m to Gaza Humanitarian Foundation despite violent and chaotic rollout of food distribution*, The Guardian (June 24, 2025), <https://www.theguardian.com/us-news/2025/jun/24/us-food-distribution-group-gaza>; *‘Going hungry’: More than 700 Palestinians killed seeking aid in Gaza*, Al Jazeera (July 5, 2025), <https://www.aljazeera.com/news/2025/7/5/going-hungry-more-than-700-palestinians-killed-seeking-aid-in-gaza>.

<sup>15</sup> News Desk, *GHF Contractor reveals ‘horrific’ details of US-Israeli ‘aid traps,’* The Cradle (June 12, 2025), <https://thecradle.co/articles/ghf-contractor-reveals-horrific-details-of-us-israeli-aid-traps>.

<sup>16</sup> See, e.g., Press Release, *Worked Security for GHF in Gaza? Beware of War Crime Charges, Democrats Say*, Sen. Peter Welch (July 31, 2025), <https://www.welch.senate.gov/worked-security-for-ghf-in-gaza-beware-of-war-crime-charges-democrats-say/>; Press Release, *UN experts call for immediate dismantling of Gaza Humanitarian Foundation*, OHCHR (Aug. 5, 2025), <https://www.ohchr.org/en/press-releases/2025/08/un-experts-call-immediate-dismantling-gaza-humanitarian-foundation>; Press Release, *Human Rights and Legal Organizations Warn Gaza Humanitarian Foundation and Partners of Legal Liability for Complicity with Serious International Law Violations*, CCR (June 23, 2025) <https://ccrjustice.org/home/press-center/press-releases/human-rights-and-legal-organizations-warn-gaza-humanitarian>; Human Rights Watch Report, *supra* n.7; MSF Report, *supra* n.11.

20. Accordingly, Plaintiffs seek records to understand the decision of DOS and USAID to support GHF's operations.

## **II. Compelling Necessity for Records Sought**

21. There is a compelling need for the records sought through the Request. As detailed in the Request and as explained herein, (i) the records arise out of an "aid" operation that poses an imminent threat to Palestinian lives and safety, and (ii) the records relate to a matter of significant public interest and widespread media coverage, including and specifically, as relates to government decisionmaking and activities.

22. Since GHF began operations on May 26, 2025, there have been at least 1,400 Palestinians killed and more than 8,150 Palestinians injured around or in transit to GHF distribution sites. Despite the ongoing violence against and killing of Palestinian aid-seekers – against the backdrop of ongoing genocide and mass starvation of 2.2 million Palestinianians in Gaza – the U.S. administration has failed to be transparent and accountable to the public. Specifically, it has failed to provide a clear and transparent explanation as to why it decided to award GHF \$30 million or how the funds will be used by GHF; whether DOS previously paid \$7 million to GHF and if it did, how those funds were utilized; and how U.S. tax-payer dollars are implicated in a widely criticized, militarized distribution scheme that violates basic principles of humanitarian operations and international human law, as thousands of starved Palestinians are killed and injured.

23. It has been widely reported that the State Department waived mandatory counter-terrorism and anti-fraud safeguards and overrode vetting mechanisms, including by ignoring 58 internal objections to GHF's application, in awarding GHF the \$30 million.<sup>17</sup> Media reports since

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<sup>17</sup> Landay, *Former DOGE official rushed grant to Trump-backed Gaza aid group over staff objections*, *supra* n.5. Among the questions raised by USAID experts that were overridden by the Trump-administration backed former DOGE official were: "how GHF would ensure the safety of Palestinians collecting food packages at its sites; whether its staff had proper humanitarian training and its plans to distribute powdered infant formula in an enclave with scarce access to clean drinking water." *Id.*

the Request was submitted indicate that an internal USAID assessment of GHF’s application warned, for example, that failing to complete a specified “legal requirement” regarding terrorism-related vetting “could raise the risk of misuse of taxpayer resources” and “could risk programmatic diversion, reputational harm, and potential violations of U.S. counterterrorism laws”<sup>18</sup> – all matters of significant public concern.

24. Despite the only publicly announced State Department award being for \$30 million, President Trump recently stated that the United States has dispensed double that award (\$60 million), leading Plaintiff - and the public and media - to further question the extent of U.S. financial support for GHF.<sup>19</sup>

25. In the absence of further publicly available information from DOS and USAID about how GHF will use tens of millions of tax-payer money, Plaintiff has grave concerns about the legal legitimacy and practical effectiveness of funding an organization that is facilitating displacement, violence, and killings of Palestinians in Gaza.

26. Plaintiff is particularly concerned that there may be a link between aid distribution through GHF and President Trump’s earlier suggestion that Gaza be cleansed of Palestinians and redeveloped not for Palestinians, but as the “Gaza Riviera” for investors – a potential link that has also been the subject of significant public interest and media coverage.<sup>20</sup> Plaintiff seeks information subject to this Request in order to better understand U.S. plans regarding Gaza in the

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<sup>18</sup> *Id.* See also Abou-Ghazala & Hansler, *USAID review raised ‘critical concerns’ over Gaza aid group days before \$30 million US grant*, CNN, *supra* n.5.

<sup>19</sup> Karen DeYoung, *Trump claims the U.S. gave \$60 million in Gaza aid. It’s \$3 million so far*, Washington Post (Aug. 2, 2025), <https://www.washingtonpost.com/national-security/2025/08/01/ghf-trump-gaza-aid-millions/>. See U.S. Dep’t of State, Press Briefing (June 26, 2025), <https://www.state.gov/briefings/department-press-briefing-june-26-2025/#post-636805-ISPAL3>; Landay, *Former DOGE official rushed grant to Trump-backed Gaza aid group over staff objections*, *supra* n. 5; Pamuk & Psaledakis, *Exclusive: Trump officials told Congress Israel agreed to match \$30 million for GHF, sources say*, *supra* n. 6.

<sup>20</sup> Franco Ordoñez & Deepa Shivaram, *Trump says he wants the U.S. to take ownership of the Gaza Strip*, NPR (Feb. 4, 2025), <https://www.npr.org/2025/02/04/nx-s1-5287012/trump-netanyahu-ceasefire-gaza>; Stephen Foley and Jim Pickard, *Tony Blair’s staff took part in ‘Gaza Riviera’ project with BCG*, Financial Times (July 6, 2025), <https://www.ft.com/content/0b1bc761-c572-4b61-882a-fb4467259dcd>.

short, mid- and long-term, as reflected in the support for GHF; humanitarian operations generally and militarized, privatized operations specifically; ending the widespread starvation and risk of famine in Gaza; and efforts to end the military assault and closure of Gaza by Israel. All of this information will be made available to the public, free of charge.

27. Plaintiff seeks this information in order for it and the public to better understand the rationales and motives behind DOS and/or USAID's decision to provide GHF with tens of millions of U.S. tax-payer dollars in the face of a campaign of death, danger, and humiliation of Palestinians in desperate need of humanitarian assistance in Gaza because of Israel's policies. Plaintiff's interests in these records are rooted in a desire for government transparency and accountability.

### **III. Plaintiff's Requests for Information**

23. On July 7, 2025, Plaintiff submitted its FOIA request via online web platform to DOS and USAID. In the Request, Plaintiff sought expedited processing and a fee waiver, detailing the justifications for both requests.

24. The Request specifies nine categories of records related to the \$30 million award to GHF created from October 1, 2024 to the date of the searches. *See* Exhibit A, Request, Section C, paras. 1-9. Plaintiff continues to seek all responsive records related to the nine categories set out in detail in the Request. Furthermore, in an effort to assist the Defendants, Plaintiff proposed a list of search terms that would likely yield responsive records. *See id.* at Section D.

#### *A. Department of State Response*

25. On July 7, 2025, DOS acknowledged Plaintiff's FOIA request and assigned it the tracking number F-2025-22165.

26. On July 15, 2025, Plaintiff received an email from DOS stating (1) the request for expedited processing was denied because the Agency decided the request does not demonstrate a

“compelling need” for the requested information; (2) the fee waiver request is denied because it does not meet the public interest standard set forth in 22 CFR 171.16(j)(2)(ii); and (3) Plaintiff falls within the “news media” requester fee category such that Plaintiff will be charged after 100 pages of duplication. Plaintiff appealed the denial of fee waiver on August 18, 2025, and that appeal is proceeding under tracking number A-2025-00420.<sup>21</sup>

27. On July 29, 2025, Plaintiff received a duplicative email from DOS confirming receipt and assigning a different tracking number, F-2025-23971, to Plaintiff’s FOIA request.

28. On August 6, 2025, Plaintiff emailed the DOS FOIA Case Processing Office to clarify why DOS assigned two separate reference numbers to the same request.

29. On August 7, 2025, Plaintiff received an email from the FOIA Case Processing Office confirming it was a duplication error and the request will proceed under case number F-2025-22165. In this same email, the Office informed Plaintiff that due to a “backlog of FOIA requests,” the estimated date of completion of Plaintiff’s request would be February 28, 2027.

30. To date, DOS has not made a determination on or produced records responsive to Plaintiff’s request.

*B. USAID Responses*

31. On July 8, 2025, USAID assigned the tracking number F-00782-25 to Plaintiff’s FOIA request.

32. On July 10, 2025, Plaintiff received an email from USAID stating that the request for expedited processing was denied because the request did not articulate an imminent threat to the life or physical safety of an individual, nor is there an urgency to inform the public. The email also stated that USAID would be extending the FOIA’s time limits due to one or more “unusual

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<sup>21</sup> Depending on the outcome of Plaintiff’s fee waiver appeal, Plaintiff may file or move to file an amended complaint to include a claim against any such denial.

circumstances” but did not clarify what circumstances allegedly exist. Finally, the response failed to issue a determination on Plaintiff’s request for a fee waiver, and instead declared the fee waiver request to be “moot.”

33. To date, USAID has not made a determination on or produced records responsive to Plaintiff’s FOIA request.

34. Plaintiff sought expedited processing under 5 U.S.C. § 552(a)(6)(E) and 22 C.F.R. §§ 171.12(d)(1)(ii) and (iii), citing and detailing a “compelling need” for the information because of the urgent need to inform the public of the decision-making regarding the spending of taxpayer dollars and resources being used to finance GHF that is already the subject of significant public discussion and media coverage. *See* Exhibit A, Request, Section G. Plaintiff further explained that the Request relates to matters that pose an imminent threat to life and safety. *Id.*

35. Plaintiff’s Request also sought a waiver of applicable fees under since “disclosure of the requested records is in the public interest because it is likely to contribute significantly to the public understanding of the activities or operations of the government and is not primarily in the commercial interest of the requester.” 5 U.S.C. § 552(a)(4)(A)(iii) and 22 C.F.R. § 212.14(k); *see* Exhibit A, Request, Section F. CCR is a non-profit entity with no commercial interest in the records requested, which are crucial to public understanding of DOS and USAID-funded dangerous and often deadly operations in Gaza.

36. DOS and USAID have an obligation to create and preserve records “containing adequate and proper documentation of the organizations, functions, policies, procedures, and essential transactions or operations of the Department and U.S. Embassies, Consulates, and Missions abroad.” U.S. Dep’t of State, FOIA, Records Management, available at: <https://foia.state.gov/RecordsManagement/RecordsManagement2.aspx>.

#### **CLAIMS FOR RELIEF**

**COUNT ONE**

**Violation of FOIA for Failure to Search for, Disclose, and Release Responsive Records,  
and otherwise Make a Determination on Plaintiff's Request**

**(for All Defendants)**

37. Plaintiff repeats and re-alleges each and every allegation contained in paragraphs 1 through 36 as if repeated and incorporated herein.

38. By failing to make a timely determination on Plaintiff's FOIA Request within the mandated statutory timeframe, by failing to disclose and release the requested records, and by failing to conduct an adequate search reasonably calculated to uncover responsive records, Defendants DOS and USAID have violated the public's right, advanced by Plaintiff, to agency records under 5 U.S.C. §§ 552 *et seq* and Defendants' own regulations.

**COUNT TWO**

**Violation of FOIA for Improper Denial of Plaintiff's Request for Expedited Processing**

**(for All Defendants)**

39. Plaintiff repeats and re-alleges each and every allegation contained in paragraphs 1 through 36 as if repeated and incorporated herein.

40. By denying Plaintiff's request for expedited processing, DOS and USAID have violated Plaintiff's rights under 5 U.S.C. § 552(a)(6)(E) and Defendants' own regulations.

**COUNT THREE**

**Violation of FOIA for Improper Denial of Plaintiff's Request for Fee Waiver**

**(for Defendant USAID)**

41. Plaintiff repeats and re-alleges each and every allegation contained in paragraphs 1 through 36 as if repeated and incorporated herein.

42. By failing to respond or failing to non-conditionally grant Plaintiff's requests for fee waivers, Defendant USAID has denied Plaintiff's rights under 5 U.S.C. § 552(a)(4)(A)(iii) and its own regulations.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff respectfully requests that this Court:

1. Declare that Defendants violated the Freedom of Information Act by failing to lawfully satisfy Plaintiff's July 7, 2025 Request;
2. Order Defendants promptly to make a full, adequate, and expedited search for the requested records;
3. Order Defendants to engage in expedited processing in this action;
4. Enjoin Defendants from disposing of or destroying any records subject to Plaintiff's FOIA Request;
5. Enjoin Defendants from assessing fees or costs for the processing of the FOIA Request;
6. Order Defendants, upon completion of expedited processing, to disclose the requested records in their entirety and make copies available to Plaintiff no later than ten days after the Court's order;
7. Award Plaintiff costs and reasonable attorney's fees incurred in this action as provided by 5 U.S.C. § 552(a)(4)(E); and
8. Grant any further relief as this Court may deem just and proper.

Dated: August 20, 2025  
New York, NY

/s/ Katherine Gallagher  
Katherine Gallagher<sup>†</sup> (NY-2222)  
Maria LaHood (NY-1438)  
Ayla Kadah\*  
Adina Marx-Arpadi, Bar. No. 6019335  
Center for Constitutional Rights  
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*\*Pro hac vice application forthcoming*

† Counsel wish to acknowledge the invaluable assistance of the following Center for Constitutional Rights student legal interns: Jesse Daniels and Sophie Hoenou.

# EXHIBIT A



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July 7, 2025

**U.S. Department of State**  
Information Access Liaison Office,  
A/SKS/IAP/IAL2201 C Street NW, Room  
B266, Washington, DC 20520  
[FOIARequest@state.gov](mailto:FOIARequest@state.gov)

*Sent via State Department portal and electronic mail*

**Subject: Freedom of Information Act Request**

Dear FOIA Officers:

Pursuant to the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552 *et seq.*, and 22 C.F.R. § 171.11, the Center for Constitutional Rights (“CCR,” “Requester”) submits this request for records from the **U.S. Department of State (“DOS” or “State”) and U.S. Agency for International Development (“USAID”) (“Request”)**. Please direct this request to all appropriate offices, field offices, departments, bureaus, missions, divisions, secretaries, directors, commissioners, employees, agents, representatives, consultants, contractors, personnel, and any other person authorized to act on its behalf of and within **DOS**, including but not limited to: Executive Secretariat; Office of the Legal Adviser; Under Secretary for Management; Deputy Secretary; Near Eastern Affairs; U.S. Embassy in Israel; Office of Global Food Security; Office of the Director for Foreign Assistance and Human Rights; and Political-Military Affairs; Office of the Spokesperson; *and* **USAID**.<sup>1</sup>

**A. Background/Purpose of Request**

This Request seeks all records and communications pertaining to the decision announced on June 26, 2025 that DOS has approved \$30 million for the Gaza Humanitarian Foundation (“GHF”) aka “Global Humanitarian Fund” through an April 28, 2025 amendment to its Delaware corporate filing; the reported \$7 million previously paid by DOS to GHF, whether directly or indirectly; any other payments made by the DOS to GHF and U.S. contractors supporting its operations, whether directly or indirectly; and all information related to GHF’s creation, mission, scope of work, performance, vetting for funding, and operations including but not limited to the killing at least 613 Palestinians and injury to at least 4,000 more in Gaza at or near GHF

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<sup>1</sup> It is unclear whether FOIAs to USAID, including FOIAs that seek information dating back to October 1, 2024, are being processed as a subdivision of State or as an independent agency. *See, e.g.*, U.S. Dep’t of State, Media Note, *Secretary Marco Rubio Appointed as Acting Administrator for the United States Agency for International Development (USAID)*, Feb. 3, 2025, <https://www.state.gov/secretary-marco-rubio-appointed-as-acting-administrator-for-the-united-states-agency-for-international-development-usaid/>; U.S. Dep’t of State, Substack, *Making Foreign Aid Great Again*, July 1, 2025, <https://statedept.substack.com/p/making-foreign-aid-great-again>; USAID FOIA page, “Not Found,” <https://www.usaid.gov/foia-requests>. The Requester seeks that this Request be sent through all channels within State and/or USAID that can reasonably be expected to have records responsive to the Request.

distribution hubs since it commenced its operations in late May 2025.<sup>2</sup> The Request seeks these records from the period starting on October 1, 2024 continuing through to the time this request is fully processed.

GHF, a private corporation registered on November 11, 2024 as a “charitable nonprofit” in Delaware, claims that it is “organized and operated exclusively for religious, charitable, scientific, literary and educational purposes” to accord with the requirements in 26 U.S.C. §501(c)(3). The Boston Consulting Group (“BCG”) played a large role in its creation under a multi-million dollar contract, reportedly working alongside former U.S. intelligence and defense officials and private entrepreneurs, and in close consultation with Israel.<sup>3</sup> GHF is supported by armed private contractors from Safe Reach Solutions (“SRS”) and UG Solutions to provide logistics and security.<sup>4</sup> GHF’s distribution hubs, which are primarily located in the southern part of Gaza, are operated in close coordination with Israeli forces; Israel is the unlawful Occupying Power in Gaza and U.S. federal and international courts have found that there is a plausible genocide by Israel of Palestinians in Gaza underway.<sup>5</sup> Indeed, the very reason for the need for humanitarian aid for Palestinians in Gaza is Israel’s 17 year blockade and its U.S.-backed 21-month military assault in which it has made good on its promise to deny the basic necessities for life - including food and water - to the 2.2. million Palestinians in Gaza, creating the conditions for mass starvation and famine, alongside the killing of more than 57,000, injury to more than 134,000 Palestinians, and forcible displacement - often repeatedly - of nearly the entire population.<sup>6</sup>

<sup>2</sup> See U.S. Dep’t of State, Press Briefing, June 26, 2025, <https://www.state.gov/briefings/departments-press-briefing-june-26-2025/#post-636805-ISPAL3>. See also Olivia Le Poidevin, *613 killed at Gaza aid distribution sites, near humanitarian convoys [sic], says UN*, Reuters, July 4, 2025, <https://www.reuters.com/world/europe/613-killed-gaza-aid-distribution-sites-near-humanitarian-convoys-says-un-2025-07-04/>; Andrew Roth, *US to give \$30m to Gaza Humanitarian Foundation despite violent and chaotic rollout of food distribution*, The Guardian, June 24, 2025, <https://www.theguardian.com/us-news/2025/jun/24/us-food-distribution-group-gaza>.

<sup>3</sup> See Karen DeYoung and Cate Brown, *U.S. consulting firm quits Gaza humanitarian aid effort among criticism*, Washington Post, June 3, 2025, <https://www.washingtonpost.com/national-security/2025/06/03/gaza-humanitarian-fund-bcg/>; Stephen Foley, *BCG modelled plan to ‘relocate’ Palestinians from Gaza*, Financial Times, July 4, 2025, <https://www.ft.com/content/c0e661cc-55db-4e2a-b17b-a656e0cf6c14> (reporting that more than a dozen BCG staff worked on the project under codename “Aurora” through an engagement with Orbis, which is owned by McNally Capital; BCG staffers involved included Matt Schleuter, Ryan Ordway, Rich Hutchinson, and Adam Farber).

<sup>4</sup> See Malaika Kanaanah Tapper, *US contractor hires obscure Gaza group for aid rollout after local snubs*, Financial Times, May 28, 2025, <https://www.ft.com/content/9dbbf0cb-cc29-4eba-aa9b-2c7c9dcf46e8>; Cybele Mayes-Osterman, *Chaos and criticism for Trump-backed Gaza aid plan as 47 are injured*, USA Today, May 28, 2025, <https://www.usatoday.com/story/news/world/2025/05/28/trump-gaza-humanitarian-foundation-stampede/83870927007/>; see also Barak Ravid, *U.S. private security contractors will operate key Gaza checkpoint*, Axios, Jan. 23, 2025, <https://www.axios.com/2025/01/23/us-private-security-contractors-will-operate-key-gaza-checkpoint>.

<sup>5</sup> ICJ, *Legal Consequences Arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, Including East Jerusalem*, Advisory Opinion (19 July 2024) (“Legal Consequences Advisory Opinion”), para. 261; ICJ, *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (S. Afr. v. Isr.)*, Order of Provisional Measures (26 Jan. 2024), <https://www.icj-cij.org/sites/default/files/case-related/192/192-20240126-ord-01-00-en.pdf>, ¶ 54; *Defense for Children International-Palestine v. Biden*, 714 F. Supp. 3d 1160, 1163 (N.D. Cal. 2024) (finding that, based on “undisputed evidence,” the “current treatment of the Palestinians in the Gaza Strip by the Israeli military may plausibly constitute a genocide in violation of international law”).

<sup>6</sup> See, e.g., UN Off. for the Coordination of Humanitarian Affs. (“OCHA”), *Humanitarian Situation Update #302/Gaza Strip*, July 2, 2025, <https://www.ochaopt.org/content/humanitarian-situation-update-302-gaza-strip>; United Nations Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel, [A/78/198](#), Sept. 5, 2023; AFP, *US approves \$7.4bn sale of more weapons to Israel used to ravage Gaza*, The Guardian, Feb. 7, 2025, <https://www.theguardian.com/us-news/2025/feb/07/israel-weapons-sale-gaza>;

Prior to commencing operations, GHF's militarized distribution model was heavily criticized both for failing to comply with fundamental principles of humanitarian operations and for contributing to international law violations such as forcible transfer while doing little to stave off the Israel-created mass starvation and famine.<sup>7</sup> As has been widely accepted, serious harm to the very people the distribution hubs were purportedly created to assist was wholly foreseeable.<sup>8</sup> On the eve of its beginning operations, GHF's executive director, Jake Wood, announced his resignation, stating: "It is clear that it is not possible to implement this plan while also strictly adhering to the humanitarian principles of humanity, neutrality, impartiality, and independence, which I will not abandon."<sup>9</sup> (Upon Wood's resignation, Johnnie Moore, who has a background in public relations and not in humanitarian operations, was named GHF's Chairperson.<sup>10</sup>). Although GHF's purported purpose is to supply humanitarian aid to Gaza, GHF's militarized distribution hubs have been developed and are intended as a replacement for the prior UN-run system that had 400 distribution sites across the entire Gaza Strip, which Israel is notoriously blocking from resuming operations despite widespread starvation.<sup>11</sup>

Despite strenuous objections from the international community and explicit warnings about GHF operations violating international law and humanitarian operational principles, as well as its own executive director's resignation, GHF began operating in the Gaza Strip on May 26, 2025,

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PCHR, *Israel Besieges 2.3 Million Palestinians in Less than 15% of Gaza, Amid Escalating Starvation and Mass Killings*, July 7, 2025, <https://pchr.org/israel-besieges-2-3-million-palestinians-in-less-than-15-of-gaza-amid-escalating-starvation-and-mass-killings/>; Amnesty International, *Gaza: Evidence points to Israel's continued use of starvation to inflict genocide against Palestinians*, July 3, 2025, <https://www.amnesty.org/en/latest/news/2025/07/gaza-evidence-points-to-israels-continued-use-of-starvation-to-inflict-genocide-against-palestinians/>. See also Emanuel Fabian, *Defense minister announces 'complete siege' of Gaza: No power, food or fuel*, Times of Israel, Oct. 9, 2023, [https://www.timesofisrael.com/liveblog\\_entry/defense-minister-announces-complete-siege-of-gaza-no-power-food-or-fuel/?trk=public\\_post\\_comment-text](https://www.timesofisrael.com/liveblog_entry/defense-minister-announces-complete-siege-of-gaza-no-power-food-or-fuel/?trk=public_post_comment-text) (Israel's then-Minister of Defense Yoav Gallant declared: "I have ordered a complete siege on the Gaza Strip. There will be no electricity, no food, no fuel, everything is closed.").

<sup>7</sup> See, e.g., OCHA, *UN Relief Chief calls on Security Council to act decisively to prevent genocide in Gaza*, May 13, 2025, <https://www.unocha.org/news/un-relief-chief-calls-security-council-act-decisively-prevent-genocide-gaza> (criticizing the GHF model as "mak[ing] aid conditional on political and military aims ... starvation a bargaining chip. It is [a] cynical sideshow. A deliberate distraction. A fig leaf for further violence and displacement.").

<sup>8</sup> See CCR, *Letter to GHF Re: Risk of Legal Liability for Complicity in Serious Int'l Law Violations*, June 10, 2025, [https://ccrjustice.org/sites/default/files/attach/2025/06/6\\_10\\_2025\\_Letter%20and%20Exhibits%20to%20GHF.pdf](https://ccrjustice.org/sites/default/files/attach/2025/06/6_10_2025_Letter%20and%20Exhibits%20to%20GHF.pdf) (collecting sources); Louise Loveluck et al, *Foreseeable flaws in Gaza aid project led to shooting of Palestinians*, Washington Post, July 7, 2025, <https://www.washingtonpost.com/world/2025/07/07/gaza-aid-ghf-israel-shooting-violence/>.

<sup>9</sup> Patrick Kingsley & Jin Yu Young, *Head of New Gaza Aid System Resigns Over Lack of Autonomy*, N.Y. Times May 26, 2025, <https://www.nytimes.com/2025/05/26/world/asia/gaza-aid-wood-independence-resigns.html>.

<sup>10</sup> Yonat Shimron, *Johnnie Moore, prominent pro-Israel evangelical, named chair of Gaza aid group*, RNS, June 5, 2025, <https://religionnews.com/2025/06/05/johnnie-moore-prominent-evangelical-and-israel-supporter-to-head-aid-group/>.

<sup>11</sup> See, e.g., OCHA, *Statement on Gaza by Tom Fletcher, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator*, May 1, 2025, <https://www.ochaopt.org/content/statement-gaza-tom-fletcher-under-secretary-general-humanitarian-affairs-and-emergency-relief-coordinator-0>; UN, *Secretary-General's press encounter on the humanitarian situation in Gaza*, May 23, 2025, <https://www.un.org/sg/en/content/sg/press-encounter/2025-05-23/secretary-generals-press-encounter-the-humanitarian-situation-gaza>. See also Julia Emtseva, *Privatizing Aid: The Gaza Humanitarian Foundation Affair*, EJIL:Talk! June 4, 2025, <https://www.ejiltalk.org/privatizing-aid-the-gaza-humanitarian-foundation-affair/> ("When aid is distributed in a way that serves military objectives, bypasses neutral channels, and limits access for segments of the civilian population, we are no longer dealing with humanitarian relief as defined under IHL [international humanitarian law]. We are witnessing a political project disguised as aid.").

after an 11-week period when Israel blocked all humanitarian aid from entering Gaza.<sup>12</sup> The very next day, Israel shot and injured at least 50 people and killed three near GHF's distribution site in Rafah's Tal al-Sultan neighborhood in Southern Gaza.<sup>13</sup> That loss of Palestinian life and serious injury has continued on a nearly daily basis since GHF began its militarized "aid" operations, with estimates ranging from 550 to more than 700 Palestinians killed seeking food aid at GHF hubs and more than 4,000 injured.<sup>14</sup> American contractors working with GHF at the distribution sites use live ammunition and stun grenades against starving Palestinians coming to the locations to receive food aid; an internal report by SRS found that aid seekers were injured during 31% of the distributions in a two-week period in June.<sup>15</sup> Israeli officers and soldiers reported that they were ordered to fire on unarmed Palestinians seeking aid at GHF sites - and that Israeli forces did, in fact, shoot and kill unarmed Palestinians at GHF's "chaotic" hubs.<sup>16</sup>

Despite the killing of the very persons it is purportedly seeking to provide with humanitarian assistance, GHF has continued operating its militarized distribution hubs. This has led a UN agency head to describe the distribution scheme as "inherently unsafe," call them a "killing field" and "abomination" that "is killing people," and, with 130+ groups joining him, again plead for the restoration of UN-led aid distribution at 400 sites across Gaza.<sup>17</sup> The United States, in contrast, has yet to condemn in any way the death, harm and displacement caused to Palestinians in Gaza arising out of GHF's operations.

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<sup>12</sup> CBS, *Controversial new U.S. and Israel-backed Gaza aid effort gets off to a slow, tumultuous start*, (May 27, 2025), <https://www.cbsnews.com/news/us-israel-backed-gaza-humanitarian-foundation-aid-effort-tumultuous-start/>.

<sup>13</sup> UN News, *UN aid teams plead for access amid reports Gazans shot collecting food*, May 28, 2025, <https://news.un.org/en/story/2025/05/1163756>; see also Sammy Westfall & Gaya Gupta, *Here's what to know about the controversial new aid program in Gaza*, Washington Post, May 30, 2025, <https://www.washingtonpost.com/world/2025/05/29/gaza-humanitarian-foundation-aid-united-states/>.

<sup>14</sup> Roth, *US to give \$30m to Gaza Humanitarian Foundation despite violent and chaotic rollout of food distribution*, Guardian, *supra* n.2; Al Jazeera, *'Going hungry': More than 700 Palestinians killed seeking aid in Gaza*, July 5, 2025, <https://www.aljazeera.com/news/2025/7/5/going-hungry-more-than-700-palestinians-killed-seeking-aid-in-gaza>.

<sup>15</sup> Julia Frankel & Sam Mednick, *US contractors say their colleagues are firing live ammo as Palestinians seek food in Gaza*, AP, July 2, 2025, <https://apnews.com/article/palestinians-israel-gaza-contractors-aid-distribution-fe27f3ea83e06a09d66424eed7a5d56f>.

<sup>16</sup> Nir Hasson, Yaniv Kubovich and Bar Peleg, *'It's a Killing Field': IDF Soldiers Ordered to Shoot Deliberately at Unarmed Gazans Waiting for Humanitarian Aid*, Haaretz, June 27, 2025, <https://archive.is/9CyTK>. See Jessica Le Masurier and Jack Poulson, *'Blood for food': The US soldier-spies sidelining UN aid work in Gaza*, July 3, 2025, France24, <https://www.france24.com/en/middle-east/20250703-blood-for-food-us-soldier-spies-sidelining-un-aid-work-gaza-ghf-safe-reach>.

<sup>17</sup> Michelle Nichols, *UN chief slams US-backed Gaza aid operation: 'It is killing people.'* Reuters, June 27, 2025, <https://www.reuters.com/world/middle-east/un-chief-says-us-backed-gaza-aid-operation-is-unsafe-killing-people-2025-06-27/>; UNWRA, *UNRWA Commissioner-General on Gaza: The Humanitarian Community Calls for an End to the So Called "Gaza Humanitarian Foundation" (GHF)*, July 1, 2025, <https://www.unrwa.org/newsroom/official-statements/unrwa-commissioner-general-gaza-humanitarian-community-calls-end-ghf>; UNWRA, *UNRWA Commissioner-General on Gaza: The New Aid Distribution System Has Become A Killing Field*, June 27, 2025, <https://www.unrwa.org/newsroom/official-statements/unrwa-commissioner-general-gaza-new-aid-distribution-system-has-become>; UN High Commissioner for Human Rights, *Press Briefing Notes, Gaza: Palestinians seeking food continue to be killed by Israeli military*, June 24, 2025, <https://www.ohchr.org/en/press-briefing-notes/2025/06/gaza-palestinians-seeking-food-continue-be-killed-israeli-military>. See also Open Letter, *"You must act now": open letter to European leaders on Gaza*, MSF, June 16, 2025, <https://www.msf.org/open-letter-european-leaders> ("This system is a slaughter masquerading as humanitarian aid, and it must be immediately dismantled.").

GHF's aid distribution sites have widely been reported to be backed by both the governments of Israel and the United States.<sup>18</sup> Notably, when asked about reporting that criticizes the privatized aid distribution operation, the DOS Spokesperson foreshadowed that there would be a "very important announcement" about GHF already on May 6, 2025, and after noting President Trump's "interest in...the aid to Gaza and his personal involvement," said DOS would have "plenty to say...when this is formally announced. And it will be very, very good news, so we're looking forward to that."<sup>19</sup> Indeed, the State Department hailed the commencement of GHF's operations, calling it "great news" while downplaying Palestinians being shot and killed while seeking aid as "not surprising."<sup>20</sup> Contrary to the United Nations, humanitarian organizations and GHF's own former executive director, DOS claimed that GHF operated "under the humanitarian principles of independence and impartiality."<sup>21</sup> On June 3, 2025, when asked about the high number of Palestinians being killed while accessing aid at GHF hubs, the State Department spokesperson, Tammy Bruce, claimed that GHF is an "independent organization," "that it is not our project," and repeated three times that it "does not receive U.S. government funding."<sup>22</sup> While the DOS Spokesperson again stated that the United States does not fund GHF, she described its operations as "the response of the call from President Trump for the region."<sup>23</sup> Two days later, the State Department announced that the United States had "approved funding for \$30 million to the Gaza Humanitarian Foundation," noting GHF's operations aligned with President Trump's vision for "creative solutions" to Gaza aid distribution; when asked if the United States was pushing Israel to allow other groups into Gaza to distribute aid, the DOS deputy spokesperson Tommy Pigott only repeated "[w]hat we are pushing for is for other countries to join us in supporting the Gaza Humanitarian Foundation's work."<sup>24</sup> When asked what account the money was coming from, Pigott said he did not know.<sup>25</sup> There are media reports that the United States had already provided at least an additional \$7 million to GHF before the announcement of \$30 million.<sup>26</sup>

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<sup>18</sup> See, e.g., Ephrat Livni, *He Attended Prayer Meetings in the White House. Now He's Chairman of a Gaza Aid Group*, N.Y. Times, June 5, 2025, <https://www.nytimes.com/2025/06/05/world/middleeast/israel-johnnie-moore-gaza-humanitarian-foundation.html>; Sanjana Varghese et al, *Videos Show Chaos Around Israeli-backed Gaza Food Sites*, N.Y. Times, June 6, 2025, <https://www.nytimes.com/2025/06/06/world/middleeast/gaza-aid-site-shooting.html>.

<sup>19</sup> U.S. Dep't of State, Press Briefing, May 6, 2025, <https://www.state.gov/briefings/department-press-briefing-may-6-2025/#post-628237-ISPAL>.

<sup>20</sup> U.S. Dep't of State, Press Briefing, May 27, 2025, <https://www.state.gov/briefings/department-press-briefing-may-27-2025/>.

<sup>21</sup> *Id.*

<sup>22</sup> U.S. Dep't of State, Press Briefing, June 3, 2025, <https://www.state.gov/briefings/department-press-briefing-june-3-2025/#post-633275-ISRAELPALESTINIAN TERRITORIES>.

<sup>23</sup> U.S. Dep't of State, Press Briefing, June 24, 2025, <https://www.state.gov/briefings/department-press-briefing-june-24-2025/>.

<sup>24</sup> U.S. Dep't of State, Press Briefing, June 26, 2025, *supra* n.2.

<sup>25</sup> *Id.* As of July 2, 2025, the State Department reported that the \$30 million had been "fully approved" but that the funds had not yet been dispersed. U.S. Dep't of State, Press Briefing, July 2, 2025, <https://www.state.gov/briefings/department-press-briefing-july-2-2025/#post-637744-ISRAEL>. There are likewise questions of where funds to GHF go and who is overseeing those accounts. See, e.g., Stefani Spezzai and Olivia Le Poidevin, *Exclusive: UBS, Goldman passed on opening bank accounts for U.S.-backed Gaza aid foundation, sources say*, Reuters, July 4, 2025, <https://www.reuters.com/business/finance/ubs-goldman-passed-opening-bank-accounts-us-backed-gaza-aid-foundation-sources-2025-07-04/>.

<sup>26</sup> Roth, *US to give \$30m to Gaza Humanitarian Foundation despite violent and chaotic rollout of food distribution*, The Guardian, June 24, 2025, *supra* n.2.

In lauding the \$30 million to GHF, Pigott also dismissed a month of steady reporting on Palestinian deaths and injuries around GHF aid distribution sites from a range of national, international and Israel media as well as United Nations sources, as “based in Hamas propaganda,” even as he acknowledged awareness of a first-person account by a U.S. contractor working at a GHF distribution site who described GHF’s operations as “absolutely horrific.”<sup>27</sup>

Against this background, CCR is deeply concerned about the United States overall endorsement of GHF, and now, through the DOS, giving support or credence to, encouraging, financially supporting or otherwise bankrolling GHF’s operations, and its encouragement that other governments likewise support GHF instead of the long-recognized and respected U.N.-backed humanitarian aid delivery scheme. CCR is particularly concerned that there is any link between aid distribution through GHF and President Trump’s earlier suggestion that Gaza be cleansed of Palestinians and redeveloped not for Palestinians, but as the “Gaza Riviera” for investors.<sup>28</sup> We seek the information that is the subject of this Request in order to better understand U.S. policy towards Gaza in the short, mid- and long term; humanitarian operations generally and militarized, privatized operations specifically; ending the widespread starvation and risk of famine in Gaza; and efforts to end the military assault and closure of Gaza by Israel. We also seek this information in order to better understand the rationales and motives behind DOS and/or USAID’s decision to provide GHF with tens of millions of U.S. tax-payer dollars in the face of a campaign of carnage, danger and humiliation of Palestinians in desperate need of a humanitarian assistance in Gaza because of Israel’s policies. Our interests in these records are rooted in a desire for government transparency.

## B. Definitions

- **Record(s).** In this Request the term “Record(s)” includes, but is not limited to, all records or communications preserved in electronic (including metadata) or hardcopy form, such as correspondences, emails, documents, data, videotapes, audio tapes, faxes, files, guidance, guidelines, evaluations, instructions, analyses, memoranda, agreements, notes, orders, policies, procedures, legal opinions, protocols, reports, rules, talking points, technical manuals, technical specifications, training manuals, studies, or any other record of any kind.
- **Communication(s).** In this Request, the term “Communication” means the transmittal of information (in the forms of facts, ideas, inquiries, or otherwise), including but not limited to emails, texts, voicemails, faxes, letters, messages including Microsoft Teams/Zoom/Slack/Signal/WhatsApp messages, and/or any other type of electronic or non-electronic communication.

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<sup>27</sup> U.S. Dep’t of State, Press Briefing, June 26, 2025, *supra* n. 2. See *Exclusive: American Security Contractor Unloads on US-Israeli ‘Gaza Humanitarian Foundation,’* Zeteo June 11, 2025, <https://zeteo.com/p/exclusive-american-security-contractor>.

<sup>28</sup> See, e.g., Stephen Foley and Jim Pickard, *Tony Blair’s staff took part in ‘Gaza Riviera’ project with BCG*, Financial Times, July 6, 2025, <https://www.ft.com/content/0b1bc761-c572-4b61-882a-fb4467259dcd>; Tamara Keith et al, *Trump wants to turn Gaza into the “Riviera of the Middle East,”* NPR, Feb. 6, 2025, <https://www.npr.org/2025/02/06/1229439867/gaza-riviera-trump-netanyahu>; Lee Keath, *Trump doubles down on plan to empty Gaza. This is what he said and what’s at stake*, AP, Feb. 12, 2025, <https://apnews.com/article/trump-gaza-plan-palestinians-israel-3f12eb51869da2221afbb22b0bcf47ba>.

- **Data Compilations(s).** In this Request, the term “Data Compilation” means any previously compiled aggregation, summary, table, list, spreadsheet, report, extract, or other assembled presentation of data—whether structured or unstructured—that reflects or is derived from one or more data systems, databases, tracking tools, forms, logs, case management software, or electronic records maintained or accessed by the DOS or USAID.

### C. Request for Information

CCR requests any and all RECORDS, COMMUNICATIONS and/or DATA COMPILATIONS that were prepared, received, transmitted, collected and/or maintained by the DOS or USAID, regardless of the identity of the correspondence party/ies, created from October 1, 2024 to the date on which DOS and/or USAID undertake their searches responsive to this FOIA request, relating or referring to the following:

1. All records related to the \$30 million awarded to GHF that was announced on June 26, 2025, including but not limited to:
  - a) pre-award vetting of key individuals or organizations associated with GHF,
  - b) discussions, decision-making, or other communications related to the award, including but not limited to:
    - (1) the proposed and final “statement of work” and/or “scope of work,”
    - (2) the contract and/or grant or cooperative agreement, and
    - (3) consideration of reporting of Palestinian deaths and injuries and serious concerns expressed by the United Nations and humanitarian organizations;
  - c) discussions, decision-making, or other communications related to the apparent decision to waive notification requirements for the \$30 million award;
  - d) records related to the payment of the award and all DOS requirements for disbursements and payees of the award, and
  - e) review of compliance, including but not limited to compliance with USAID Mission Order 21;
2. All records related to funding, payments, grants or support to GHF by the United States through DOS and/or USAID *other than the \$30 million announced June 26, 2025 (per Item #1)*, whether directly or indirectly, including a reported \$7 million undated payment,<sup>29</sup> including:
  - a) all records related to pre-award vetting of key individuals or organizations associated with GHF,

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<sup>29</sup> Roth, *US to give \$30m to Gaza Humanitarian Foundation despite violent and chaotic rollout of food distribution*, The Guardian, June 24, 2025, *supra* n.2.

- b) discussions, decision-making, reactions to, payment of, requirements for disbursements and payees, and
  - c) ongoing review of compliance, including but not limited to compliance with USAID Mission Order 21;
3. All records including policy advisories, white papers, orders, or similar records related to the establishment, mission of, vision for, funding sources, and/or leadership of the Gaza Humanitarian Foundation aka GHF, including but not limited to records and communications with persons from or associated with the Boston Consulting Group aka BCG, Orbis, McNally Capital, Tony Blair Institute for Global Change, Safe Reach Solutions aka SRS, UG Solutions, and the Tachlith Institute;
  4. All records related to the statements, media responses and/or press briefings related to Gaza Humanitarian Foundation aka GHF, Safe Reach Solutions aka SRS, and/or UG Solutions since January 21, 2025;
  5. All records related to any connection, link, interrelationship, and/or association between Gaza Humanitarian Foundation aka GHF and President Trump's proposals, policies or plans for Gaza, which include references to "Gaza Riviera," "Riviera of the Middle East," "Great Trust," and "Gaza Reconstitution, Economic Acceleration and Transformation";<sup>30</sup>
  6. All records related to reports, investigations, tracking, queries, and/or follow-up on deaths and injuries to Palestinians while seeking aid at a GHF distribution hubs;
  7. All records related to the establishment, mission of, vision for, funding sources, approvals for the export and use of arms by, and/or leadership of U.S. contractors *Safe Reach Solutions aka SRS* and *UG Solutions*, including but not limited to policy advisories, white papers, orders, or similar records as well as communications with persons from or associated with the Boston Consulting Group aka BCG, Orbis, McNally Capital, Tony Blair Institute for Global Change, GHF, and the Tachlith Institute;
  8. All records of communications with the Israeli Government related to GHF operations and the presence of U.S. contractors in Gaza including through Safe Reach Solutions aka SRS and UG Solutions, including but not limited to:
    - a) the planning and operation of GHF and US contractor distribution hubs, and
    - b) reports and investigations of deaths and injuries arising out of, related to, at or near GHF operations; and
  9. All records of communications between the DOS and/or USAID on the one hand, and members of Congress on the other, regarding operations, financing and approvals of

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<sup>30</sup> See *supra* n.28, 19, 23 and 24; Jonathan Landay and Aram Roston, *Exclusive: Proposal outlines large-scale 'Humanitarian Transit Areas' for Palestinians in Gaza*, Reuters, July 7, 2025, <https://www.reuters.com/world/middle-east/us-backed-aid-group-proposed-human-transit-areas-palestinians-gaza-2025-07-07/> (the plan "calls for using the sprawling facilities to "gain trust with the local population" and to facilitate U.S. President Donald Trump's "vision for Gaza."").

U.S. support to GHF, Safe Reach Solutions aka SRS and UG Solutions, including but not limited to:

- a) any communications related to Senator Elizabeth Warren’s June 19, 2025 letter to Secretary of State Rubio and Acting Deputy Administrator Jackson of USAID seeking additional information about a possible \$500 million from State to GHF and answers to ten specific questions,<sup>31</sup> and
- b) any communications related to the June 30, 2025 letter to Secretary Rubio from 19 members of Congress opposing the Israeli government’s weaponization of aid through GHF’s operations and use of starvation as a weapon.<sup>32</sup>

#### **D. Limitations on Time and Scope, and Search Terms**

The time period for this Request is from October 1, 2024 to present (i.e., the date when the searches are fully processed).

To facilitate searches, CCR proposes the following search terms (collectively, “Proposed Search Terms”), to be included individually and in combination (including plurals, lower-case, hyphenations, and common variations):

- “Gaza” OR “gaza”;
- “Gaza humanitarian” AND (“foundation” OR “fund”);
- “GHF”;
- “Global Humanitarian Fund”;
- “Boston Consulting Group”;
- “BCG”;
- “Safe Reach Solutions”;
- “SRS”;
- “UG Solutions”;
- “Orbis”;
- “McNally Capital”;
- “Israel Defense Forces”
- “IDF”;
- “Gaza Riviera”;
- “Riviera of the Middle East”;
- “Great Trust”;
- “Gaza Reconstitution, Economic Acceleration and Transformation”;

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<sup>31</sup> Letter from Sen. E. Warren to Secretary of State M. Rubio and Acting Dir. Administrator for Management and Resources K. Jackson, June 19, 2025, [https://www.warren.senate.gov/imo/media/doc/letter\\_from\\_senator\\_warren\\_to\\_the\\_department\\_of\\_state\\_usaid\\_on\\_the\\_gaza\\_humanitarian\\_foundation.pdf](https://www.warren.senate.gov/imo/media/doc/letter_from_senator_warren_to_the_department_of_state_usaid_on_the_gaza_humanitarian_foundation.pdf). See also Sen. Elizabeth Warren, Press Release, *Warren demands answers on Trump’s potential contract with shadowy humanitarian group, urges more aid to Gaza through responsible partners*, June 20, 2025, <https://www.warren.senate.gov/newsroom/press-releases/warren-demands-answers-on-trumps-potential-contract-with-shadowy-humanitarian-group-urges-more-aid-to-gaza-through-responsible-partners>

<sup>32</sup> Letter from Nineteen Members of Congress to Secretary of State M. Rubio, June 30, 2025, <https://d12t4t5x3vyizu.cloudfront.net/tlaib.house.gov/uploads/2025/06/Quill-Letter-L27879-Oppose-Weaponization-of-Aid-in-Gaza-Version-2-06-30-2025-@-10-53-AM.pdf>; Rep. Rashida Tlaib, Press Release, *Tlaib leads colleagues in opposing Israeli government’s use of starvation as a weapon*, June 30, 2025, <https://tlaib.house.gov/posts/tlaib-leads-colleagues-in-opposing-israeli-governments-use-of-starvation-as-a-weapon>.

- “Aurora”;
- “famine”;
- “starvation”;
- “transfer”;
- “voluntary relocation”;
- “United Nations”;
- “UNRWA”;
- “Phil Reilly” AND “Philip Reilly”;
- “Johnnie Moore”;
- “John Acree”;
- “Jake Wood”
- “Rich Hutchinson”;
- “Adam Farber”;
- “Matt Schleuter”;
- “Ryan Ordway”;
- “distribution hub”; and
- “industrial zone”

#### E. The Requester

The Requester, CCR, is a non-profit, public interest legal and advocacy organization that engages in the fields of civil and human rights. CCR’s diverse issue areas include litigation and advocacy around militarism, mass incarceration and prisoners’ rights, Palestinian solidarity, and the protection of human rights defenders and the right to dissent. CCR has long challenged impunity for the Israeli government’s violations of international law related to its illegal occupation of Palestine, U.S. support that enables Israel’s violations, and efforts to punish activists for speaking out in solidarity with Palestine. Over the last 21 months, CCR has been publicly challenging US complicity in Israel’s genocide (including by denying access to basic necessities for life such as food and water) against Palestinians in Gaza, and has raised serious concerns about replacing UN-backed humanitarian operations with the Israel/US-backed GHF militarized distribution hubs.<sup>33</sup> One of CCR’s primary activities is the publication of newsletters, know-your-rights handbooks, legal analysis of current human rights issues, and other similar materials for public dissemination. Records received through FOIA requests have served as the basis for some of these materials. These and other materials are available through CCR’s Development, Communications, and Advocacy Departments. CCR operates a website, <http://ccrjustice.org>, which addresses the issues on which the Center works, as well as through its various social media channels. CCR staff members often serve as sources for journalists and media outlets, including on issues related to international human rights, Palestine, the right to dissent and racial justice. In addition, CCR regularly issues press releases, has an active social media presence with tens of thousands of followers, and also issues regular email updates sent to over 50,000 supporters about developments and news pertaining to CCR’s work.

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<sup>33</sup> See, e.g., Center for Constitutional Rights, *Letter to GHF Re: Risk of Legal Liability for Complicity in Serious International Law Violations*, June 10, 2025, [https://ccrjustice.org/sites/default/files/attach/2025/06/6\\_10\\_2025\\_Letter%20and%20Exhibits%20to%20GHF.pdf](https://ccrjustice.org/sites/default/files/attach/2025/06/6_10_2025_Letter%20and%20Exhibits%20to%20GHF.pdf); CCR et al, *Human Rights, Legal Organizations Warn Privatized “Humanitarian” Operators in Gaza of the Risk of Legal Liability for Complicity in Serious Violations of International Law*, [https://ccrjustice.org/sites/default/files/attach/2025/06/GHF-Letter-Sign-on\\_ww.pdf](https://ccrjustice.org/sites/default/files/attach/2025/06/GHF-Letter-Sign-on_ww.pdf).

## F. Request for Fee Waiver

CCR requests a waiver of all fees associated with this Request pursuant to 5 U.S.C. § 552(a)(4)(A)(iii). CCR is a nonprofit organization (see Section E of this Request) seeking the requested information in the public interest and not for commercial purposes. CCR meets the requirements for a fee waiver because the subject of the request concerns the operations or activities of the government, the disclosure of the information is likely to contribute to a significant public understanding of government operations or activities, the Requester's primary interest is in disclosure, and they have no commercial interest in the information. *See* 22 C.F.R. § 171.16(j), 22 C.F.R. § 212.14(k).

As detailed in this Part A of this Request, GHF's operations, US government support for GHF and the decision by DOS to provide GHF with funding, including the reported \$30 million, is of significant public interest and has been the subject of considerable press coverage, as well as denouncement by UN officials, humanitarian groups and human rights organizations. CCR will make any information that it receives as a result of this FOIA request available to the public, including the press, at no cost. Disclosure in this case, therefore, meets the statutory criteria, and a fee waiver would fulfill Congress' legislative intent in amending FOIA. *See Judicial Watch Inc. v. Rossotti*, 326 F.3d 1309,1312 (D.C. Cir. 2003) ("Congress amended FOIA to ensure that it be 'liberally construed in favor of waivers of noncommercial requesters.'") (citing *McClellan Ecological Seepage Situation v. Carlucci*, 835 F.2d 1282, 1284 (9th Cir. 1987)).

In the alternative, if no fee waiver is granted and the fees exceed \$250.00, please contact CCR's undersigned representative to obtain consent to incur additional fees. Processing fees should be limited pursuant to 5 U.S.C. § 552(a)(4)(A)(ii)(II) ("[F]ees shall be limited to reasonable standard charges for document duplication when records are not sought for commercial use and the request is made by . . . a representative of the news media").

## G. Request for Expedited Processing

CCR requests expedited processing of this FOIA Request pursuant to 5 U.S.C. § 552(a)(6)(E), 22 C.F.R. §§ 171.12(d)(1)(ii), (d)(1)(iii), as the requested information concerns matters of widespread public interest and urgency related to the provision of humanitarian assistance to a population experiencing a genocide and the near-daily accounts of deaths and injuries to that population arising out of a widely condemned US-backed "humanitarian" operation. Matters are developing so quickly that this FOIA required multiple updates over the course of today due to breaking news stories. Accordingly, CCR requests an expedited processing determination within 10 days of the receipt of this FOIA Request on the grounds that there is an immediate and compelling need for the information.

There is an urgent need to inform the public of the policies and decision-making regarding the DOS and USAID's grant of significant financial and political support to a private entity implicated in the killing of hundreds of Palestinians, the injury to thousands, and the serious risk of the forcible transfer of hundreds of thousands who have to relocate to access the small number of GHF hubs. As demonstrated through the sourcing in this Request, *every* major outlet is covering GHF's operations and US-support for GHF, such as the New York Times, the Guardian, Reuters, CBS News, Washington Post, Financial Times, AP, Haaretz, and Al Jazeera.

CCR is primarily engaged in disseminating information and is entitled to prompt and efficient responses to the request for information, which it will promptly share with the public. The expedient provision of this information will allow the American public to better understand the motivations and rationales behind the widely condemned and highly controversial decision to fund GHF instead of backing a return of the UN-led humanitarian assistance program.

#### **H. Preferred Format and Delivery**

CCR requests that records be delivered via email to Katherine Gallagher at [kgallagher@ccrjustice.org](mailto:kgallagher@ccrjustice.org). If the volume of responsive records is too large for email transmission, please provide them via a secure file-sharing service. Please search for responsive records regardless of format, medium, or physical characteristics, and including electronic records. Please provide the requested documents in the following format:

- In PDF format wherever possible;
- Bates numbered in sequence for each agency;
- Without password protection;
- Electronically searchable wherever possible;
- “Parent-child” relationships maintained, meaning that the Requester must be able to identify the attachments with emails;
- Any data records in native format (i.e. Excel spreadsheets in Excel);
- Emails should include BCC and any other hidden fields; and
- With any other metadata preserved.

#### **Conclusion**

CCR expects DOS and USAID to make a determination on this request within 20 days, as provided by statute. *See* 5 U.S.C. § 552(a)(6)(A)(i). If this Request is denied in whole or in part, CCR asks that DOS and/or USAID justify all its deletions by reference to specific exemptions of FOIA. CCR expects DOS and/or USAID to release all segregable portions of otherwise exempt material. Additionally, CCR reserves the right to appeal a decision to withhold any records or a decision to deny this application for expedited processing and fee waiver.

I certify that everything in this FOIA request is true and correct. Thank you for your prompt attention to this request. If you require clarification or anticipate any delay, please contact us promptly at [kgallagher@ccrjustice.org](mailto:kgallagher@ccrjustice.org).

Sincerely,



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