

Freedom of Information Officer
Hubert H. Humphrey Building, Room 729H
200 Independence Avenue SW
Washington, D.C. 20201

Via Mail and Email

July 6, 2017

RE: FOIA Request - Fee Waiver and Expedition Requests Included

To whom it may concern:

This is a request for expedited production of records under the Freedom of Information Act, 5 U.S.C. § 552, Department of Health and Human Services implementing regulations at 22 C.F.R. § 171*et seq.*, and Attorney General Holder's Memorandum for Heads of Executive Departments and Agencies, dated March 19, 2009.

This request is being made by the Global Justice Center (GJC), a 501(c)(3) non-profit human rights organization based in New York specializing in the global enforcement of international law rights guarantees.

I. Definitions for this FOIA Request

1. "MATERIALS"- For purposes of this request, the term "materials" includes but is not limited to any and all objects, emails, writings, meeting notes, minutes, notations on documents, calendar notation of meetings or phone calls, power point presentations, telephone logs, drawings, graphs, charts, tables, electronic or computerized data compilations, budgets, accountings, electronic or computerized documents, photographs, audiotapes, videotapes, transcripts, drafts, correspondence, notes, notes of oral communications, and non-identical copies, including but not limited to copies with notations. This includes legal department memos or meeting notes, and all materials received by HHS even if not generated by HHS, such as a memo or request for clarity from the Department of Health and Human Services, White House, or awardees.
2. "AWARDS" - For purposes of this request, the term "awards" includes all HHS partnerships grants, contracts, partnership agreements, and cooperative agreements, with US Non-Governmental Organizations, Foreign Non-Governmental Organizations, Public International Organizations, and with Foreign Governments. "Awards" includes any modifications relating to the abortion prohibitions.
3. "ABORTION PROHIBITIONS ON FOREIGN ASSISTANCE"; "HELMS-RELATED RESTRICTIONS"; "MEXICO CITY POLICY-RELATED RESTRICTIONS"; "GLOBAL GAG RULE-RELATED RESTRICTIONS"- These terms are used interchangeably herein and refer to US abortion restrictions on foreign assistance, including the Helms Amendment to the Foreign Assistance Act, the Siljander Amendment, the Tihart Amendment, the Biden Amendment, the Kemp-Katsen Amendment, the Leahy Amendment, the Mexico City Policy (also known as the Global Gag Rule), the "Protecting Life in Global Health Assistance"

policy or any permutations of these restrictions as found in annual appropriations, federal legislation or HHS directives.

II. Request for Materials

A. Request for Portions of HHS Awards

We request information on all HHS emails, internal memos, contracts, grants and awards since November 8, 2016 that discuss or mention the Helms amendment, Global Gag Rule, the “Protecting Life in Global Health Assistance” policy, or other US abortion restrictions on foreign assistance. See conditions limiting this request *supra*.

We request that you produce responsive materials in their entirety, including all attachments, appendices, enclosures and/or exhibits. However, to the extent that a response to this request would require HHS to provide multiple copies of identical material, the request is limited so that only one copy of the identical material is requested. If the materials are too voluminous we will come to review them.

In the event you determine that materials contain information that falls within the statutory exemptions to mandatory disclosure, we request that such information be reviewed for possible discretionary disclosure. *See Chrysler Corp. v. Brown*, 441 U.S. 281, 293 (1979). We also request that, in accordance with 5 U.S.C. § 552(b), any and all reasonably segregable portions of otherwise exempt materials be produced. To the extent the request is denied, we expect to receive notice in writing, including a description of the information withheld, the reasons for denial, and any exemptions relied upon. *See* 22 C.F.R. § 212.36(a).

III. FEE WAIVER REQUEST

Please waive any applicable fees, GJC is a non-profit organization, with no commercial interest in documents requested and the information contained in the requested contracts are of significant public interest and will contribute significantly to public understanding of government operations and activities. Disclosure of the requested information will materially contribute to the public’s understanding of U.S. foreign aid and women’s health. Also, meaningfully understanding the intersection of these two issues is critical to evaluating whether the U.S. is violating fundamental international laws including the Geneva Conventions and the Convention against Torture. GJC is a non-profit organization and has been determined eligible for waiver of all fees in the past. GJC, as thought-leaders and advocacy lawyers, intends to use the requested information to evaluate new changes to U.S. policy, inform the public of these changes, and determine the how international law resolves potential issues accompanying the shift. We will issue press releases based in part on the information gathered in this request that will contribute significantly to public understanding of government operations and activities and utilize this information in our advocacy efforts around this issue.

Furthermore, for the purposes of a fee waiver determination, the GJC can be considered to be a representative of the new media because it is “an entity that gathers information of potential interest to a segment of the public, uses its editorial skills to turn raw materials into a distinct work, and distributes the work to an audience.” A key component of the GJC’s work is to gather, analyze and distribute information that is of interest to the public through legal and advocacy publications which are made available to the public through our website, blog, Twitter, and Facebook and that are distributed through electronic newsletters.

IV. EXPEDITION REQUEST

Please provide expedited processing of this request. **This request pertains to the medical services provided to girls and women who are victims of rape and torture in armed conflicts, which is an issue of utmost importance and immediate concern.** The materials requested pertain to an issue under discussion in the public domain and within the administration and are critical to GJC's "August 12th Campaign," which challenges the U.S. government's compliance with the Geneva Conventions and related international laws ensuring complete medical treatment for girls and women who are victims of rape and torture in armed conflicts. There are frequent news reports regarding the ongoing global use of sexual violence and the matter of sexual violence in armed conflicts is on the agenda of the Security Council. In fact, the U.S. government, as a member of the U.N., has pledged under Security Council Resolutions 2106 and 2122 to provide non-discriminatory and comprehensive health services to survivors of sexual violence, which is undermined by U.S. abortion restrictions on foreign assistance.

GJC is the major source of information and legal analyses of U.S. government policy in the August 12th Campaign, and GJC has been joined by over 3,000 U.S. and global legal and human rights organizations as well as been the subject of media coverage. The materials are also needed in conjunction with GJC's work in monitoring the implementation of President Obama's executive orders on Women, Peace, and Security (December 19, 2011) and Preventing and Responding to Violence against Women and Girls Globally (August 10, 2012). Further, the issue of the application of the abortion restrictions on conflict-related humanitarian aid is one under active consideration by the U.S. government. With the requested information, GJC will significantly contribute to the public's understanding of foreign aid and reproductive health.

As a human rights nonprofit organization, the GJC is primarily engaged in disseminating information. The public has an urgent need for information pertaining to the Helms Amendment and United States abortion policy as indicated in the requested contracts.

We look forward to a determination on this request from you within 10 (ten) working days pursuant to 22 C.F.R. § 212.34(a) and to receive responsive materials within 20 days.

Thank you for your prompt attention to this request. Please call Akila Radhakrishnan at (212) 725-6530 ext. 203 if you have any questions or wish to obtain further information about the nature of the documents in which we are interested. The records should be sent to Janet Benshoof, Global Justice Center, 11 Hanover Square, 6th Floor, New York, NY 10005.

Sincerely,



Janet Benshoof, President - Global Justice Center