



United States
Department of
Agriculture

Office of the General Counsel
1400 Independence Ave. SW
Washington, DC 20250-1400

June 5, 2020

Delivered via Electronic Mail

Austin R. Evers
American Oversight
1030 15th Street NW
Suite B255
Washington, District of Columbia 20005
foia@americanoversight.org

Re: Final Response for Freedom of Information Act (FOIA) Request No. 2020-OSEC-03739-F

Dear Mr. Evers:

This is the Departmental FOIA Office's (DFO) final response to the above-referenced FOIA request. The request was submitted to the DFO and to the Food and Nutrition Service (FNS). The DFO is processing Item 1 of the request, which seeks:

Any final analysis, assessments, evaluations, or similar reports or documents prepared by your agency's staff that evaluate the effects of (a) narrowing the conditions under which the agency would waive, when requested by states, the able-bodied adult without dependents (ABAWD) time limits in certain areas, or (b) limiting carryover of ABAWD discretionary exemptions.

Your request was processed under the FOIA, 5 U.S.C. § 552.

A manual search was performed for responsive records maintained by the office of the Deputy Under Secretary for the Food, Nutrition and Consumer Services (FNCS), Brandon Lipps. No responsive records were identified as a result of that search.

The description of the records sought does not mention seeking communications. But, elsewhere in the request letter – the section on “Guidance Regarding the Search & Processing of Requested Records” – it is stated that “the request seeks ‘communications’”. In the interest of thoroughness, therefore, additional searches were performed by the Client Experience Center (CEC). The CEC provides comprehensive, fee-for-service information technology (IT) associated operations, security, and technical support services, as well as implements and manages enterprise IT solutions for users Department-wide. The Outlook and Skype accounts for Secretary Perdue and Deputy Under Secretary Lipps were searched for responsive records. No responsive records were located.

You may appeal this response by email at USDAFOIA@usda.gov. Your appeal must be in writing, and it must be received electronically no later than 90 calendar days from the date of this letter. The OGC will not consider appeals received after the 90 calendar-day limit. Appeals received after 5:00 p.m. EST will be considered received the next business day. The appeal letter should include the FOIA tracking number listed above, a copy of the original request, the DFO's response to your original request, and a statement explaining the basis of your appeal. For quickest possible handling, the subject line of your email should be marked “Freedom of Information Act Appeal.” You should also reference FOIA Case 2020-OSEC-03739-F.

You may seek dispute resolution services from the DFO's FOIA Public Liaison, Ms. Camille Aponte. Ms. Aponte may be contacted by telephone at 202-505-0271, or electronically at Camille.Aponte@usda.gov or USDAFOIA@usda.gov.

You also have the option to seek assistance from the Office of Government Information Services (OGIS). Please visit <https://www.archives.gov/ogis/mediation-program/request-assistance> for information about how to request OGIS assistance in relation to a FOIA request.

Provisions of the FOIA allow us to recover part of the cost of processing your request. In this instance, because the cost is below the \$25 minimum, there is no charge. 7 C.F.R. Part 1.18.

If you have any questions regarding the processing of this request, please contact Ms. Camille Aponte at (202) 505-0271, or electronically at Camille.Aponte@usda.gov or USDAFOIA@usda.gov.

For additional information regarding USDA FOIA regulations and processes, please refer to the information available online at www.dm.usda.gov/foia.

The DFO Team appreciates the opportunity to assist you with this matter.

Sincerely,

Alexis R. Graves

Alexis R. Graves
Departmental FOIA Officer
Office of the General Counsel