



United States Department of State

Washington, D.C. 20520

September 30, 2021

Case No. FL-2020-00018

Melanie Sloan
American Oversight
1030 15th Street NW, B255
Washington, DC 20005

Dear Ms. Sloan:

As noted in our letter dated August 19, 2021, we are processing your request for material under the Freedom of Information Act (the “FOIA”), 5 U.S.C. § 552. The Department of State has identified two additional responsive records subject to the FOIA. We have determined that both records may be released in part.

An enclosure explains the FOIA exemptions and other grounds for withholding material. Where we have made excisions, the applicable FOIA exemptions are marked on each document. All non-exempt material that is reasonably segregable from the exempt material has been released and is enclosed.

We will keep you informed as your case progresses. If you have any questions, you may contact Trial Attorney Joshua C. Abbuhl at Joshua.Abbuhl@usdoj.gov or (202) 616-2531. Please refer to the case number, F-2019-06332/FL-2020-00018, and the civil action number, 19-cv-02934, in all correspondence about this case.

Sincerely,

Jeanne Miller
Chief, Programs and Policies Division
Office of Information Programs and Services

Enclosures: As stated.

The Freedom of Information Act (5 USC 552)

FOIA Exemptions

(b)(1) Information specifically authorized by an executive order to be kept secret in the interest of national defense or foreign policy. Executive Order 13526 includes the following classification categories:

- 1.4(a) Military plans, systems, or operations
- 1.4(b) Foreign government information
- 1.4(c) Intelligence activities, sources or methods, or cryptology
- 1.4(d) Foreign relations or foreign activities of the US, including confidential sources
- 1.4(e) Scientific, technological, or economic matters relating to national security, including defense against transnational terrorism
- 1.4(f) U.S. Government programs for safeguarding nuclear materials or facilities
- 1.4(g) Vulnerabilities or capabilities of systems, installations, infrastructures, projects, plans, or protection services relating to US national security, including defense against transnational terrorism
- 1.4(h) Weapons of mass destruction

(b)(2) Related solely to the internal personnel rules and practices of an agency

(b)(3) Specifically exempted from disclosure by statute (other than 5 USC 552), for example:

ARMSEXP	Arms Export Control Act, 50a USC 2411(c)
CIA PERS/ORG	Central Intelligence Agency Act of 1949, 50 USC 403(g)
EXPORT CONTROL	Export Administration Act of 1979, 50 USC App. Sec. 2411(c)
FS ACT	Foreign Service Act of 1980, 22 USC 4004
INA	Immigration and Nationality Act, 8 USC 1202(f), Sec. 222(f)
IRAN	Iran Claims Settlement Act, Public Law 99-99, Sec. 505

(b)(4) Trade secrets and confidential commercial or financial information

(b)(5) Interagency or intra-agency communications forming part of the deliberative process, attorney-client privilege, or attorney work product

(b)(6) Personal privacy information

(b)(7) Law enforcement information whose disclosure would:

- (A) interfere with enforcement proceedings
- (B) deprive a person of a fair trial
- (C) constitute an unwarranted invasion of personal privacy
- (D) disclose confidential sources
- (E) disclose investigation techniques
- (F) endanger life or physical safety of an individual

(b)(8) Prepared by or for a government agency regulating or supervising financial institutions

(b)(9) Geological and geophysical information and data, including maps, concerning wells

Other Grounds for Withholding

NR Material not responsive to a FOIA request excised with the agreement of the requester

From:	(b)(6)
To:	Hale, David (b)(6) (b)(6)
Subject:	FW: clearance requested: updated Amb Y/Ukraine guidance
Date:	2019/03/25 15:20:18
Type:	Note

Continue holding on providing clearance?

Official

UNCLASSIFIED

From: (b)(6)
Sent: Monday, March 25, 2019 11:16 AM
To: (b)(6)
Subject: FW: clearance requested: updated Amb Y/Ukraine guidance

Continue to hold on these? (b)(5)

(b)(6)

Special Assistant
Office of the Under Secretary for Political Affairs

(b)(6)

Official

UNCLASSIFIED

From: (b)(6)
Sent: Monday, March 25, 2019 11:09 AM
To: (b)(6)
(b)(6)
Cc: EUR-Press <EUR-Press-DL@state.gov>
Subject: clearance requested: updated Amb Y/Ukraine guidance

Good morning,

Your re-clearance is requested on updated language for a media query on Amb Y/Ukraine.

(b)(5); (b)(6)

Thank you,

(b)(6)

Query: "US Ambassador to Ukraine Marie Yovanovitch and recent remarks made on Fox News programs, including Laura Ingraham's and Sean Hannity's programs, and elsewhere in the public sphere accusing Ambassador Yovanovitch of opposing and criticizing President Trump. What is the State Department's response to allegations made on these programs and elsewhere in the public sphere that Ambassador Yovanovitch has criticized President Trump in meetings with Ukrainian officials and that she does not support President Trump? Will Ambassador Yovanovitch remain in her current position? Has Ambassador Yovanovitch been asked in any way to resign or been contacted by Secretary Pompeo over the matter? Does the Ambassador have the support of Secretary Pompeo? Does the Ambassador plan to remain in Ukraine this week and through the elections? Will she be returning to Washington at any point?"

(b)(5)

Sender	(b)(6)	
Recipient:	Hale, David (b)(6)	
	(b)(6)	
Sent Date:	2019/03/25 15:20:17	
Delivered Date:	2019/03/25 15:20:18	

From:	(b)(6)
To:	Hale, David (b)(6) (b)(6)
Subject:	FW: clearance requested: response to media query on DAS Kent's letter/Ukraine/Amb Y
Date:	2019/03/21 15:10:19
Type:	Note

Official
UNCLASSIFIED

From: (b)(6)
Sent: Thursday, March 21, 2019 11:08 AM
To: (b)(6)
Cc: (b)(6)
Subject: FW: clearance requested: response to media query on DAS Kent's letter/Ukraine/Amb Y

FYI – more press guidance/clearance on the Ukraine article. (b)(5)

(b)(5)

(b)(6)

Special Assistant
Office of the Under Secretary for Political Affairs

(b)(6)

Official
UNCLASSIFIED

From: (b)(6)
Sent: Thursday, March 21, 2019 10:58 AM
To: (b)(6)

(b)(6)

Cc: EUR-Press <EUR-Press-DL@state.gov>

Subject: clearance requested: response to media query on DAS Kent's letter/Ukraine/Amb Y

Good morning,

Your clearance is requested on the below query from Radio Free Europe in response to The Hill's article on DAS Kent/Ukraine/Amb. Y.

This has been cleared by EUR and DAS Kent.

Thank you,

(b)(6)

What is the State Department's response to the allegations and the documents presented in The Hill's report? Are the documents with now Deputy Assistant Secretary George Kent's name and signature on them authentic?

(b)(5)

(b)(5)

Is there truth to Mr. Lutsenko's statements?

(b)(5)

Do you believe this is a reaction to recent criticism of the prosecutor's office by U.S. Ambassador Marie Yovanovitch?

(b)(5)

Sender:

(b)(6)

(b)(6)

(b)(6)

Recipient:

Hale, David (b)(6)

(b)(6)

Sent Date: 2019/03/21 15:10:19