Department of Energy
Washington, DC 20585

August 16, 2021

Austin Evers
American Oversight
1030 15th Street, NW
Suite B255
Washington, DC 20005

Via email: foia@americanoversight.org

Re: HQ-2019-01418-F
HQ-2020-00011-F

Dear Mr. Evers:

This is a third partial and final response to request HQ-2019-01418-F, and a second partial and final response to request HQ-2020-00011-F that you sent to the Department of Energy (DOE) under the Freedom of Information Act (FOIA), 5 U.S.C. § 552. In FOIA request HQ-2019-01418-F, you requested the following:

1) All email communications (including email messages, calendar invitations, and attachments thereto), text messages, and WhatsApp messages sent or received by Secretary Perry, as well as by any aide or other assistant who accompanied Secretary Perry to Ukraine on or about May 19-21, 2019, containing any of the following key terms:
    a. Rudy
    b. Giuliani
    c. Giuiliani
    d. Guliani
    e. Hunter
    f. Biden
    g. Bidens
    h. Burisma
    i. Lutsenko
    j. Syntyk
    k. Crowdstrike
    l. Toensing
    m. diGenova
    n. Fruman
    o. Parnas
    p. Kolomoisky
    q. Kolomoysky

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Printed with soy ink on recycled paper

r. Shokin
s. Klitschko
t. DNC

Please produce all responsive records from May 10, 2019, through May 24, 2019.

2) Any guidance, directives, or memoranda issued to or by Secretary Perry with relation to former Vice President Joe Biden, Hunter Biden, and/or Burisma Holdings (also known as Burisma Group).

Please produce all responsive records from May 10, 2019, through May 24, 2019.

In FOIA request HQ-2020-00011-F, you requested the following:

1) All email communications (including email messages, calendar invitations, and attachments thereto), text messages, and WhatsApp messages sent or received by Chief of Staff Brian McCormack containing any of the following key terms:

a. Rudy
b. Giuliani
c. Giuiliani
d. Guliani
e. Guiliani
f. Hunter
g. Biden
h. Bidens
i. Burisma
j. Lutsenko
k. Sytnyk
l. Crowdstrike
m. Toensing
n. diGenova
o. Fruman
p. Parnas
q. Fuks
r. Kolomoisky
s. Kolomoysky
t. Shokin
u. Klitschko
v. Rybolovlev
w. DNC

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Please exclude news clips or mass mailer generated from non-governmental services and emails distributed to a wide listserv of twenty or more email addresses. However, a news clips or mass mailer email that is forwarded to or from Chief of Staff McCormack with any additional message should be considered responsive.

Please produce all responsive records from May 10, 2019, through May 24, 2019.

2) Any guidance, directives, or memoranda issued to or by Chief of Staff Brian McCormack with relation to former Vice President Joe Biden, Hunter Biden, and/or Burisma Holdings (also known as Burisma Group).

Please produce all responsive records from May 10, 2019, through May 24, 2019.

Your request was assigned to DOE's Office of the Executive Secretariat (ES) and Office of International Affairs (IA) to conduct a search of their files for responsive documents.

The search started on October 18, 2019, which is the cutoff date for responsive documents. You received a first partial response to requests HQ-2019-01418-F and HQ-2020-00011-F on January 28, 2020 consisting of five (5) documents. Four of the documents were transferred in full and one of the documents was transferred in part to the Department of State (DOS) for review and direct response to you. DOS completed its review of these documents and produced them on June 15, 2020.

You received a second partial response to request HQ-2019-01418-F on April 1, 2020, consisting of five (5) documents. Four of the documents were transferred in part to DOS for review. Review of these documents was completed by DOS, and they were produced to you on December 1, 2020.

This letter serves as the third and final response to request HQ-2019-01418-F and the second and final response to request HQ-2020-00011-F for DOE. Specifically, it responds to your request for responsive text and WhatsApp messages from the first part of each FOIA request, as well as your request (described more fully in your counsel's April 27, 2021 email to DOE's counsel) for certain non-Outlook and non-phone records responsive to part two of each FOIA request. The relevant searches have now been completed, and no further documents responsive to your request have been located.

Therefore, pursuant to Title 10, Code of Federal Regulations (C.F.R.) § 1004.4(d), I am unable to provide any further responsive documents. Pursuant to 10 C.F.R. § 1004.7(b)(2), I am responsible for the determination that no further responsive records exist in ES or IA.

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The FOIA provides for the assessment of fees for the processing of requests. See 5 U.S.C. § 552(a)(4)(A)(i); see also 10 C.F.R. § 1004.9(a). You were placed in the "other" category for fee purposes. Requesters in this category are entitled to two (2) free hours of search time and are provided 100 pages at no cost. In our letter dated October 7, 2019 for HQ-2019-01418-F, you were informed that your fee waiver request would be addressed if fees were expected to exceed $15.00, the minimum amount at which DOE assesses fees. Since your fees are not expected to exceed $15.00 for this request, no fees will be charged for processing this request.

You also requested expedited processing of your request. Your request for expedited processing was initially denied in our letter dated October 7, 2019. Upon reconsideration of our decision to deny expedited processing of your request, your request was granted in our letter dated November 22, 2019.

If you have any questions about the processing of the request or this letter, your attorney may contact Hilarie Snyder, Trial Attorney, at Hilarie.E.Snyder@usdoj.gov or 202-305-0747.

I appreciate the opportunity to assist you with this matter.

Sincerely,

ALEXANDER MORRIS

Digitally signed by ALEXANDER MORRIS
Date: 2021.08.16 07:20:17 -04'00'

Alexander C. Morris
FOIA Officer
Office of Public Information

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