Re: Request Under Freedom of Information Act
Expedited processing and fee waiver/limitation requested

To Whom It May Concern:

The American Civil Liberties Union and the American Civil Liberties Union Foundation (together, the “ACLU”)
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and Asian Americans Advancing Justice | AAJC (“Advancing Justice | AAJC”)
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submit this Freedom of Information Act request for records pertaining to the government’s efforts to scrutinize, investigate, prosecute, and take other measures against U.S.-based scientists and researchers believed to have connections to China.
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I. Background

Although international scientific collaboration is commonplace and a valuable source of innovation for the United States, in the past several years, the U.S. government has pushed universities and research institutions around the country to closely scrutinize scientists who may have foreign ties—especially ties to China.
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1 The American Civil Liberties Union Foundation is a 26 U.S.C. § 501(c)(3) organization that provides legal representation free of charge to individuals and organizations in civil rights and civil liberties cases, and educates the public about civil rights and civil liberties issues across the country. The American Civil Liberties Union is a separate non-profit, 26 U.S.C. § 501(c)(4) membership organization that educates the public about the civil liberties implications of pending and proposed state and federal legislation, provides analysis of pending and proposed legislation, directly lobbies legislators, and mobilizes its members to lobby their legislators.

2 Asian Americans Advancing Justice | AAJC is a national, non-partisan, not-for-profit 501(c)(3) organization that works through policy advocacy, education, and litigation to advance the civil and human rights of Asian Americans and to build and promote a fair and equitable society for all. Founded in 1991, Advancing Justice | AAJC is one of the nation’s leading experts on civil rights issues of importance to the Asian American and Pacific Islander (AAPI) community, including immigration and immigrants’ rights, census, hate incidents, language access, technology and telecommunications, and voting rights.

3 The ACLU and Advancing Justice | AAJC submitted a similar request to the FBI on March 17, 2020. That request was assigned reference number 1466706-000. By letter dated November 13, 2020, the FBI responded that it had been “unable to identify records responsive to [the] request.” The ACLU and Advancing Justice | AAJC intended to administratively appeal that determination, in light of the fact that the FBI plainly possesses responsive records—including, but not limited to, the specific FBI records identified in Categories 2(b), 3(d), 7, and 8. However, due to mail-processing errors related to the pandemic, the ACLU and Advancing Justice | AAJC were unable to appeal the FBI’s response. ACLU and Advancing Justice | AAJC accordingly submit the new FOIA request below.

of Investigation (“FBI”) has coordinated with agencies like the National Institutes of Health (“NIH”) to pursue investigations against scientists and researchers, many of whom are Chinese-Americans.⁵ For instance, Bloomberg reports that in 2018, the NIH, “working with the FBI, started probes into some 180 researchers at more than 70 hospitals and universities, seeking undisclosed ties to China.”⁶ The NIH “sent letters to over 10,000 institutions to warn against foreign nationals stealing intellectual property[.]”⁷ In a mid-2020 presentation to a “senior advisory panel,” Michael Lauer, the NIH’s head of extramural research, stated that 82% of those under investigation by the NIH were “Asian.”⁸

News outlets report that this heightened scrutiny has caused Chinese-American scientists to lose their research funding or be fired or forced to resign from research institutions.⁹ Yet as a Princeton University professor recently explained, the majority of cases in which researchers have been arrested based on purported ties to China “focus on fraud, not espionage; the researchers in question have allegedly failed to disclose affiliations and funding from Chinese entities. These relationships are generally not illegal in and of themselves, and in some instances are actively encouraged by the American university.”¹⁰ In general, new disclosure rules, inconsistent and potentially discriminatory enforcement, and shifting norms have produced confusion and concern among Chinese-American researchers.¹¹

The FBI has spearheaded this scrutiny of scientists and researchers, as reflected by FBI Director Christopher Wray’s many public remarks on the “China threat.” For instance,

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⁸ Jeffrey Mervis, Fifty-four Scientists Have Lost Their Jobs as a Result of NIH Probe into Foreign Ties, SCI. MAG. (June 12, 2020), https://www.sciencemag.org/news/2020/06/fifty-four-scientists-have-lost-their-jobs-result-nih-probe-foreign-ties.


during a hearing before the Senate Intelligence Committee in February 2018, Senator Marco Rubio asked Director Wray to expand on “the counterintelligence risk posed to U.S. national security from Chinese students, particularly those in advanced programs in the sciences and mathematics.” Director Wray responded:

[T]he use of nontraditional collectors, especially in the academic setting, whether it’s professors, scientists, students, we see in almost every field office that the FBI has around the country. . . . So one of the things we’re trying to do is view the China threat as not just a whole of government threat, but a whole of society threat on their end. I think it’s going to take a whole of society response by us.


13 Id.


16 FBI, China: The Risk to Academia 2 (2019).

17 Id. at 9.

to cite the threat of espionage to support a push for increased coordination between law enforcement agencies, defense agencies, and agencies involved in scientific research and grant-making. For instance, in September 2019, the Department of Health and Human Services ("HHS") issued a report finding that one its subsidiary agencies, the NIH, “ha[d] not addressed . . . concerns about foreign threats to the integrity of the peer review process.” In response, NIH stated that it was already “working closely with federal partners,” including, among others, the Department of Defense and the FBI, “to update [its] peer review vetting guidelines.” NIH went on to confirm that it was working with “federal experts,” including the HHS Office of National Security, “to help develop a systematic, risk-based, data-driven approach to identifying peer review nominees who warrant additional scrutiny.”

News reports indicate that the government’s intensifying focus on scientists with ties to China has adversely affected individuals pursuing research in both private industry and academia. For example, according to a recent story published by *Bloomberg Businessweek*, “[t]he FBI is telling companies, universities, hospitals—anyone with intellectual property at stake—to take special precautions when dealing with Chinese business partners and employees who might be what [the director of the FBI] calls ‘nontraditional’ information collectors.” Along the same lines, “[v]isas for Chinese students and researchers are being curtailed, and more Chinese engineers and businesspeople, especially in the tech sector, are being detained at U.S. airports while border agents inspect and image their digital devices.”

The public record contains little information about how federal law enforcement and scientific agencies decide whom to scrutinize, investigate, or prosecute, and on what basis. For at least two reasons, the public has a strong interest in knowing more. First, the government’s efforts in this area may significantly affect the United States’ leadership role in scientific and technological innovation. Second, government measures that single out scientific professionals or students for adverse treatment based on their race or national origin violate the law.

Accordingly, through this FOIA request, the ACLU and Advancing Justice | AAJC seek information about the government’s efforts to scrutinize, investigate, prosecute, and otherwise

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and finding that “21% of Chinese and 22% of all Asian defendants charged under the EEA are never proven guilty of espionage or any other serious crime”).


20 *Id.* at 19.

21 *Id.; see also* Jeffrey Mervis, *NSF Hopes Jason Can Lead It Through Treacherous Waters*, Science, March 18, 2019, https://www.sciencemag.org/news/2019/03/nsf-hopes-jason-can-lead-it-through-treacherous-waters (hereinafter “*NSF Hopes*”) (reporting on National Science Foundation’s efforts to “examine how foreign influences may be warping the U.S. research enterprise”); Bill Priestap, *Statement Before the S. Judiciary Comm., Subcomm. on Border Sec. & Immigration, Student Visa Integrity: Protecting Educational Opportunity and National Security* (June 6, 2018), available at https://www.fbi.gov/news/testimony/student-visa-integrity-protecting-educational-opportunity-and-national-security (“[T]he more willing these schools are to engage with U.S. law enforcement as issues arise and suspicious circumstances become noticed, the more likely it is that the FBI and its partners can help to mitigate risk or minimize damage posed to these schools.”).


23 *Id.*
take measures against scientists who are believed to have connections to China and other nations.

**II. Requested Records**

Unless otherwise stated below, the ACLU and Advancing Justice | AAJC request the following records created on or after January 1, 2017:

1. Formal or informal guidance, training materials, briefing materials, advisories, or presentations related to China or talent programs that were provided to educational institutions, scientific research institutions, or government agencies that conduct or fund scientific research.

2. Correspondence related to China, talent programs, peer review, or conflicts of interest with educational institutions, scientific research institutions, or government agencies that conduct or fund scientific research, including but not limited to:
   a. lists of suspected talent program members;
   b. FBI or other government agency requests for information or investigations; and
   c. requests for access to individual employees’ communications.

3. Memoranda, briefing materials, policies, formal or informal guidance, training materials, advisories, or presentations concerning:
   a. China and scientific research institutions, educational institutions, grant funding, or peer review;
   b. talent programs;
   c. conflicts of interest or undisclosed sources of funding related to scientific research; or
   d. the Department of Justice’s China Initiative, including but not limited to its purpose, scope, progress, status, or effectiveness.25

4. Records containing statistics about the number of assessments, investigations, or prosecutions related to China, or any subset of investigations or prosecutions related to China.26

24 See Staff Report, Threats to the U.S. Research Enterprise, supra note 3, at 98.


26 See, e.g., Mark Hosenball and David Brunnstrom, To Counter Huawei, U.S. Could Take ‘Controlling Stake’ in Ericsson, Nokia: Attorney General, Reuters, Feb. 6, 2020, https://reut.rs/3lyMw3u (reporting that FBI Director Christopher Wray informed attendees at the Department of Justice China Initiative Conference that “the bureau ha[s] about 1,000 open investigations of Chinese technology theft across its 56 regional offices” and “span[ning] just about every industry sector”); The Latest: FBI Chief Wray Says China Poses a Serious Threat, U.S.
5. Records containing statistics about assessments, investigations, or prosecutions of scientists, researchers, or technologists.

6. Criminal complaints or indictments related to China and economic espionage, fraud, trade secrets, false statements, or talent programs.


8. The FBI PowerPoint presentation titled, “Talent Plan Education Package Briefing.”

With respect to the form of production, see 5 U.S.C. § 552(a)(3)(B), the ACLU and Advancing Justice | AAJC request that responsive electronic records be provided electronically in their native file format, if possible. Alternatively, the ACLU and Advancing Justice | AAJC request that the records be provided electronically in a text-searchable, static-image format (PDF), in the best image quality in the agency’s possession, and that the records be provided in separate, Bates-stamped files.

III. Application for Expedited Processing

The ACLU and Advancing Justice | AAJC request expedited processing pursuant to 5 U.S.C. § 552(a)(6)(E). There is a “compelling need” for these records, as defined in the statute, because the information requested is “urgent[ly]” needed by an organization primarily engaged in disseminating information “to inform the public concerning actual or alleged Federal Government activity.” 5 U.S.C. § 552(a)(6)(E)(v)(II). The ACLU and Advancing Justice | AAJC are non-profit public interest groups primarily engaged in disseminating information about actual and alleged government activity, and the information is urgently needed to better understand federal agency actions against scientists believed to have connections to China and other nations.

A. The ACLU and Advancing Justice | AAJC are organizations primarily engaged in disseminating information in order to inform the public about actual or alleged government activity.

The ACLU and Advancing Justice | AAJC are “primarily engaged in disseminating information” within the meaning of the statute. See id. Obtaining information about government activity, analyzing that information, and widely publishing and disseminating it to the press and public are critical and substantial components of requestors’ work and are among their primary activities. See ACLU v. Dep’t of Justice, 321 F. Supp. 2d 24, 29 n.5 (D.D.C.


27 See Staff Report, Threats to the U.S. Research Enterprise, supra note 3, at 93.

28 See also 28 C.F.R. § 16.5(e).

29 See also 28 C.F.R. § 16.5(e)(1)(ii).
2004) (finding non-profit public interest group that “gathers information of potential interest to a segment of the public, uses its editorial skills to turn the raw material into a distinct work, and distributes that work to an audience” to be “primarily engaged in disseminating information”).

The ACLU publishes STAND, a print magazine that reports on and analyzes civil liberties-related current events. The magazine is disseminated to over 850,000 people. The ACLU also publishes regular updates and alerts via email to over 3.9 million subscribers (both ACLU members and non-members). These updates are additionally broadcast to 4.8 million social media followers. The magazine as well as the email and social-media alerts often include descriptions and analysis of information obtained through FOIA requests.

The ACLU also regularly issues press releases to call attention to documents obtained through FOIA requests, as well as other breaking news, and ACLU attorneys are interviewed frequently for news stories about documents released through ACLU FOIA requests.

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30 Courts have found that the ACLU as well as other organizations with similar missions that engage in information-dissemination activities similar to the ACLU are “primarily engaged in disseminating information.” See, e.g., Leadership Conference on Civil Rights v. Gonzales, 404 F. Supp. 2d 246, 260 (D.D.C. 2005); ACLU, 321 F. Supp. 2d at 29 n.5; Elec. Privacy Info. Ctr. v. DOD, 241 F. Supp. 2d 5, 11 (D.D.C. 2003).


The ACLU publishes reports about government conduct and civil liberties issues based on its analysis of information derived from various sources, including information obtained from the government through FOIA requests. This material is broadly circulated to the public and widely available to everyone for no cost or, sometimes, for a small fee. ACLU national projects regularly publish and disseminate reports that include a description and analysis of government documents obtained through FOIA requests. The ACLU also regularly publishes books, “know your rights” materials, fact sheets, and educational brochures and pamphlets designed to educate the public about civil liberties issues and government policies that implicate civil rights and liberties.

The ACLU publishes a widely read blog where original editorial content reporting on and analyzing civil rights and civil liberties news is posted daily. See https://www.aclu.org/blog. The ACLU creates and disseminates original editorial and educational content on civil rights and civil liberties news through multimedia projects, including videos, podcasts, and interactive features. See https://www.aclu.org/multimedia. The ACLU also publishes, analyzes, and disseminates information through its heavily visited website, www.aclu.org. The website addresses civil rights and civil liberties issues in depth, provides features on civil rights and civil liberties issues in the news, and contains many thousands of documents relating to the issues on which the ACLU is focused. The ACLU’s website also serves as a clearinghouse for news about ACLU cases, including analysis about case developments and an archive of case-related documents. Through these pages, and with respect to each specific civil liberties issue, the ACLU provides the public with educational material, recent news, analyses of relevant congressional or executive branch action, government documents obtained through FOIA requests, and further in-depth analytic and educational multimedia features.

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The ACLU website includes many features on information obtained through the FOIA. The ACLU maintains an online “Torture Database,” a compilation of over 100,000 pages of FOIA documents that allows researchers and the public to conduct sophisticated searches of its contents relating to government policies on rendition, detention, and interrogation. The ACLU has also published a number of charts and explanatory materials that collect, summarize, and analyze information it has obtained through the FOIA.

Similarly, Advancing Justice | AAJC regularly releases and disseminates reports, press statements, comments, fact sheets, “know your rights” information, and other materials that educate the public on government policies and actions that impact Asian Americans and other vulnerable communities. Advancing Justice | AAJC frequently publishes blogs on


Medium and a range of news publications, such as The Hill and NBC, on various issues impacting AAPIs, and regularly provides information on their website. On matters concerning Asian American issues, Advancing Justice | AAJC staff are often interviewed for news articles, and provide testimonies in public hearings. Through its various outreach and educational efforts, Advancing Justice | AAJC is able to reach thousands of individuals, including their 14,436 Twitter followers and 10,893 Facebook followers.

The ACLU and Advancing Justice | AAJC plan to analyze, publish, and disseminate to the public, at no cost, the information gathered through this Request. The records requested are not sought for commercial use.

B. The records sought are urgently needed to inform the public about actual or alleged government activity.

These records are urgently needed to inform the public about actual or alleged government activity. See 5 U.S.C. § 552(a)(6)(E)(v)(II). Specifically, they pertain to the government’s ongoing efforts to scrutinize, investigate, prosecute, and take other measures against U.S.-based scientists and researchers perceived to have foreign connections. As noted in Part I, supra, these efforts are the subject of considerable public controversy. For example, writing in the Washington Post, the President of Columbia University rejected “the notion that university personnel—and perhaps students themselves—should be asked to monitor the

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53 See also 28 C.F.R. § 16.5(e)(1)(ii).
movements of foreign-born students and colleagues,” calling it “antithetical to who we are.”

In a public letter, the President of the Massachusetts Institute of Technology stated that subjecting “faculty members, post-docs, research staff and students” to heightened scrutiny “because of their Chinese ethnicity alone” is “corrosive” to the Institute’s “collaborative strength and open-hearted ideals.” And in response to remarks by Senator Marco Rubio and FBI Director Christopher Wray, see supra Part I, Congresswoman Judy Chu observed that “the growing perception that simply being of Asian ancestry or having ties to China makes you prone to espionage has created a culture of fear that has negatively impacted the Asian American community.” Thus, the records sought relate to a matter of widespread and exceptional public interest.

The need for these records is especially urgent because the government’s scrutiny of scientists and researchers appears to be intensifying. Reuters reported that during a February 6, 2020 conference at the Center for Strategic and International Studies, John Brown, the FBI’s assistant director of counterintelligence, informed attendees that the bureau “had arrested 24 people last year in China-related cases and another 19 already in 2020.” The week before, on January 28, the FBI arrested a prominent Harvard researcher for allegedly failing to disclose sources of Chinese funding; the New York Times reported that the arrest “signaled a new, aggressive phase in the Justice Department’s campaign to root out scientists who are stealing research from American laboratories.” A month before that, in December 2019, the FBI announced a $5.5 million settlement with the Van Andel Research Institute, resolving allegations that the Institute had “failed to disclose Chinese government grants that funded” two of its researchers. And a month before that, in November 2019, the Senate Permanent Subcommittee on Investigations released a 105-page report in which it stated, among other things, that “[f]ederal law enforcement and other relevant agencies should identify U.S.-based entities that serve as recruitment networks, platforms, or foreign government proxies that facilitate or broker in state-sponsored talent recruitment.” Also in November 2019, the New York Times reported that “[s]eventy-one institutions, including many of the most prestigious medical schools in the United States, are now investigating 180 individual cases involving potential

60 Staff Report, Threats to the U.S. Research Enterprise, supra note 3, at 13.
theft of intellectual property.”⁶¹ “The cases,” according to the Times, “began after the N.I.H., prompted by information provided by the F.B.I., sent 18,000 letters last year urging administrators who oversee government grants to be vigilant.”⁶² 

The urgent need to inform the public about the government’s efforts in this area is underscored by the significant media interest in what few aspects of those efforts have been revealed to date.⁶³ Given this media interest and lack of public information, there is a critical need to inform the public about the government’s widening efforts to scrutinize scientists and researchers. The requested records should be released now, before the government’s scrutiny of scientists and researchers further intensifies, to allow informed public debate while it may still have an impact. Expedited processing is therefore appropriate under 5 U.S.C. § 552(a)(6)(E) and the relevant implementing regulations.⁶⁴ 

IV. Application for Waiver or Limitation of Fees 

The ACLU and Advancing Justice | AAJC request a waiver of document search, review, and duplication fees on the grounds that disclosure of the requested records is in the public interest and because disclosure is “likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester[s].” 5 U.S.C. § 552(a)(4)(A)(iii).⁶⁵ The ACLU and Advancing Justice | AAJC also request a waiver of search fees on the grounds that the ACLU and Advancing Justice | AAJC qualify as “representative[s] of the news media” and the records are not sought for commercial use. 5 U.S.C. § 552(a)(4)(A)(ii)(II).

A. The Request is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the ACLU or Advancing Justice | AAJC.

As discussed above, this Request concerns the government’s efforts to scrutinize, investigate, prosecute, and take other measures against U.S.-based scientists and researchers perceived to have ties to China or other nations. Relatively little information is publicly available about this wide-ranging initiative. Consequently, the records sought are certain to contribute significantly to the public’s understanding of the government’s efforts—including their impact on members of the scientific community, the risks of profiling based on race and ethnicity, and the consequences for valuable innovation and scientific collaboration in the United States.

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⁶² Id. 
⁶⁴ See 28 C.F.R. § 16.5(e)(1)(ii). 
⁶⁵ See also 28 C.F.R. § 16.10(k)(2).
The ACLU and Advancing Justice | AAJC are not filing this Request to further their commercial interest. As described above, information disclosed by the ACLU and Advancing Justice | AAJC as a result of this FOIA request will be available to the public, including the press, free of charge. The ACLU and Advancing Justice | AAJC intend to publish the records they receive on their websites and through other means of communication. Thus, a fee waiver would fulfill Congress’s legislative intent in amending FOIA’s fee waiver provision. See Judicial Watch, Inc. v. Rosotti, 326 F.3d 1309, 1312 (D.C. Cir. 2003) (“Congress amended FOIA to ensure that it be liberally construed in favor of waivers for noncommercial requesters.” (quotation marks omitted)).

B. The ACLU and Advancing Justice | AAJC are representatives of the news media and the records are not sought for commercial use.

The ACLU and Advancing Justice | AAJC also request a waiver of search fees on the grounds that the ACLU and Advancing Justice | AAJC qualify as “representatives of the news media” and the records are not sought for commercial use. 5 U.S.C. § 552(a)(4)(A)(ii)(II). The ACLU and Advancing Justice | AAJC meet the statutory and regulatory definitions of “representative[s] of the news media” because they are “entit[ies] that gather[] information of potential interest to a segment of the public, use[] [their] editorial skills to turn the raw materials into a distinct work, and distribute[] that work to an audience.” 5 U.S.C. § 552(a)(4)(A)(ii)(III); see also Nat'l Sec. Archive v. Dep't of Def., 880 F.2d 1381, 1387 (D.C. Cir. 1989) (finding that an organization that gathers information, exercises editorial discretion in selecting and organizing documents, “devises indices and finding aids,” and “distributes the resulting work to the public” is a “representative of the news media” for purposes of the FOIA); Serv. Women's Action Network v. Dep't of Def., 888 F. Supp. 2d 282 (D. Conn. 2012) (requesters, including ACLU, were representatives of the news media and thus qualified for fee waivers for FOIA requests to the Department of Defense and Department of Veterans Affairs); ACLU of Wash. v. Dep't of Justice, No. C09–0642RSL, 2011 WL 887731, at *10 (W.D. Wash. Mar. 10, 2011) (finding that the ACLU of Washington is an entity that “gathers information of potential interest to a segment of the public, uses its editorial skills to turn the raw materials into a distinct work, and distributes that work to an audience”); ACLU, 321 F. Supp. 2d at 30 n.5 (finding non-profit public interest group to be “primarily engaged in disseminating information”). The ACLU and Advancing Justice | AAJC regularly turn raw materials into press releases, statements, blogs, reports, and other publications for distributions to the general public at no charge. Requestors are therefore “representative[s] of the news media” for the same reasons [they] [are] “primarily engaged in the dissemination of information.”

Furthermore, courts have found other organizations whose mission, function, publishing, and public education activities are similar in kind to those of the ACLU and Advancing Justice | AAJC to be “representatives of the news media” as well. See, e.g., Cause of Action v. IRS, 125 F. Supp. 3d 145 (D.C. Cir. 2015); Elec. Privacy Info. Ctr., 241 F. Supp. 2d at 10–15 (finding

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66 See also 28 C.F.R. §§ 16.10(k)(2)(ii)–(iii).
67 See also 28 C.F.R. § 16.10(b)(6).
non-profit public interest group that disseminated an electronic newsletter and published books was a “representative of the news media” for purposes of the FOIA); Nat’l Sec. Archive, 880 F.2d at 1387; Judicial Watch, Inc. v. Dep’t of Justice, 133 F. Supp. 2d 52, 53–54 (D.D.C. 2000) (finding Judicial Watch, self-described as a “public interest law firm,” a news media requester).  

On account of these factors, fees associated with responding to FOIA requests are regularly waived for the ACLU as a “representative of the news media.”

For the reasons above, the ACLU and Advancing Justice | AAJC meet the requirements for a fee waiver here.

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Pursuant to applicable statutes and regulations, the ACLU and Advancing Justice | AAJC expect a determination regarding expedited processing within 10 days. See 5 U.S.C. § 552(a)(6)(E)(ii); 28 C.F.R. § 16.5(e)(4) (DOJ, FBI).

If the Request is denied in whole or in part, the ACLU and Advancing Justice | AAJC ask that you justify all deletions by reference to specific exemptions to FOIA. The ACLU and Advancing Justice | AAJC expect the release of all segregable portions of otherwise exempt material. The ACLU and Advancing Justice | AAJC reserve the right to appeal a decision to withhold any information or deny a waiver of fees.

Thank you for your prompt attention to this matter. Please furnish the applicable records to:

Charles Hogle  
American Civil Liberties Union

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68 Courts have found these organizations to be “representatives of the news media” even though they engage in litigation and lobbying activities beyond their dissemination of information and public education activities. See, e.g., Elec. Privacy Info. Ctr., 241 F. Supp. 2d 5; Nat’l Sec. Archive, 880 F.2d at 1387; see also Leadership Conference on Civil Rights, 404 F. Supp. 2d at 260; Judicial Watch, Inc., 133 F. Supp. 2d at 53–54.

69 The ACLU regularly receives FOIA fee waivers from federal agencies. For example, in June 2018, the U.S. Citizenship and Immigration Services granted a fee-waiver request regarding a FOIA request for documents relating to the use of social media surveillance. In August 2017, CBP granted a fee-waiver request regarding a FOIA request for records relating to a muster sent by CBP in April 2017. In June 2017, the Department of Defense granted a fee-waiver request regarding a FOIA request for records pertaining to the authorities approved by President Trump in March 2017 which allowed U.S. involvement in Somalia. In June 2017, the Department of Defense, the CIA, and the Office of Inspector General granted fee-waiver requests regarding a FOIA request for records pertaining to U.S. involvement in the torture of detainees in prisons in Yemen, Eritrea, and aboard Yemeni or Emirati naval vessels. In May 2017, CBP granted a fee-waiver request regarding a FOIA request for documents related to electronic device searches at the border. In April 2017, the CIA and the Department of State granted fee-waiver requests in relation to a FOIA request for records related to the legal authority for the use of military force in Syria. In March 2017, the Department of Defense Office of Inspector General, the CIA, and the Department of State granted fee-waiver requests regarding a FOIA request for documents related to the January 29, 2017 raid in al Ghayil, Yemen. In June 2016, the Office of the Director of National Intelligence granted a fee-waiver request regarding a FOIA request related to policies and communications with social media companies’ removal of “extremist” content. In May 2016, the FBI granted a fee-waiver request regarding a FOIA request issued to the Department of Justice for documents related to Countering Violent Extremism Programs.
I affirm that the information provided supporting the request for expedited processing is true and correct to the best of my knowledge and belief. See 5 U.S.C. § 552(a)(6)(E)(vi).

Sincerely,

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