



United States Department of State

Washington, D.C. 20520

March 20, 2020

Case No. F-2019-06331

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

Dear Ms. Sloan:

As noted in our letter dated February 21, 2020, we are processing your request for material under the Freedom of Information Act (the "FOIA"), 5 U.S.C. § 552. The Department has identified one additional responsive record subject to the FOIA. We have determined that the record 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 Joshua C. Abbuhl, Trial Attorney at Joshua.Abbuhl@usdoj.gov; (202) 616-2531. Please refer to the case number, F-2019-06331, and the civil action number, 19-cv-02934, in all correspondence about this case.

Sincerely,


Susan C. Weetman
Deputy Director
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: | "Ortagus, Morgan D" [REDACTED] (b)(6) |
| To: | Kissel, Mary E (S) [REDACTED] (b)(6) |
| Subject: | RE: FOR SPOX clearance: response to media query on Corruption, Biden, Burisma |
| Date: | Fri, 3 May 2019 18:57:46 +0000 |

Thanks

From: Kissel, Mary E (S)
Sent: Friday, May 3, 2019 2:06 PM
To: Ortagus, Morgan D
Subject: RE: FOR SPOX clearance: response to media query on Corruption, Biden, Burisma

[REDACTED] (b)(5)

Official
UNCLASSIFIED

From: Ortagus, Morgan D [REDACTED] (b)(6)
Sent: Friday, May 3, 2019 12:40 PM
To: Kissel, Mary E (S) [REDACTED] (b)(6)
Subject: Fwd: FOR SPOX clearance: response to media query on Corruption, Biden, Burisma

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From: [REDACTED] (b)(6)
Sent: Friday, May 3, 2019 12:36:44 PM
To: SPOX
Cc: EUR-Press
Subject: FOR SPOX clearance: response to media query on Corruption, Biden, Burisma
 Good afternoon SPOX,

Your clearance is requested on the below responses to media queries by John Solomon, ABC and the New York Times article [Biden Faces Conflict of Interest Questions That Are Being Promoted by Trump and Allies](#).

[REDACTED] (b)(5)

Thank you,

[REDACTED] (b)(6)

(b)(5)

How was General Prosecutor Lutsenko able to raise those issues in the United States? Do you consider this lobbying? Has he registered under FARA? Has the US government put him on a visa “blacklist”?

(b)(5)

What interactions has the Embassy had with Hunter Biden or with the company for which he worked, Burisma?

(b)(5)

The NYT reported: “Hunter Biden’s work for Burisma prompted concerns among State Department officials at the time that the connection could complicate Vice President Biden’s diplomacy in Ukraine, former officials said.” Can you provide more background on this?

(b)(5)

What was Vice President Biden’s role in U.S. diplomacy with Ukraine? Why did Vice President Biden push for the removal of Ukraine’s previous prosecutor general? Isn’t this an unusual move?

(b)(5)

Is the U.S. government officially pushing the Ukrainian government to proceed investigations of Hunter Biden, NABU Head Sytnyk, or others? What is the status of those investigations?

(b)(5)

Has the U.S. Embassy had any contact with President Trump's lawyer Rudy Giuliani on any of these issues?

(b)(5)

Why, in the State Department's opinion, has General Prosecutor Yuriy Lutsenko decided to re-open the investigation into Burisma?

(b)(5)

| | | |
|-------------------|---------------------|--------|
| Sender: | "Ortagus, Morgan D" | (b)(6) |
| Recipient: | Kissel, Mary E (S) | (b)(6) |