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## Fwd:FOIA request from Bloomberg News

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From: Michael Riley (BLOOMBERG/ NEWSROOM:) At: 03/10/23 15:34:44 UTC-5:00  
To: [FOIARequest@state.gov](mailto:FOIARequest@state.gov)  
Subject: FOIA request from Bloomberg News

This is a request for records under the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552 and the Privacy Act, 5 U.S.C. § 552a. This request should be considered under both statutes to maximize the release of records.

### REQUESTER INFORMATION

**Name:** Michael Riley  
**Affiliation:** Bloomberg News  
**Address:** 1101 New York Ave NW, Washington D.C. 20005  
**Email:** [michaelriley@bloomberg.net](mailto:michaelriley@bloomberg.net)  
**Phone:** (720) 635-8553

### RECORDS SOUGHT

I request disclosure of the following records:

1) Documents created by the Department's Directorate of Defense Trade Controls referencing decisions to approve or deny new Category 1 arms export license applications involving direct commercial sales (DCS) for the calendar years 2014 through 2020. Please limit your search to export licenses involving the following subcategories and the following countries only. Those documents should include the final decision on each application and the rationale supporting that decision.

Subcategories:

- (a) Non-automatic and semi-automatic firearms to caliber .50 inclusive (12.7 mm).
- (b) Fully automatic firearms to .50 caliber inclusive (12.7 mm).
- (d) Combat shotguns. This includes any shotgun with a barrel length less than 18 inches.
- (g) Barrels, cylinders, receivers (frames) or complete breech mechanisms for the articles in paragraphs (a) through (d) of this category.

Countries: Thailand

2) I request any documents or emails created for the calendar years 2014 through 2020 by other State Department bureaus related to (or as a part of the review of) DCS export applications involving the following subcategories and the following countries. That includes, but is not limited to, the Bureau of Democracy, Human Rights, and Labor, the Bureau of International Security and Nonproliferation, and the Office of Regional Security and Arms Transfers, as well as any of the State Department's regional bureaus.

Subcategories:

- (a) Non-automatic and semi-automatic firearms to caliber .50 inclusive (12.7 mm)
- (b) Fully automatic firearms to .50 caliber inclusive (12.7 mm).

(d) Combat shotguns. This includes any shotgun with a barrel length less than 18 inches.

(g) Barrels, cylinders, receivers (frames) or complete breech mechanisms for the articles in paragraphs (a) through (d) of this category.

Countries: Thailand

**Reasonably Foreseeable Harm.** The FOIA Improvement Act of 2016 amended the FOIA as follows (5 USC 552(a)(8)):

(A) An agency shall—

(i) withhold information under this section only if—

(I) the agency reasonably foresees that disclosure would harm an interest protected by an exemption described in subsection (b); or

(II) disclosure is prohibited by law; and

(ii) (I) consider whether partial disclosure of information is possible whenever the agency determines that a full disclosure of a requested record is not possible; and

(II) take reasonable steps necessary to segregate and release nonexempt information. . . .

The Department of Commerce should not fail to meet the requirements of Section 552(a)(8) when processing my request and release responsive records to me in full or at least in part.

[Quoted text hidden]

[Quoted text hidden]

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**Fwd:Ref: F-2023-05984, Freedom of Information Act Acknowledgement**

1 message

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Michael Riley  
Investigative reporter at Bloomberg News and Bloomberg Businessweek  
Washington bureau  
(202) 807 2109  
(720) 635 8553 (mobile)  
@MichaelRileyDC

From: [A\\_FOIAacknowledgement@groups.state.gov](mailto:A_FOIAacknowledgement@groups.state.gov) At: 03/14/23 15:00:47 UTC-4:00  
To: [Michael Riley \(BLOOMBERG/ NEWSROOM: \)](#)  
Subject: Ref: F-2023-05984, Freedom of Information Act Acknowledgement

**\*\*THIS EMAIL BOX IS NOT MONITORED, PLEASE DO NOT REPLY TO THIS EMAIL.\*\***

Dear Mr. Riley:

This email acknowledges receipt of your March 10, 2023, Freedom of Information Act (FOIA) (5 U.S.C. § 552) request received by the U.S. Department of State, Office of Information Programs and Services, regarding certain document created by the Department's Directorate of Defense Trade Controls. Unless you advise otherwise, we will treat as non-responsive any compilations of publicly available news reports and any publicly available documents not created by the U.S. government, such as mass-distribution emails from news media. This Office assigned your request the subject reference number and placed it in the complex processing track where it will be processed as quickly as possible. See 22 CFR § 171.11(h).

You also requested a waiver for all fees associated with the processing of your request. You have been placed in the fee category as a member of the media. You will not be charged for processing fees.

Moreover, you also requested expedited processing of this request. According to 22 CFR § 171.11(f), requests shall receive expedited processing when a requester demonstrates a "compelling need" for the information exists for one of the following reasons: (1) failure to obtain the requested information on an expedited basis could reasonably be expected to pose an imminent threat to the life or physical safety of an individual; (2) the information is urgently needed by an individual primarily engaged in disseminating information in order to inform the public concerning actual or alleged Federal government activity; or (3) failure to release the information would impair substantial due process rights or harm substantial humanitarian interests. Your request does not demonstrate a "compelling need" for the requested information. Therefore, this Office denies your request for expedited processing.

**Exhibit 2**

If you are not satisfied with this Office's determination in response to your request for expedited processing, you may administratively appeal to: Appeals Officer, Office of Information Programs and Services, U.S. Department of State, 2201 C Street, NW, Room B266, Washington, D.C. 20520; or facsimile at 202-485-1718. Your appeal must be postmarked or electronically transmitted within 90 days of the date of this email.

This Office will not be able to respond within the 20 days provided by the statute due to "unusual circumstances." See 5 U.S.C. § 552(a)(6)(B)(i)-(iii). In this instance, the unusual circumstances include the need to search for and collect requested records from other Department offices or Foreign Service posts.

If you have any questions regarding your request, would like to narrow the scope or arrange an alternative time frame to speed its processing, or would like an estimated date of completion, please contact our FOIA Requester Service Center or our FOIA Public Liaison by email at

[FOIAstatus@state.gov](mailto:FOIAstatus@state.gov) or telephone at 202-261-8484. Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, [8601 Adelphi Road](#)-OGIS, College Park, Maryland 20740-6001, email at [ogis@nara.gov](mailto:ogis@nara.gov); telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

Sincerely,

Brooke Nicholas

Branch Chief

Requester Communications Branch

Requester Liaison Division

Office of Information Programs and Services

U.S. Department of State

**\*\*THIS EMAIL BOX IS NOT MONITORED, PLEASE DO NOT REPLY TO THIS EMAIL.\*\***

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## Fwd:Bloomberg FOIA - DOS communications

1 message

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Sent from Bloomberg Professional for Android

----- Original Message -----

From: DAVID KOCIENIEWSKI

To: [foiarequest@state.gov](mailto:foiarequest@state.gov)

At: 03/10/23 18:59:43 UTC-05:00

This is a request for records under the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552 and the Privacy Act, 5 U.S.C. § 552a. This request should be considered under both statutes to maximize the release of records.

### REQUESTER INFORMATION

**Name:** David Kocieniewski

**Affiliation:** Bloomberg/Businessweek

**Address:** 731 Lexington Avenue, New York, NY 10022

**Email:** [davidkski@gmail.com](mailto:davidkski@gmail.com)

**Phone:** (215) 431-6679

### RECORDS SOUGHT

1) Any memos, reports, emails or documents used by the State Department's DDTC, Bureau of Political and Military Affairs and/or Comptroller's Office to respond to the General Accountability Office's review of the proposed changes in export regulations for firearms, which shifts oversight authority from the Department of State to the Department of Commerce . (GAO 19-307)

11) Any memos, reports, emails or documents assessing whether the GAO 19-307 audit's recommendation that the DOS and Commerce Department share a watchlist had been adopted and, if so, whether it had been effective in restricting arms sales to proscribed countries and restricted parties.

12) Any reports submitted to DDTC (under ITAR section 130) from vendors, contractors, applicants and suppliers of items on category I of the USML who gave gifts, political contributions, loans or commissions to political officials, brokers or other parties involved in an arms sale and purchase from 2014 - 2022.

13) Copies of annual activity reports from 2014-2022 filed by brokers involved in arms deals of items on category I of the USML in the following countries: Thailand, Philippines, Guatemala, Mexico, Canada, Saudi Arabia, United Arab Emirates, Argentina.

14) Any DOS diplomatic cables to or from the following countries and which include the indicated keywords for the years 2015 through 2023:

**Exhibit 3**

i. Thailand

Keywords: Panya Khamrab; Sig Sauer; arms diversion investigation; arms misuse investigation; welfare gun program; small arms and light weapons (SA/LW)

ii. Mexico: small arms and light weapons (SA/LW); arms diversion investigation; arms misuse investigation; Sig Sauer, arms imports

iii. Philippines: small arms and light weapons (SA/LW); arms diversion investigation; arms misuse investigation; arms imports; extrajudicial killing

iv. Honduras: small arms and light weapons (SA/LW); arms imports; arms misuse investigation,

v. Guatemala: small arms and light weapons (SA/LW); arms imports; arms misuse investigation; arms diversion investigation

vi Brazil: Sig Sauer; small arms and light weapons (SA/LW)

**Reasonably Foreseeable Harm.** The FOIA Improvement Act of 2016 amended the FOIA as follows (5 USC 552(a)(8)):

(A) An agency shall—

(i) withhold information under this section only if—

(I) the agency reasonably foresees that disclosure would harm an interest protected by an exemption described in subsection (b); or

(II) disclosure is prohibited by law; and

(ii) (I) consider whether partial disclosure of information is possible whenever the agency determines that a full disclosure of a requested record is not possible; and

(II) take reasonable steps necessary to segregate and release nonexempt information. . . .

The Department of State should not fail to meet the requirements of Section 552(a)(8) when processing my request and release responsive records to me in full or at least in part.

#### INSTRUCTIONS REGARDING SEARCH

##### *1. Request for Public Records:*

Please search for any records even if they are already publicly available.

##### *2. Request for Electronic and Paper/Manual Searches:*

I request that searches of all electronic and paper/manual indices, filing systems, and locations for any and all records relating or referring to the subject of my request be conducted. I further request that the agencies conduct a search of its “soft files” as well as files in its locked cabinets.

##### *3. Request regarding Photographs and other Visual Materials:*

I request that any photographs or other visual materials responsive to my request be released to me in their original or comparable forms, quality, and resolution. For example, if a photograph was taken digitally, or if the agencies maintains a photograph digitally, I request disclosure of the original digital image file, not a reduced resolution version of that image file nor a printout and scan of that image file. Likewise, if a photograph was originally taken as a color photograph, I request disclosure of that photograph as a color image, not a black and white image. Please contact me for any clarification on this point.

##### *4. Request for Duplicate Pages:*

I request disclosure of any and all supposedly “duplicate” pages. Scholars analyze records not only for the information available on any given page, but also for the relationships between that information and information on pages surrounding it. As such, though certain pages may have been previously released to me, the existence of those pages within new context renders them functionally new pages. As such, the only way to properly analyze released information is to analyze that information within its proper context. Therefore, I request disclosure of all “duplicate” pages.

##### *5. Request to Search Emails:*

Please search for emails relating to the subject matter of my request.

##### *6. Request for Search of Records Transferred to Other Agencies:*

I request that in conducting its search, the agencies disclose releasable records even if they are available publicly through other sources outside the agencies, such as NARA.

#### FORMAT

I request that any releases stemming from this request be provided to me in digital format (soft-copy) on a compact disk or other like media.

#### REQUEST FOR EXPEDITED PROCESSING

I ask that my request receive expedited processing because the issue of increasing gun violence is a

crucial matter and there is a compelling public benefit informing the public US policy regarding firearms exports in a timely manner.

FEE CATEGORY AND REQUEST FOR A FEE WAIVER

I ask that the fees be waived because I am a reporter for Bloomberg News/Businessweek, and any information will be used to inform the public about pressing government policy issues.

I request a complete waiver of all search and duplication fees. If my request for a waiver is denied, I request that I be considered a member of the news media for fee purposes.

Under 5 U.S.C. §552(a)(4)(A)(iii), "Documents shall be furnished without any charge ... if disclosure of the information is in the public interest because it 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." Disclosure in this case meets the statutory criteria, as the records sought detail the operations and activities of government. This request is also not primarily in my commercial request, as I am seeking the records as a journalist to analyze and freely release to members of the public.

If I am not granted a complete fee waiver, I request to be considered a member of the news media for fee purposes. I am willing to pay all reasonable duplication expenses incurred in processing this FOIA request.

I will appeal any denial of my request for a waiver administratively and to the courts if necessary.

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David Kocieniewski  
Bloomberg News  
731 Lexington Avenue  
New York, New York 10012

[dkocieniewsk@bloomberg.net](mailto:dkocieniewsk@bloomberg.net)  
[davidkski@gmail.com](mailto:davidkski@gmail.com)

mobile:(215) 431-6679  
office (212) 617-4702

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**Fwd:Ref: F-2023-06035, Freedom of Information Act Acknowledgement**

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David Kocieniewski  
Bloomberg News  
731 Lexington Avenue  
New York, New York 10012

[dkocieniewsk@bloomberg.net](mailto:dkocieniewsk@bloomberg.net)  
[davidkski@gmail.com](mailto:davidkski@gmail.com)

mobile:(215) 431-6679  
office (212) 617-4702

From: [A\\_FOIAacknowledgment@groups.state.gov](mailto:A_FOIAacknowledgment@groups.state.gov) At: 03/14/23 15:43:09 UTC-4:00  
To: [David Kocieniewski \(BLOOMBERG/ NEWSROOM: \)](#)  
Subject: Ref: F-2023-06035, Freedom of Information Act Acknowledgement

Dear Mr. Kocieniewski:

Please see the enclosed letter regarding your fee waiver.

Thank you.

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 **Email v\_Intake - Ack - Complex F-2023-06035.docx**  
20K



March 14, 2023

Ref: F-2023-06035

Dear Mr. David Kocieniewski:

This is an acknowledgment to your March 10 2023, Freedom of Information Act (FOIA) (5 U.S.C. § 552) request received by the U.S. Department of State, Office of Information Programs and Services on March 13, 2023.

You are seeking a copy of “1) Any memos, reports, emails or documents used by the State Department’s DDTC, Bureau of Political and Military Affairs and/or Comptroller’s Office to respond to the General Accountability Office’s review of the proposed changes in export regulations for firearms, which shifts oversight authority from the Department of State to the Department of Commerce . (GAO 19-307)

11) Any memos, reports, emails or documents assessing whether the GAO 19-307 audit’s recommendation that the DOS and Commerce Department share a watchlist had been adopted and, if so, whether it had been effective in restricting arms sales to proscribed countries and restricted parties.

12) Any reports submitted to DDTC (under ITAR section 130) from vendors, contractors, applicants and suppliers of items on category I of the USML who gave gifts, political contributions, loans or commissions to political officials, brokers or other parties involved in an arms sale and purchase from 2014 - 2022.

13) Copies of annual activity reports from 2014-2022 filed by brokers involved in arms deals of items on category I of the USML in the following countries: Thailand, Philippines, Guatemala, Mexico, Canada, Saudi Arabia, United Arab Emirates, Argentina.

14) Any DOS diplomatic cables to or from the following countries and which include the indicated keywords for the years 2015 through 2023”. Unless you advise otherwise, we will treat as non-responsive any compilations of publicly available news reports and any publicly available documents not created by the U.S. government, such as mass-distribution emails from news media.

This Office assigned your request the above reference number and placed it in the complex processing track where it will be processed as quickly as possible. See 22 CFR §171.11(h). This Office will not be able to respond within the 20 days provided by the statute due to “unusual circumstances.” See 5 U.S.C. § 552(a)(6)(B)(i)-(iii). In this instance, the unusual circumstances include the need to search for and collect requested records from other Department offices or Foreign Service posts.

You have been placed in the fee category as member of the news media. You have qualified for this fee designation and will not be charged FOIA processing fees.

If you have any questions regarding your request, would like to narrow the scope or arrange an alternative time frame to speed its processing, or would like an estimated date of completion, please contact our FOIA Requester Service Center or our FOIA Public Liaison by email at [FOIAstatus@state.gov](mailto:FOIAstatus@state.gov) or telephone at 202-261-8484. Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, email at [ogis@nara.gov](mailto:ogis@nara.gov); telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

For a faster response, you may contact us by email at [Foiarequest@state.gov](mailto:Foiarequest@state.gov). In your email correspondence, please reference the request identification number in the subject line.

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**Fwd:Ref: F-2023-06415, Freedom of Information Act Acknowledgement**

1 message

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David Kocieniewski  
Bloomberg News  
731 Lexington Avenue  
New York, New York 10012

[dkocieniewsk@bloomberg.net](mailto:dkocieniewsk@bloomberg.net)  
[davidkski@gmail.com](mailto:davidkski@gmail.com)

mobile:(215) 431-6679  
office (212) 617-4702

From: [A\\_FOIAacknowledgement@groups.state.gov](mailto:A_FOIAacknowledgement@groups.state.gov) At: 03/29/23 14:22:29 UTC-4:00  
To: [David Kocieniewski \(BLOOMBERG/ NEWSROOM: \)](#)  
Subject: Ref: F-2023-06415, Freedom of Information Act Acknowledgement

**\*\*THIS EMAIL BOX IS NOT MONITORED, PLEASE DO NOT REPLY TO THIS EMAIL.\*\***

Dear Mr. Kocieniewski:

This email acknowledges receipt of your March 22, 2023, Freedom of Information Act (FOIA) (5 U.S.C. § 552) request received by the U.S. Department of State, Office of Information Programs and Services on March 22, 2023, regarding 1) Any written or electronic correspondence between the Department of State's Directorate of Defense Trade Control employees (level GS15 and above) and the SHOT Show's sponsor, the National Shooting Sports Foundation (or its legal representatives) regarding SHOT Show 2022 and 2023( Date range of search is from January 1, 2021 until the date this request is processed). Search keywords should include (but not be limited to): "SHOT Show" "NSSF" "Tepp program" "buyer's delegation" "HAVA" "Hava NSSF Golf Classic" "Bear's Best" "International Buyer Program" "International Buyer Recruitment" "Business-to-Business Matchmaking" "Country-Specific Briefings" "ITA match" "Showtime Program" and "Export Counseling" 2.) Any written or electronic correspondence between the Department of State's DDTC employees (level GS15 and above) and the US Department of Commerce regarding SHOT Show 2022 and 2023( Date range of search is from January 1, 2021 until the date this request is processed). Search keywords should include (but not be limited to): "SHOT Show" "International Trade Administration" "Bureau of Industry and Safety" "buyer's delegation."

**Exhibit 5**

3.)Any written or electronic correspondence about SHOT SHOW 2022 and/or 2023 between employees of the State Department DDTC employees (level GS 15 and above) and employees (or representatives) of the following companies: Smith & Wesson, Glock, Sig Sauer, Bushmaster, Winchester, Savage Arms, Heckler & Koch. 4.)Copies of any memos, reports, presentations or briefing slides about the State Department DDTC's involvement in SHOT SHOW 2022 and 2023. Unless you advise otherwise, we will treat as non-responsive any compilations of publicly available news reports and any publicly available documents not created by the U.S. government, such as mass-distribution emails from news media. This Office assigned your request the subject reference number and placed it in the complex processing track where it will be processed as quickly as possible. See 22 CFR § 171.11(h).

Also, you requested expedited processing of this request. According to 22 CFR § 171.11(f), requests shall receive expedited processing when a requester demonstrates a “compelling need” for the information exists for one of the following reasons: (1) failure to obtain the requested information on an expedited basis could reasonably be expected to pose an imminent threat to the life or physical safety of an individual; (2) the information is urgently needed by an individual primarily engaged in disseminating information in order to inform the public concerning actual or alleged Federal government activity; or (3) failure to release the information would impair substantial due process rights or harm substantial humanitarian interests. Your request does not demonstrate a “compelling need” for the requested information. Therefore, this Office denies your request for expedited processing.

Lastly, in regards to your request for a fee waiver, you have been placed in the fee category as a member of the media. You will not be charged for processing fees.

If you are not satisfied with this determination, you may administratively appeal by writing to: Appeals Officer, Office of Information Programs and Services (A/GIS/IPS), Room B-266, U.S. Department of State, [2201 C Street, NW, Washington, D.C. 20520](#); by fax to (202) 485-1718; or by email to [FOIAAppeals@state.gov](mailto:FOIAAppeals@state.gov). Your appeal must be postmarked or electronically transmitted within 90 days of the date of this email. Please include a copy of this correspondence with your written appeal and clearly state why you disagree with the determinations set forth in this response.

This Office will not be able to respond within the 20 days provided by the statute due to “unusual circumstances.” See 5 U.S.C. § 552(a)(6)(B)(i)-(iii). In this instance, the unusual circumstances include the need to search for and collect requested records from other Department offices or Foreign Service posts.

If you have any questions regarding your request, would like to narrow the scope or arrange an alternative time frame to speed its processing, or would like an estimated date of completion, please contact our FOIA Requester Service Center or our FOIA Public Liaison by email at [FOIAstatus@state.gov](mailto:FOIAstatus@state.gov) or telephone at 202-261-8484. Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, [8601 Adelphi Road](#)-OGIS, College Park, Maryland 20740-6001, email at [ogis@nara.gov](mailto:ogis@nara.gov); telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

Sincerely,

Brooke Nicholas

Branch Chief  
Requester Communications Branch  
Requester Liaison Division  
Office of Information Programs and Services  
U.S. Department of State

**\*\*THIS EMAIL BOX IS NOT MONITORED, PLEASE DO NOT REPLY TO THIS  
EMAIL.\*\***

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## Fwd:Bloomberg/Businessweek FOIA request -DDTC small arms info

2 messages

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David Kocieniewski (BLOOMBERG/ NEWSROOM:) <[dkocieniewsk@bloomberg.net](mailto:dkocieniewsk@bloomberg.net)>

Tue, May 2, 2023 at 4:22 PM

Reply-To: David Kocieniewski <[dkocieniewsk@bloomberg.net](mailto:dkocieniewsk@bloomberg.net)>

To: [eun@loevy.com](mailto:eun@loevy.com)

From: David Kocieniewski (BLOOMBERG/ NEWSROOM:) At: 03/31/23 17:03:43 UTC-4:00

To: [FOIARequest@state.gov](mailto:FOIARequest@state.gov)

Subject: Bloomberg/Businessweek FOIA request -DDTC small arms info

This is a request for records under the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552 and the Privacy Act, 5 U.S.C. § 552a. This request should be considered under both statutes to maximize the release of records.

### REQUESTER INFORMATION

**Name:** David Kocieniewski

**Affiliation:** Bloomberg/Businessweek

**Address:** 731 Lexington Avenue, New York, NY 10022

**Email:** [davidkski@gmail.com](mailto:davidkski@gmail.com)

**Phone:** (215) 431-6679

### RECORDS SOUGHT

1) All manuals, reports and documents that set out guidance and standard operating procedures the State Department's Directorate of Defense Trade Controls used during the calendar years 2015 through 2020 to review Category 1 arms transfers to foreign countries.

2) Documents created by the Department's Directorate of Defense Trade Controls referencing decisions to approve or deny new Category 1 arms export license applications involving direct commercial sales (DCS) for the calendar years 2014 through 2020. Please limit your search to export licenses involving the following subcategories and the following countries only. Those documents should include the final decision on each application and the rationale supporting that decision.

#### Subcategories:

(a) Non-automatic and semi-automatic firearms to caliber .50 inclusive (12.7 mm). \*

(b) Fully automatic firearms to .50 caliber inclusive (12.7 mm). \*

(c) Combat shotguns. This includes any shotgun with a barrel length less than 18 inches.

(d) Barrels, cylinders, receivers (frames) or complete breech mechanisms for the articles in paragraphs (a) through (d) of this category.

Countries: Canada, Colombia, Mexico, Brazil, Honduras, Guatemala, Nicaragua, Philippines, Saudi Arabia, United Arab Emirates, El Salvador, Indonesia, India and Argentina.

3) We request any documents or emails created for the calendar years 2014 through 2020 by other State Department bureaus related to (or as a part of the review of) DCS export applications involving the following subcategories and the following countries. That includes, but is not limited to, the Bureau of Democracy, Human Rights, and Labor, the Bureau of International Security and Nonproliferation, and the Office of Regional Security and Arms Transfers, as well as any of the State Department's regional bureaus.

Subcategories:

- (a) Non-automatic and semi-automatic firearms to caliber .50 inclusive (12.7 mm). \*
- (b) Fully automatic firearms to .50 caliber inclusive (12.7 mm). \*
- (c) Combat shotguns. This includes any shotgun with a barrel length less than 18 inches.
- (d) Barrels, cylinders, receivers (frames) or complete breech mechanisms for the articles in paragraphs (a) through (d) of this category.

Countries: Canada, Colombia, Mexico, Brazil, Honduras, Guatemala, Nicaragua, Philippines, Saudi Arabia, United Arab Emirates, El Salvador, Indonesia, India and Argentina

4) Data and documents created by the Department's Directorate of Defense Trade Controls for the calendar years 2014 through 2020 related to any new or existing DCS export application by Sig Sauer or SigArms, including the final decision on each application and the rationale supporting that decision. Additionally, we request any documents or emails created by other State Department bureaus related to or as a part of the review of Sig Sauer or SigArms DCS export applications for the calendar years 2014 through 2020. That includes, but is not limited to, the Bureau of Democracy, Human Rights, and Labor, the Bureau of International Security and Nonproliferation, and the Office of Regional Security and Arms Transfers, as well as any of the State Department's regional bureaus.

Please exclude from this search DCS export applications to the country of Thailand, which is the subject of a separate FOIA request.

- 5) Any documents created by the Directorate of Defense Trade Controls that compiled and analyzed trends for DCS Category 1 approvals and denials during those years 2014 – 2020.
- 6) Any documents created by the Directorate of Defense Trade Controls from the years 2014-2023 pertaining to the diversion, potential diversion or misuse of DCS Category 1 arms transfers. That should include documents prepared for any Sec. 3 notifications required under the Arms Export Control Act.
- 7) Any documents created by the Directorate of Defense Trade Controls dating from the years 2017 – 2020 that analyzed a proposed rule change to move licensing authority for export of Category 1 arms to the Commerce Department under authority of the Export Administration Regulations (EAR) Commerce Control List.
- 8) All communications between the State Department and the EOP, Commerce or Justice Departments dating from the years 2017 – 2020 regarding that proposed rule change.

When searching State Department communications, please limit the search to the Bureau of Political-Military Affairs, the Bureau of Democracy, Human Rights and Labor, the Office of White House Liaison and the Office of the Secretary.

9) Any documents created by the Directorate of Defense Trade Controls from the years 2020-2023 which analyzed the impacts of that 2020 rule change on license processing time, the volume of applications, the percentage of approvals and denials, end-use monitoring, and diversion, potential diversion or misuse of transferred arms.

**Reasonably Foreseeable Harm.** The FOIA Improvement Act of 2016 amended the FOIA as follows (5 USC 552(a)(8)):

(A) An agency shall—

(i) withhold information under this section only if—

(I) the agency reasonably foresees that disclosure would harm an interest protected by an exemption described in subsection (b); or

(II) disclosure is prohibited by law; and

(ii) (I) consider whether partial disclosure of information is possible whenever the agency determines that a full disclosure of a requested record is not possible; and

(II) take reasonable steps necessary to segregate and release nonexempt information. . . .

The Department of State should not fail to meet the requirements of Section 552(a)(8) when processing my request and release responsive records to me in full or at least in part.

#### INSTRUCTIONS REGARDING SEARCH

1. *Request for Public Records:*

Please search for any records even if they are already publicly available.

2. *Request for Electronic and Paper/Manual Searches:*

I request that searches of all electronic and paper/manual indices, filing systems, and locations for any and all records relating or referring to the subject of my request be conducted. I further request that the agencies conduct a search of its "soft files" as well as files in its locked cabinets.

3. *Request regarding Photographs and other Visual Materials:*

I request that any photographs or other visual materials responsive to my request be released to me in

their original or comparable forms, quality, and resolution. For example, if a photograph was taken digitally, or if the agencies maintains a photograph digitally, I request disclosure of the original digital image file, not a reduced resolution version of that image file nor a printout and scan of that image file. Likewise, if a photograph was originally taken as a color photograph, I request disclosure of that photograph as a color image, not a black and white image. Please contact me for any clarification on this point.

4. *Request for Duplicate Pages:*

I request disclosure of any and all supposedly "duplicate" pages. Scholars analyze records not only for the information available on any given page, but also for the relationships between that information and information on pages surrounding it. As such, though certain pages may have been previously released to me, the existence of those pages within new context renders them functionally new pages. As such, the only way to properly analyze released information is to analyze that information within its proper context. Therefore, I request disclosure of all "duplicate" pages.

5. *Request to Search Emails:*

Please search for emails relating to the subject matter of my request.

6. *Request for Search of Records Transferred to Other Agencies:*

I request that in conducting its search, the agencies disclose releasable records even if they are available publicly through other sources outside the agencies, such as NARA.

FORMAT

I request that any releases stemming from this request be provided to me in digital format (soft-copy) on a compact disk or other like media.

REQUEST FOR EXPEDITED PROCESSING

I ask that my request receive expedited processing because the issue of increasing gun violence is a crucial matter and there is a compelling public benefit informing the public US policy regarding firearms exports in a timely manner.

FEE CATEGORY AND REQUEST FOR A FEE WAIVER

I ask that the fees be waived because I am a reporter for Bloomberg News/Businessweek, and any information will be used to inform the public about pressing government policy issues.

I request a complete waiver of all search and duplication fees. If my request for a waiver is denied, I request that I be considered a member of the news media for fee purposes.

Under 5 U.S.C. §552(a)(4)(A)(iii), "Documents shall be furnished without any charge ... if disclosure of the information is in the public interest because it 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." Disclosure in this case meets the statutory criteria, as the records sought detail the operations and activities of government. This request is also not primarily in my commercial request, as I am seeking the records as a journalist to analyze and freely release to members of the public.

If I am not granted a complete fee waiver, I request to be considered a member of the news media for fee purposes. I am willing to pay all reasonable duplication expenses incurred in processing this FOIA request.

I will appeal any denial of my request for a waiver administratively and to the courts if necessary.



Bloomberg News  
731 Lexington Avenue  
New York, New York 10012

[dkocieniewsk@bloomberg.net](mailto:dkocieniewsk@bloomberg.net)  
[davidkski@gmail.com](mailto:davidkski@gmail.com)

mobile:(215) 431-6679  
office (212) 617-4702

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**David Kocieniewski (BLOOMBERG/ NEWSROOM:)** <[dkocieniewsk@bloomberg.net](mailto:dkocieniewsk@bloomberg.net)>  
Reply-To: David Kocieniewski <[dkocieniewsk@bloomberg.net](mailto:dkocieniewsk@bloomberg.net)>  
To: [eun@loevy.com](mailto:eun@loevy.com)

Tue, May 2, 2023 at 4:23 PM

[Quoted text hidden]

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**Fwd:Ref: F-2023-06735, Freedom of Information Act Acknowledgement**

1 message

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David Kocieniewski  
Bloomberg News  
731 Lexington Avenue  
New York, New York 10012

[dkocieniewsk@bloomberg.net](mailto:dkocieniewsk@bloomberg.net)  
[davidkski@gmail.com](mailto:davidkski@gmail.com)

mobile:(215) 431-6679  
office (212) 617-4702

From: [A\\_FOIAacknowledgement@groups.state.gov](mailto:A_FOIAacknowledgement@groups.state.gov) At: 04/07/23 15:33:13 UTC-4:00  
To: [David Kocieniewski \(BLOOMBERG/ NEWSROOM: \)](#)  
Subject: Ref: F-2023-06735, Freedom of Information Act Acknowledgement

**\*\*THIS EMAIL BOX IS NOT MONITORED, PLEASE DO NOT REPLY TO THIS EMAIL.\*\***

Mr. Kocieniewski:

This email acknowledges receipt of your March 31, 2023, Freedom of Information Act (FOIA) (5 U.S.C. § 552) request received by the U.S. Department of State, Office of Information Programs and Services on April 3, 2023, regarding all manuals, reports and documents that set out guidance and standard operating procedures for the State Department's Directorate of Defense Trade Controls used during the calendar years 2015 through 2020 to review Category 1 arms transfers to foreign countries and documents created by the Department's Directorate of Defense Trade Controls referencing decisions to approve or deny new Category 1 arms export license applications involving direct commercial sales (DCS) for the calendar years 2014 through 2020 (Date Range for Record Search: From 1/1/2014 To 12/31/2020). Unless you advise otherwise, we will treat as non-responsive any compilations of publicly available news reports and any publicly available documents not created by the U.S. government, such as mass-distribution emails from news media. This Office assigned your request the subject reference number and placed it in the complex processing track where it will be processed as quickly as possible. See 22 CFR § 171.11(h). This Office grants your request for a fee waiver.

**Exhibit 7**

Also, you requested expedited processing of this request. According to 22 CFR § 171.11(f), requests shall receive expedited processing when a requester demonstrates a “compelling need” for the information exists for one of the following reasons: (1) failure to obtain the requested information on an expedited basis could reasonably be expected to pose an imminent threat to the life or physical safety of an individual; (2) the information is urgently needed by an individual primarily engaged in disseminating information in order to inform the public concerning actual or alleged Federal government activity; or (3) failure to release the information would impair substantial due process rights or harm substantial humanitarian interests. Your request does not demonstrate a “compelling need” for the requested information. Therefore, this Office denies your request for expedited processing.

If you are not satisfied with this determination, you may administratively appeal by writing to: Appeals Officer, Office of Information Programs and Services (A/GIS/IPS), Room B-266, U.S. Department of State, [2201 C Street, NW, Washington, D.C. 20520](#); by fax to (202) 485-1718; or by email to [FOIAAppeals@state.gov](mailto:FOIAAppeals@state.gov). Your appeal must be postmarked or electronically transmitted within 90 days of the date of this email. Please include a copy of this correspondence with your written appeal and clearly state why you disagree with the determinations set forth in this response.

This Office will not be able to respond within the 20 days provided by the statute due to “unusual circumstances.” See 5 U.S.C. § 552(a)(6)(B)(i)-(iii). In this instance, the unusual circumstances include the need to search for and collect requested records from other Department offices or Foreign Service posts.

If you have any questions regarding your request, would like to narrow the scope or arrange an alternative time frame to speed its processing, or would like an estimated date of completion, please contact our FOIA Requester Service Center or our FOIA Public Liaison by email at [FOIAstatus@state.gov](mailto:FOIAstatus@state.gov) or telephone at 202-261-8484. Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, [8601 Adelphi Road](#)-OGIS, College Park, Maryland 20740-6001, email at [ogis@nara.gov](mailto:ogis@nara.gov); telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

Sincerely,

*K. B.* for  
Brooke Nicholas  
Branch Chief  
Requester Communications Branch  
Requester Liaison Division  
Office of Information Programs and Services  
U.S. Department of State

**\*\*THIS EMAIL BOX IS NOT MONITORED, PLEASE DO NOT REPLY TO THIS EMAIL.\*\***