

EXHIBIT 2



214 Massachusetts Avenue, NE
Washington, DC 20002

(202) 546-4400
heritage.org

SENT VIA: Email: DHA.FOIA@mail.mil

July 6, 2022

ATTN: DHA FOIA Public Liaison
Defense Health Agency
7700 Arlington Boulevard, Suite 5101
Falls Church, VA 22042-5101
Phone: 1-703-275-6017

Dear FOIA Officer,

Pursuant to the Freedom of Information Act, 5 U.S.C. § 552, and the implementing FOIA regulations of the Department of Defense, 32 CFR 286, I respectfully request the following records from any individuals within Office of the Director and Office of General Counsel, Office of the Chief Counsel, Force Health Protection and Readiness Programs, and the Health Care Administration:

- 1) All correspondence regarding covered abortions, as defined under Title 10, Section 1093 of the United States Code, from January 20, 2021, to July 5, 2022.
- 2) All records regarding the number of covered abortions from January 1, 2010, through July 5, 2022.
- 3) All records regarding the number of covered abortions that are the result of an act of rape from January 1, 2010, through July 5, 2022.
- 4) All records regarding the number of covered abortions that are the result of an act of incest from January 1, 2010, through July 5, 2022.
- 5) All records regarding the number of covered abortions that are the result of an act of rape and resulted in some type of prosecution under the Uniform Code of Military Justice from January 1, 2010, through July 5, 2022.
- 6) All records regarding the number of covered abortions that are the result of an act of incest and resulted in some type of prosecution under the Uniform Code of Military Justice from January 1, 2010, through July 5, 2022.

The term "record" means any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, and whether original or copy, including, but not limited to, the



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following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, inter-office and intra-office communications, electronic mail (emails), MMS or SMS text messages, instant messages, messaging systems (such as iMessage, Microsoft Teams, WhatsApp, Telegram, Signal, Google Chat, Twitter direct messages, Lync, Slack, and Facebook Messenger), contracts, cables, telexes, notations of any type of conversation, telephone call, voicemail, meeting or other communication, bulletins, printed matter, computer printouts, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electronic records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape or otherwise. A record bearing any notation not a part of the original text is to be considered a separate record. A draft or non-identical copy is a separate record within the meaning of this term.

The term “communication” means each manner or means of disclosure or exchange of information (in the form of facts, ideas, inquiries, or otherwise), regardless of means utilized, whether oral, electronic, by document or otherwise, and whether in an in-person meeting, by telephone, facsimile, e-mail (desktop or mobile device), MMS or SMS text message, instant messages, messaging systems (such as iMessage, Microsoft Teams, WhatsApp, Telegram, Signal, Google Chat, Twitter direct messages, Lync, Slack, and Facebook Messenger), regular mail, telexes, releases, or otherwise.

In the interest of expediency and to minimize the research and/or duplication burden on your staff, please send records electronically if possible. If this is not possible, please notify me before sending to the mailing address listed below. If access to this request will take longer than seven (20) business days, please let me know when I might receive records or be able to inspect the requested records. Please produce responsive documents as soon as they become available. In all cases, please communicate with me at the below email address.

Please comply fully with 5 U.S.C. § 552 (b). Accordingly, without limitation to the foregoing, if any portion of this request is denied for any reason, please provide written notice of the records or portions of records that are being withheld and cite each specific exemption of the Freedom of Information Act on which the agency relies. Moreover, to the extent the agency believes that responsive records may be withheld in part produce all reasonably segregable portions of those



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records.

Additionally, please provide all responsive documents even if they are redacted in full.

Fee Waiver Request

This request is primarily and fundamentally for non-commercial purposes. As a 501(c)(3) nonprofit, Heritage Foundation does not have a commercial purpose and the release of the information requested is not in Heritage Foundation's commercial interest. Heritage Foundation's mission is to formulate and promote public policies based on the principles of free enterprise, limited government, individual freedom, traditional American values, and a strong national defense. Heritage Foundation uses the information requested and analyzes it in order to educate the public through social media,¹ broadcast media² (traditional and nontraditional) and press releases.³ The requested information is in the public interest because multiple news agencies⁴ have been covering DoD's ability to provide covered abortions.

Because this is a request by a member of the news media for information of public interest, made in my capacity as an author for the *Daily Signal*⁵ (a major news outlet⁶), I request that you waive all applicable fees associated with this request. As an author for the *Daily Signal*, I intend to use this FOIA request and other investigatory means to gather information of potential public interest regarding the records requested and use my editorial skills to turn the raw materials into a distinct work and distributes that work to my *Daily Signal* audience.

If you deny this request for a fee waiver, please advise me in advance of the estimated charges if they are to exceed \$50. Please send me a detailed and itemized explanation of those charges.

¹ Heritage Foundation. [@ Heritage] (Accessed: 2022, February 18). 626.8K Followers Twitter.

<https://twitter.com/Heritage>

² Fox News. (Accessed: 2022, February 18). Heritage Foundation launches Conservative Oversight Project aimed at 'exposing' Biden admin, leftist policies. <https://www.foxnews.com/politics/heritage-conservative-oversight-project-biden-admin-leftist-policies>

³ Heritage Foundation. (Accessed: 2022, February 18). Press. <https://www.heritage.org/press>

⁴ The Military Times. (Accessed, 2022, July 5, 2022). DoD looks to protect troops, civilian employees from prosecution over new abortion laws. <https://www.militarytimes.com/news/pentagon-congress/2022/06/28/dod-looks-to-protect-troops-civilian-employees-from-prosecution-over-new-abortion-laws/>; The Wall Street Journal. (Accessed: 2022, July 5). Pentagon Grapples With Policy for Women Serving in Antiabortion States. <https://www.wsj.com/livecoverage/supreme-court-decision-roe-v-wade-6-24-2022/card/pentagon-grapples-with-policy-for-women-serving-in-antiabortion-states-Aerwgrk3JddgIzGWZM3o>

⁵ Daily Signal. (Accessed: 2022, February 18). Mike Howell. <https://www.dailysignal.com/author/mike-howell/>

⁶ Daily Signal. [@DailySignal] (Accessed: 2022, February 18). 73.7K Followers Twitter. <https://twitter.com/DailySignal>



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Thank you in advance for considering my request. If you have any questions, or feel you need clarification of this request please contact me at oversightproject@heritage.org.

Sincerely,

Mike Howell
Senior Advisor and Author at The Daily Signal
The Heritage Foundation
214 Massachusetts Ave, NE
Washington, D.C. 20002