

# EXHIBIT S



**DEPARTMENT OF DEFENSE**  
**FREEDOM OF INFORMATION DIVISION**  
1155 DEFENSE PENTAGON  
WASHINGTON, DC 20301-1155

4/22/2020  
Ref: 20-F-0995

Jason Paladino  
The Project On Government Oversight  
1100 G Street, NW, Suite 500  
Washington, DC 20005

Dear Mr. Paladino:

This is an interim response to your April 21, 2020 Freedom of Information Act (FOIA) request, a copy of which is enclosed for your convenience. We received your request on April 22, 2020, and assigned it case number 20-F-0995. We ask that you use this number when referring to your request.

Although we have already begun processing your request, we will not be able to respond within the FOIA's 20-day statutory time period as there are unusual circumstances which impact our ability to quickly process your request. The FOIA defines unusual circumstances as (a) the need to search for and collect records from a facility geographically separated from this office; (b) the potential volume of records responsive to your request; and (c) the need for consultation with one or more other agencies or DoD components having a substantial interest in either the determination or the subject matter of the records. At least one, if not more of these scenarios applies or would likely apply to your request. While this office handles FOIA requests for the Office of the Secretary of Defense (OSD), the Joint Staff (JS) and other component offices, we do not actually hold their records and our office is not geographically located with these organizations. As we do not hold the records, until the required records searches are complete, we are unable to estimate the potential volume of records or the number of consultations that will be required to make a release determination.

Expedited processing may be granted when the requester demonstrates a compelling need for the information and shows that the information has a particular value that would be lost if not processed on an expedited basis. A key word here is "demonstrates." Therefore, it is incumbent upon you to demonstrate that the requested records will serve an urgency purpose and that they will also be meaningful in the sense that they will provide a greater understanding of actual or alleged federal government activity on the part of the public-at-large than that which existed before such information was disseminated. Consequently, it must be clearly demonstrated that such information has a particular value that will be lost if not disseminated quickly. After carefully considering your request, this Office finds that you have not clearly demonstrated how the information will lose its value if not processed on an expedited basis. For this reason, your request for expedited processing is denied.

In your FOIA request, you ask for "a fee waiver." Decisions to waive or reduce fees are made on a case-by-case basis and we will make a determination concerning your fee waiver request at the conclusion of the search and assessment of responsive records, should they exist. However, please know that this office will only assess fees if we provide the final response to your FOIA request within the statutory time allotted by the FOIA or the responsive records total

more than 5,000 pages, even after a good faith effort on our part to limit the scope of your request.

Your request has been placed in our complex processing queue and is being worked based on the order in which the request was received. Our current administrative workload is approximately 3,290 open requests.

In some instances, we have found that requesters who narrow the scope of their requests experience a reduction in the time needed to process their requests.

The OSD/JS FOIA Public Liaison, Melissa Walker, is available at 571-372-0462 or by email at OSD.FOIALiaison@mail.mil to answer any concerns about the foregoing.

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, MD 20740  
E-mail: ogis@nara.gov  
Telephone: 202-741-5770  
Fax: 202-741-5769  
Toll-free: 1-877-684-6448

We regret the delay in responding to your request and appreciate your patience. If you have any questions or concerns about the foregoing or about the processing of your request, please do not hesitate to contact Madalyn Brown at madalyn.j.brown.civ@mail.mil or 571-372-0421.

Sincerely,

*for Pamela Andrews*  
Stephanie L. Carr  
Chief

Enclosure:  
As stated