

December 03, 2025

U.S. Department of State  
Information Access Liaison Office, A/SKS/IAP/IAL  
2201 C Street N.W., Suite B266  
Washington, D.C. 20520-0000

Re: Freedom of Information Request

To Whom It May Concern:

This letter constitutes a request made pursuant to the Freedom of Information Act, 5 U.S.C. § 552, and implementing regulations of the United States Department of State, 22 C.F.R. § 171.1 *et seq* (“State Department”).

In the Fiscal Year (FY) 1982 Foreign Assistance and Related Programs Appropriations Act, Congress enacted an amendment, named after then-Representative Mark Siljander, specifying that no U.S. funds may be used to lobby for abortion.<sup>1</sup> Congress subsequently modified the amendment to state that funds may not be used to “lobby for or against abortion.”<sup>2</sup> The amendment, now colloquially known as the “Siljander Amendment,” has been included in all subsequent State, Foreign Operations, and Related Programs (“SFOPS”) appropriations bills.<sup>3</sup>

In October 2011, the Government Accountability Office (“GAO”) issued a report finding that the State Department had developed no guidance on Siljander Amendment compliance, making it difficult for both State Department officials and award recipients to determine what activities are prohibited.<sup>4</sup> GAO recommended that the State Department develop specific guidance indicating what kinds of activities may be prohibited and disseminate this guidance throughout the agency and to award recipients. The State Department concurred only that it should inform staff of the Siljander Amendment but declined to provide examples of potentially prohibited activities.<sup>5</sup>

In 2019, then-Secretary of State Mike Pompeo announced an enforcement action against the Organization of American States (“OAS”), reducing U.S. contributions by \$210,000<sup>6</sup> for alleged Siljander violations and directing that explicit prohibitions be included in foreign assistance agreements with the OAS.<sup>7</sup>

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<sup>1</sup> Luisa Blanchfield, *Abortion Funding Restrictions in Foreign Assistance Legislation*, CONG. RSCH. SERV., IF12235 (Apr. 12, 2024), available at [https://www.congress.gov/crs\\_external\\_products/IF/PDF/IF12235/IF12235.6.pdf](https://www.congress.gov/crs_external_products/IF/PDF/IF12235/IF12235.6.pdf).

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

<sup>4</sup> U.S. Gov’t Accountability Office, *U.S. Foreign Assistance: Clearer Guidance on Siljander Amendment Needed*, GAO-12-35 (Oct. 13, 2011), available at <https://www.gao.gov/products/gao-12-35>.

<sup>5</sup> *Id.*

<sup>6</sup> Carol Morello, *Pompeo cuts OAS funds over advocacy of legal abortion*, WASH. POST, (Mar. 26, 2019), available at [https://www.washingtonpost.com/world/national-security/pompeo-cuts-oas-funds-over-advocacy-of-legal-abortion/2019/03/26/4ea5314d-d7e0-48de-b636-e552447430b0\\_story.html](https://www.washingtonpost.com/world/national-security/pompeo-cuts-oas-funds-over-advocacy-of-legal-abortion/2019/03/26/4ea5314d-d7e0-48de-b636-e552447430b0_story.html).

<sup>7</sup> Michael R. Pompeo, Secretary of State, Remarks to the Press, U.S. DEP’T OF STATE (Mar. 26, 2019), available at <https://2017-2021.state.gov/remarks-to-the-press-7>.

Since January 2025, the Trump administration has implemented a series of policies that significantly restrict abortion access and reproductive health services in U.S. foreign assistance programs. In January, President Trump reinstated and expanded the “Protecting Life in Global Health Assistance” policy (commonly known as the “Global Gag Rule”), which prohibits foreign non-governmental organizations that receive U.S. global health assistance from providing abortion services, counseling, referrals, or advocacy, even with non-U.S. funds.<sup>8</sup> The administration has also taken unprecedented actions regarding contraceptive supplies, with officials characterizing contraceptive products purchased by the United States Agency for International Development (USAID) and stored in Belgium as “abortifacients” to justify their destruction, despite the biological reality that contraception and abortion are different.<sup>9</sup> Additionally, when implementing the foreign aid freeze in early 2025, the Trump administration explicitly excluded abortion and family planning services from the category of “life-saving activities” that would be exempt from the freeze, effectively deprioritizing reproductive health care even in humanitarian contexts.<sup>10</sup> These policy decisions raise significant questions about how and whether the administration is enforcing the Siljander Amendment.

The Center for Reproductive Rights (“Center”) seeks to better understand whether the State Department has developed clear guidance and monitoring mechanisms since the 2011 GAO report, how the Trump Administration interprets and enforces the Siljander Amendment, and whether enforcement is applied consistently to both organizations lobbying to expand abortion access and those lobbying to restrict abortion access. Releasing this information is vital to the public interest to understand taxpayer-funded activities, government oversight of foreign assistance, and whether statutory restrictions are being applied even-handedly.

## Records Requested

Please provide all responsive records from January 20, 2025, through the date this search is conducted (unless otherwise specified). As used herein, “records” means all records as defined in 22 C.F.R. § 171.1(b). Additionally, as used herein, any reference to the State Department encompasses all field offices (both current and past), Foreign Service posts abroad, as well as the central offices located in Washington, D.C., 22 C.F.R. §171.1(b)(2).

We request the following to be produced within twenty business days:

1. All communications, meeting notices, meeting agendas, informational materials, draft legislation, draft rules, talking points, reports, disclosures, or other documents sent to, received by, or exchanged between any State Department employee (temporary or permanent), and any official, appointee, contractor, or grantee that discusses, references, or concerns:

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<sup>8</sup> The Mexico City Policy, 90 Fed. Reg. 8753 (Feb. 3, 2025), available at <https://www.federalregister.gov/documents/2025/02/03/2025-02176/the-mexico-city-policy>.

<sup>9</sup> Rachel Treisman, *The U.S. Is Destroying 9.7 Million in Contraceptives. Is There Another Option?*, NPR (Jul. 28, 2025) available at <https://www.npr.org/sections/goats-and-soda/2025/07/28/nx-s1-5482742/the-u-s-is-destroying-9-7-million-in-contraceptives-is-there-another-option>.

<sup>10</sup> Sarah Fortinsky, *Rubio exempting ‘life-saving humanitarian assistance’ from foreign aid restrictions*, THE HILL (Jan. 29, 2025), available at <https://thehill.com/homenews/administration/5113926-trump-executive-order-review/>.

- a. Lobbying activities related to abortion or abortion restrictions;
  - b. Advocacy for or against abortion-related legislation or policies in foreign countries, including but not limited to family planning, contraception, and religious freedom;
  - c. Concerns about potential Siljander Amendment violations;
  - d. Requests for clarification or technical assistance on permissible lobbying or advocacy activities under the Siljander Amendment;
  - e. Guidance or interpretations of what constitutes “lobbying” under the Siljander Amendment;
  - f. Guidance or interpretations of what constitutes “abortion” under the Siljander Amendment;
  - g. Case-by-case recommendations provided by the State Department regarding Siljander compliance.
2. All investigation files, complaint records, findings, determination letters, corrective action plans, suspension notices, termination notices, funding reductions, and related enforcement documents concerning alleged or confirmed violations of the Siljander Amendment, including but not limited to activities involving lobbying for abortion restrictions or anti-abortion legislation.
  3. All activity reports, work plans, and narrative reports submitted by grantee organizations that describe or reference legislative advocacy, policy advocacy, government relations, lobbying activities, or constitutional reform processes related to abortion, reproductive health legislation, or family planning policies.
  4. Sample or template foreign assistance agreements, grant terms and conditions, or contract provisions that include explicit language prohibiting use of funds to lobby for or against abortion. This request non-exclusively seeks records containing any of the following terms in relation to foreign assistance activities: “anti-abortion lobbying,” “pro-life advocacy,” “abortion restrictions,” “legislative advocacy,” “Siljander Amendment,” “lobbying for abortion restrictions,” “constitutional reform,” “policy advocacy abortion,” “GAO-12-35,” or similar terms indicating efforts to restrict or expand abortion access through legislative or policy channels.
  5. All internal guidance documents, standard operating procedures, compliance frameworks, or monitoring protocols concerning interpretation or enforcement of the Siljander Amendment currently in use at the State Department; and
  6. All training materials, presentations, webinars, or educational resources provided to State Department staff or grantee organizations regarding the Siljander Amendment.

The Center seeks all responsive records regardless of format, medium, or physical characteristics. In conducting your search, please understand the terms “record,” “document,” and “information” in their broadest sense, to include any written, typed, recorded, graphic, printed, or audio material of any kind. We seek records of any kind, including electronic records,

audiotapes, videotapes, and photographs, as well as letters, emails, facsimiles, telephone messages, voice mail messages and transcripts, notes, or minutes of any meetings, telephone conversations, or discussions. Our request includes any attachments to these records. No category of material should be omitted from search, collection, and production.

In addition to the records requested above, the Center also requests records describing the processing of this request, including records sufficient to identify search terms used, locations and custodians searched, and any tracking sheets used to track the processing of this request. If your agency uses FOIA questionnaires or certifications completed by individual custodians or components to determine whether they possess responsive materials or to describe how they conducted searches, we also request any such records prepared in connection with the processing of this request.

Please search all records regarding agency business. You may not exclude searches of files or emails in the personal custody of your officials, such as personal email accounts or text messages. Records of official business conducted using unofficial systems or stored outside of official files are subject to the Federal Records Act and FOIA. It is not adequate to rely on policies and procedures that require officials to move such information to official systems within a certain period of time; the Center has a right to records contained in those files even if material has not yet been moved to official systems or if officials have, through negligence or willfulness, failed to meet their obligations.

Please note that in conducting a “reasonable search” as required by law, you must employ the most up-to-date technologies and tools available, in addition to searches by individual custodians likely to have responsive information. Recent technology may have rendered your agency’s prior FOIA practices unreasonable. In light of the government-wide requirements to manage information electronically by the end of 2016, it is no longer reasonable to rely exclusively on custodian-driven searches. Furthermore, agencies, including the State Department, which have adopted the National Archives and Records Agency Capstone program, or similar policies, now maintain emails in a form that is reasonably likely to be more complete than individual custodians’ files. For example, a custodian may have deleted a responsive email from his or her email program, but your agency’s archiving tools would capture that email under Capstone.

Accordingly, the Center requests that the State Department use the most up-to-date technologies to search for responsive information and take steps to ensure that the most complete repositories of information are searched. The Center is available to work with you to craft appropriate search terms. However, custodian searches are still required; agencies may not have direct access to files stored in .PST files, outside of network drives, in paper format, or in personal email accounts.

We request that you produce all responsive materials in their entirety; however, should you determine the materials contain information which falls within the statutory exemptions provided in 5 U.S.C. § 552 or 22 C.F.R. § 171.11, we request the information be reviewed for possible discretionary disclosure. We furthermore request that all reasonably segregable portions of the exempt material be provided. We request that any deleted material be described in detail,

and that you specify the statutory basis for the denial as well as your reasons for believing that the alleged statutory justification applies in this instance. Please separately state your reasons for not invoking your discretionary powers to release the requested documents in the public interest. Such statements will be helpful in deciding whether to appeal an adverse determination.

Under the FOIA Improvement Act of 2016, agencies must adopt a presumption of disclosure, withholding information “only if . . . disclosure would harm an interest protected by an exemption” or “disclosure is prohibited by law.” If it is your position that any portion of the requested records is exempt from disclosure, the Center requests that you provide an index of those documents as required under *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973), *cert. denied*, 415 U.S. 977 (1974). As you are aware, a *Vaughn* index must describe each document claimed as exempt with sufficient specificity “to permit a reasoned judgment as to whether the material is actually exempt under FOIA.”<sup>11</sup> Moreover, the *Vaughn* index “must describe each document or portion thereof withheld, and for each withholding it must discuss the consequences of disclosing the sought-after information.”<sup>12</sup> Further, “the withholding agency must supply ‘a relatively detailed justification, specifically identifying the reasons why a particular exemption is relevant and correlating those claims with the particular part of a withheld document to which they apply.’”<sup>13</sup>

You should institute a preservation hold on information responsive to this request. The Center intends to pursue all legal avenues to enforce its right of access under FOIA, including litigation if necessary. Accordingly, your agency is on notice that litigation is reasonably foreseeable.

To ensure that this request is properly construed, that searches are conducted in an adequate but efficient manner, and that extraneous costs are not incurred, the Center welcomes an opportunity to discuss its request with you before you undertake your search or incur search or duplication costs. By working together at the outset, the Center and your agency can decrease the likelihood of costly and time-consuming litigation in the future.

### **Waiver or Limitation of Fees**

Pursuant to 5 U.S.C. § 552(a)(4)(A)(iii), documents are required to be provided to requesters without any charge or at reduced fees “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.” We request a waiver (or, in the alternative, a reduction) of all fees because disclosure of the information would be in the public interest by contributing significantly to the public understanding of the decision to destroy millions of dollars of health products purchased with taxpayer funds.

Founded in 1992, the Center is the only global legal advocacy organization dedicated to reproductive rights, and its litigation and advocacy has played a key role in expanding access to

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<sup>11</sup> *Founding Church of Scientology of Washington, D.C. v. Bell*, 603 F. 2d 945, 949 (D.C. Cir. 1979).

<sup>12</sup> *King v. U.S. Dep’t of Just.*, 830 F.2d 210, 223-24 (D.C. Cir. 1987).

<sup>13</sup> *Id.* at 224.

reproductive health care around the world. The Center uses information gathered, and its analysis of information gathered, to educate the public through reports, briefing papers, fact sheets, periodicals, articles, blog posts, and other educational materials. Likewise, the Center also makes the materials gathered available on its public website and promotes their availability on social media platforms, such as Facebook, X (formerly known as Twitter), and Instagram. The Center receives hundreds of thousands of website page views, monthly, and publishes newsletters for public dissemination. Thus, the Center has demonstrated commitment to the public disclosure of documents and creation of editorial content.

The Center does not make this request for commercial use. 45 C.F.R. § 5.54(b)(3). As a 501(c)(3) nonprofit organization, the Center does not have a commercial purpose, and the release of the information requested is not in the organization's financial interest. Accordingly, the Center qualifies for a fee waiver.

In the event that you determine you are unable to waive the fees, please provide us with prior notice if the total fees authorized will exceed \$200 so that we can discuss arrangements.

## **Conclusion**

The Center looks forward to working with your agency on this request. Thank you for your prompt attention to this matter.

With respect to the form of production, *see* 5 U.S.C. § 552(a)(3)(B), the Center requests that responsive materials be provided electronically by email or in PDF or TIF format on a USB drive. Please send any responsive material being provided and acknowledgement of receipt of this request to:

Mariakarla Nodarse Venancio  
c/o Julia Long  
Center for Reproductive Rights  
1600 K Street, NW, 7<sup>th</sup> Floor  
Washington, DC 20006  
Phone: 917-637-3782  
Email: MNodarse@reprorights.org

If it will accelerate release of responsive records, please also provide responsive material on a rolling basis.

If you do not understand any part of this request, have any questions, or foresee any problems in fully releasing the requested records, please contact Mariakarla Nodarse Venancio at 917-637-3782 if you have any questions. Thank you for your assistance.

Sincerely,  
Mariakarla Nodarse Venancio