



Via Email to FOIARequest@state.gov

July 27, 2020

U.S. Department of State
Office of Information Programs and Services
A/GIS/IPS/RL
2201 C Street N.W., Suite B266
Washington, D.C. 20520-0000

*Re: FOIA Request for Documents Concerning the Fulbright Exchange Program with
China and Hong Kong*

To Whom It May Concern:

This is a request under the Freedom of Information Act (“FOIA”), 5 U.S.C. § 522.

Background

On July 14, 2020, the President of the United States issued an executive order on Hong Kong’s Normalization (“the Executive Order”; see <https://www.whitehouse.gov/presidential-actions/presidents-executive-order-hong-kong-normalization/>).

Section 3(i) of the Executive Order called upon the Department of State (“DOS”) to take steps terminate the Fulbright exchange program with China and Hong Kong:

“Sec. 3. Within 15 days of the date of this order, the heads of agencies shall commence all appropriate actions to further the purposes of this order, consistent with applicable law, including, to:

(i) take steps to terminate the Fulbright exchange program with regard to China and Hong Kong with respect to future exchanges for participants traveling both from and to China or Hong Kong;”

FOIA Request

This FOIA letter requests the following:

- (1) Any and all letters, e-mails, correspondence, memorandum, presentations, or other documents that reflect the reaction to or implementation of Section 3(i) of the Executive Order; and
- (2) Any and all letters, e-mails, correspondence, memorandum, presentations, or other documents concerning potential cuts to or cancelation of the Fulbright exchange program, including but not limited to China and Hong, dating from January 1, 2019 to the present.

This FOIA request should be limited to the following DOS bureaus or departments: the Bureau of Educational and Cultural Affairs, the Bureau of Democracy, Human Rights and Labor and the J. William Fulbright Foreign Scholarship Board.

Fee Waiver Request

I request a fee waiver under FOIA, 5 U.S.C. § 552(a)(4)(A)(iii). I am the editor of *China Law & Policy*, a blog that analyzes U.S.-China relations and plan to use the information to serve the public interest. Disclosure of the requested information is in the public interest and is likely to contribute significantly to public understanding of the operations or activities of the government and is not for commercial purpose. The public interest fee waiver is valid for the following reasons:

- (1) *This FOIA request concerns the operations or activities of the government.* DOS is the agency that governs the Fulbright exchange program and thus was responsible for implementing Section 3(i) of the Executive Order. This FOIA request seeks to obtain documents and an understanding as to what “steps” DOS “took” to terminate the program.
- (2) *Disclosure of this information will likely contribute to an understanding of the subject by the public.* In response to the Executive Order that called on DOS to “take steps to terminate the Fulbright exchange program” with China and Hong Kong, DOS issued an email to U.S. scholars preparing to go to China or Hong Kong on a Fulbright that stated that the 2020-21 program “will not operate” (*see* <https://www.scmp.com/news/china/diplomacy/article/3094686/us-china-relations-washington-confirms-suspension-fulbright>). This FOIA request seeks documents and communications that could explain why DOS chose this method to implement Section 3(i) of the Executive Order and what how it intends to implement Section 3(i) going forward.
- (3) *Disclosure of this information will contribute to the public’s understanding as opposed to China Law & Policy’s understanding or a narrow segment of the interested persons.* As reflected in my bio at *China Law & Policy*, I have expertise in U.S.-China relations and intend to analyze and disseminate the information produced as a result of this FOIA request to a broad segment of the interested public. A broad segment of the public reads *China Law & Policy*, and my writing has recently appeared in the [*Washington Post Global Opinions*](#) and the [*New York Daily News*](#). Similarly, I plan to seek publication of

my analysis of the information produced in response to the FOIA request with a widely-read publication.

- (4) *Disclosure will likely contribute significantly to such public understanding.* Since 1946, the Fulbright exchange program has been a bedrock program in the United States' soft power diplomacy. It is also one of the most prestigious and globally-recognized scholarships in the world, providing for over 3,000 grants per year according to the DOS website. These grants often provide for the people-to-people diplomacy that achieves the Fulbright exchange program's objectives "to develop post war leadership and engage constructively with the community of nations." (see <https://eca.state.gov/fulbright/about-fulbright/history/j-william-fulbright>). Understanding the options that DOS considered and continues to consider to implement Section 3(i) of the Executive Order is important since this is a program that has been vital to research access for U.S. academics in China and Hong Kong and a is a key diplomatic tool to maintain positive cultural ties with other nations.

As stated above in a non-conclusory fashion and with specific detail, the public's understanding of the subject matter in question, as compared to the level of public understanding existing prior to the disclosure, will be enhanced by the disclosure to a significant extent.

If Fees Are Not Waived

If fees are not waived, I would like to know the cost of providing the request material before it is produced. I would also like to know if the materials can be transmitted electronically. At this time, I agree to pay \$25.00 for the applicable and reasonable costs permitted by the statute.

If you have any questions about processing this request, you may contact me at [REDACTED] or at elynch@chinalawandpolicy.com.

Sincerely,

[REDACTED]

Elizabeth M. Lynch