



United States Department of State

Washington, D.C. 20520

October 7, 2020

Case No.: F-2019-06836

Segment S/ES-0001

Matthew D. Hardin
Executive Director
Energy Policy Advocates
170 S. Lincoln Street, Suite 150
Spokane, WA 99201
MatthewDHardin@gmail.com

Dear Mr. Hardin:

We refer to our letter dated March 23, 2020, regarding the release of certain Department of State material under the Freedom of Information Act (the "FOIA"), 5 U.S.C. § 552. The processing of records is ongoing and has yielded two additional responsive records subject to the FOIA. We have determined that both records may be released in part.

An enclosure explains the FOIA exemptions and other grounds for withholding material. Where we have made excisions, the applicable exemptions are marked on each document. All non-exempt material that is reasonably segregable from the exempt material has been released and is enclosed.

We will keep you informed as your case progresses. If you have any questions, your attorney may contact Kristin Brudy-Everett, Assistant U.S. Attorney, at (202) 252-2536 or at KBrudyEverett@usa.doj.gov. Please refer to the request case number, F-2019-06836, and the civil action number, 19-cv-03307, in all correspondence about this request.

Sincerely,

A handwritten signature in blue ink that reads "Susan C. Weetman".

Susan C. Weetman
Deputy Director
Office of Information Programs and Services

Enclosures: As stated.

The Freedom of Information Act (5 USC 552)

FOIA Exemptions

- (b)(1) Information specifically authorized by an executive order to be kept secret in the interest of national defense or foreign policy. Executive Order 13526 includes the following classification categories:
- 1.4(a) Military plans, systems, or operations
 - 1.4(b) Foreign government information
 - 1.4(c) Intelligence activities, sources or methods, or cryptology
 - 1.4(d) Foreign relations or foreign activities of the US, including confidential sources
 - 1.4(e) Scientific, technological, or economic matters relating to national security, including defense against transnational terrorism
 - 1.4(f) U.S. Government programs for safeguarding nuclear materials or facilities
 - 1.4(g) Vulnerabilities or capabilities of systems, installations, infrastructures, projects, plans, or protection services relating to US national security, including defense against transnational terrorism
 - 1.4(h) Weapons of mass destruction
- (b)(2) Related solely to the internal personnel rules and practices of an agency
- (b)(3) Specifically exempted from disclosure by statute (other than 5 USC 552), for example:
- | | |
|----------------|---|
| ARMSEXP | Arms Export Control Act, 50a USC 2411(c) |
| CIA PERS/ORG | Central Intelligence Agency Act of 1949, 50 USC 403(g) |
| EXPORT CONTROL | Export Administration Act of 1979, 50 USC App. Sec. 2411(c) |
| FS ACT | Foreign Service Act of 1980, 22 USC 4004 |
| INA | Immigration and Nationality Act, 8 USC 1202(f), Sec. 222(f) |
| IRAN | Iran Claims Settlement Act, Public Law 99-99, Sec. 505 |
- (b)(4) Trade secrets and confidential commercial or financial information
- (b)(5) Interagency or intra-agency communications forming part of the deliberative process, attorney-client privilege, or attorney work product
- (b)(6) Personal privacy information
- (b)(7) Law enforcement information whose disclosure would:
- (A) interfere with enforcement proceedings
 - (B) deprive a person of a fair trial
 - (C) constitute an unwarranted invasion of personal privacy
 - (D) disclose confidential sources
 - (E) disclose investigation techniques
 - (F) endanger life or physical safety of an individual
- (b)(8) Prepared by or for a government agency regulating or supervising financial institutions
- (b)(9) Geological and geophysical information and data, including maps, concerning wells

Other Grounds for Withholding

- NR Material not responsive to a FOIA request excised with the agreement of the requester

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Washington, D.C. 20520

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April 20, 2016

ACTION MEMO FOR THE SECRETARY

RELEASE IN PART B5, B6

FROM: S/SECC – Jonathan Pershing

SUBJECT: Circular 175: Request for Authority to Sign and Join the Paris Agreement, Adopted Under the 1992 UN Framework Convention on Climate Change

Recommendations

That you authorize signature of the Paris Agreement at a signing ceremony in New York, April 22, and sign the Full Power.

Approve

JFK

Disapprove

That you sign the Instrument of Acceptance, and authorize it to be deposited on either April 22 or at a later date to be determined, in order for the United States to become a party to the Agreement.

Approve

JFK

Disapprove

Background

Pursuant to a 2011 negotiating mandate (the “Durban Platform”), the Parties to the UN Framework Convention on Climate Change (“the Convention”) adopted the Paris Agreement December 12, 2015. The Agreement will be open for signature at a high-level ceremony in New York, April 22, which you are planning to attend.

The Agreement furthers the Convention’s objective, namely to avoid dangerous anthropogenic interference with the climate, and raises the profile of adapting to climate impacts. It sets out long-term goals (such as keeping the global temperature increase “well below” two degrees Celsius) and mechanisms for achieving them (such as taking stock of progress every five years). The Agreement contains a combination of legally binding and non-binding provisions. In contrast to the Kyoto Protocol, which the United States did not join, emissions

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targets under the Agreement are not legally binding. (The U.S. target, as reflected in the U.S. “intended nationally determined contribution,” is 26-28 percent below 2005 levels in 2025.) In contrast to the Kyoto Protocol, whose commitments applied only to developed countries, the Agreement’s provisions generally apply to all parties. Key commitments include the regular communication of successive emissions targets and reporting and review of progress toward achieving such targets. The Agreement provides for continued financial and technical support to developing country parties.

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Attachments:

- Tab 1 – Full Power
- Tab 2 – Instrument of Acceptance
- Tab 3 – Background Information
- Tab 4 – Text of the Paris Agreement
- Tab 5 – Memorandum of Law
- Tab 6 – U.S. Intended Nationally Determined Contribution (Emissions Target)

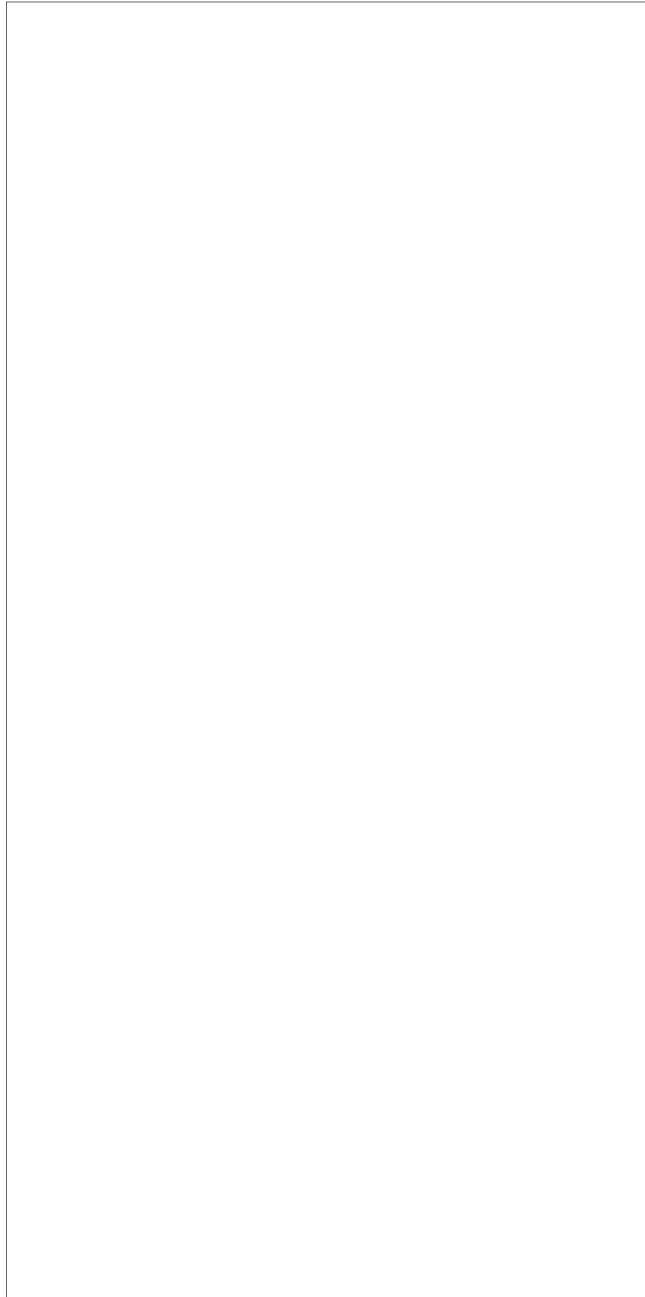
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Approved: S/SECC – Jonathan Pershing

Drafted: OES/EGC – Kim Smaczniak 202-647-8231 Cell:
S/SECC – Franz Hochstrasser 202-647-9926 Cell:

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Cleared:



Attorney-Client Privileged

RELEASE IN PART B5, B6

MEMORANDUM OF LAW

Subject: Circular 175: Request for authority to sign and accept
the Paris Agreement

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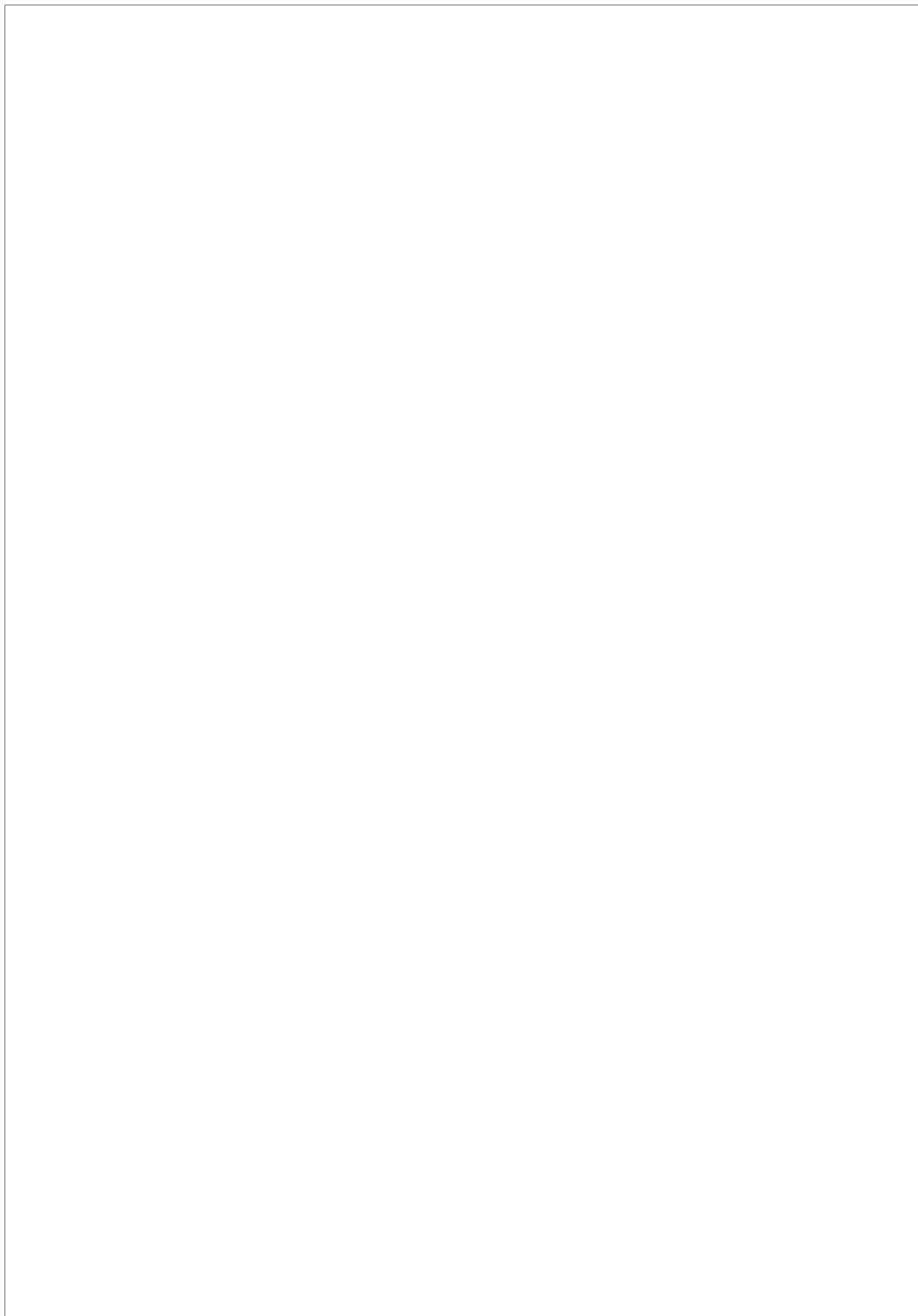
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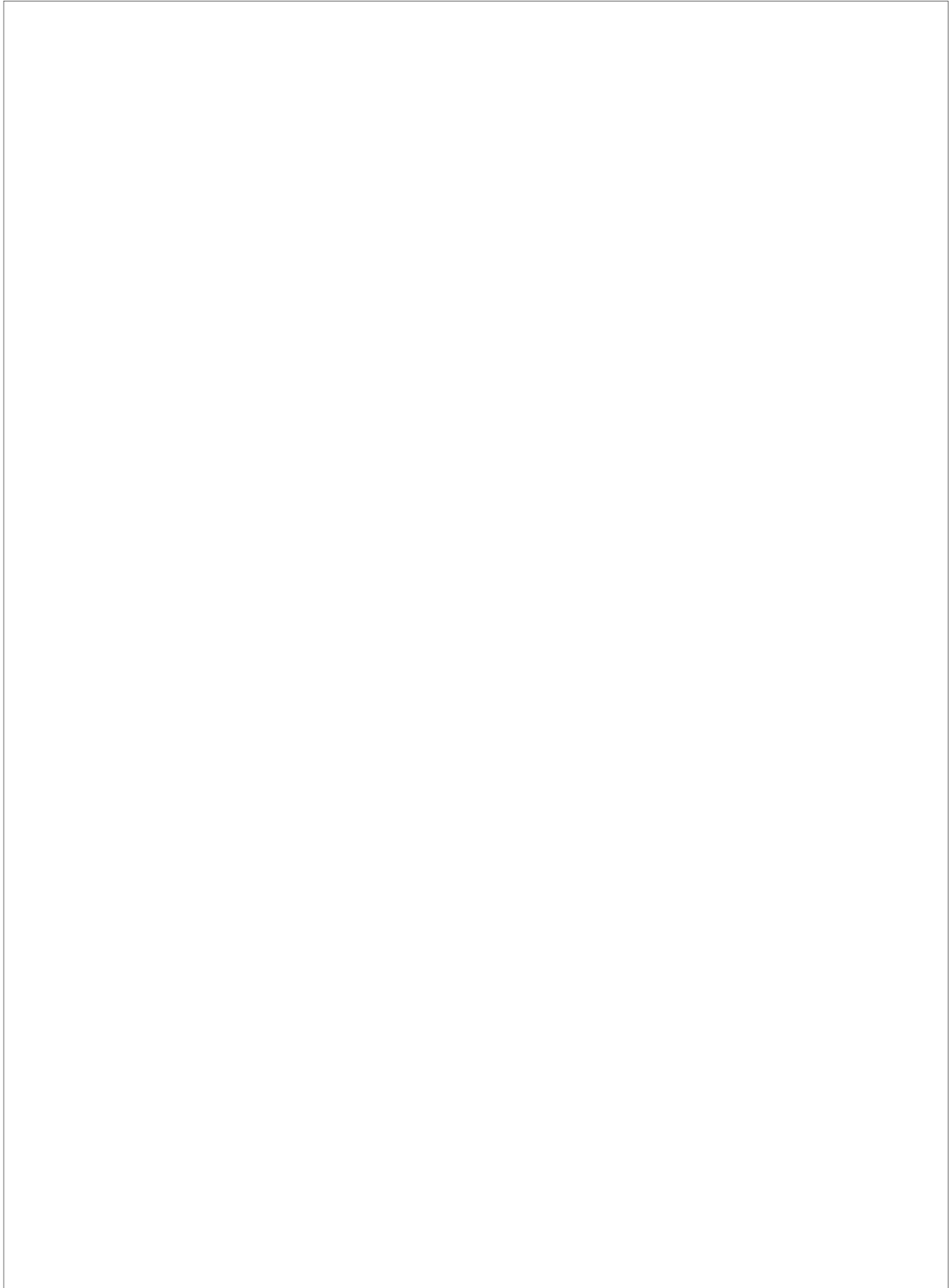
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