

APPROVED FOR RELEASE □ DATE:
05-05-2010



Washington, D.C. 20505

18 September 2003

James H. Lesar, Esquire
1003 K Street, N.W., Suite 640
Washington, D.C. 20001

Reference: F-2003-01318

Dear Mr. Lesar:

This is further to our letter of 5 August 2003 regarding your 7 July 2003 request for records under the provisions of the Freedom of Information Act (FOIA). Specifically, your request is for:

Copies of all records generated, received or maintained by the CIA's Office of General Counsel or the Freedom of Information/Privacy Act unit regarding the application of the Supreme Court's decision in Buckhannon Board and Care Home v. West Virginia Department of Health and Human Services, 532 U.S. 598 (2001) to Freedom of Information Act cases.

For identification purposes we have assigned your request the number referenced above. Please refer to this number in future correspondence.

As you know, the FOIA authorizes federal agencies to collect fees for records services. You will note on the enclosed fee schedule that we charge search fees, including computer time where indices are computerized, and copying costs for releasable documents. In accordance with Section (a) of the schedule, search fees are assessable even if no records are found or, if found, we determine that they are not releasable. This means you will be charged even if our search results are negative or if we determine that no information is releasable under the FOIA.

We have determined that your request falls into the "all other" fee category, which means that you will be required to pay charges which recover the cost of searching for and reproducing responsive records (if any) beyond the first 100 pages of reproduction and the first two hours of search time, which will be furnished without charge. Copying costs will be assessed at the rate of ten cents per page.

Before we can begin processing your request, we must receive your commitment to pay fees incurred under the conditions stated above. The search fees for each item in a request are usually about \$150.

Further, our records indicate that you have an outstanding fee balance. On 5 August 2003 the CIA informed you of the expenses incurred while processing your Freedom of Information Act (FOIA) request **F-1999-01937**. As of this date, we have not received payment. Since we cannot provide any records services until the balance is paid, we ask that you remit a check or money order in the amount of \$300 to the Treasurer of the United States. The address is:

FOIA and Privacy Coordinator
Central Intelligence Agency
Washington, D.C. 20505

We are enclosing a copy of the Code of Federal Regulations, Vol. 32, Chapter XIX for your information. We will hold your request in abeyance for 45 days from the date of this letter pending receipt of the outstanding balance and your commitment to pay fees for the current request.

Sincerely,

Bob H,
for

Robert T. Herman
Information and Privacy Coordinator

Enclosure

