



May 31, 2018

VIA ELECTRONIC MAIL

Dionne Hardy
FOIA Officer
Office of Management and Budget
725 17th Street NW, Suite 9204
Washington, DC 20503
OMBFOIA@omb.eop.gov

Re: Freedom of Information Act Request

Dear FOIA Officer:

Pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552, and implementing regulations for the Office of Management and Budget (OMB), 5 C.F.R. Part 1303, American Oversight makes the following request for records.

Requested Records

American Oversight requests that OMB produce the following within twenty business days:

The email communication sent by Jonathan Slemrod on March 29, 2017, at or around 2:22 PM that included Bill Hughes as at least one of the recipients in the to, cc, or bcc fields. This request includes all prior messages (whether incoming or outgoing) reflected in the 2:22 email and any attachments.

Where possible, please provide responsive material in electronic format by email or in PDF or TIF format on a USB drive. Please send any responsive material being sent by mail to American Oversight, 1030 15th Street NW, Suite B255, Washington, DC 20005. If it will accelerate release of responsive records to American Oversight, please also provide responsive material on a rolling basis.

Fee Waiver Request

In responding to FOIA requests, with the exception of requesters seeking documents for a commercial use, OMB provides the first 100 pages of duplication and the first two hours of search time without charge.¹ American Oversight anticipates that the records requested will be fewer than

¹ 5 C.F.R. § 1303.40(h).



100 pages. Moreover, this request is primarily and fundamentally not for commercial purposes. As a 501(c)(3) nonprofit, American Oversight does not have a commercial purpose and the release of the information requested is not in American Oversight's commercial interest. American Oversight's mission is to promote transparency in government, to educate the public about government activities, and to ensure the accountability of government officials. American Oversight will use the information gathered, and its analysis of it, to educate the public through reports, press releases, or other media. American Oversight will also make materials it gathers available on its website and promote their availability on social media platforms, such as Facebook and Twitter.² One example of American Oversight's demonstrated public disclosure of documents and creation of editorial content is in its "Audit the Wall" effort, where the organization is gathering and analyzing information and commenting on public releases of information related to the administration's proposed construction of a barrier along the U.S.-Mexico border.³

If the requested records total more than 100 pages, in accordance with 5 U.S.C. § 552(a)(4)(A)(iii) and 5 C.F.R. § 1303.70, American Oversight requests a waiver of fees associated with processing this request for records. Not only is this request not primarily in the commercial interest of American Oversight—as detailed above—but the subject of this request also concerns the operations of the federal government, and the disclosures will likely contribute to a better understanding of relevant government procedures by the general public in a significant way. The request relates to identifiable operations and activities of the federal government, namely email communications between OMB's Associate Director of Legislative Affairs and congressional staff. Disclosure of the requested records will be "meaningfully informative" about how the executive branch communicates with a separate, co-equal branch of the federal government. Because OMB influences a broad spectrum of federal activities and programs, information about how the agency interacts with Congress will contribute to the understanding of a broad audience of persons interested in the subject of the requested records, and not only to interests of American Oversight. American Oversight will convey information obtained through this request to the general public via its website and social media accounts. Accordingly, American Oversight qualifies for a fee waiver.

Conclusion

We share a common mission to promote transparency in government. American Oversight looks forward to working with your agency on this request. 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 Cerissa Cafasso at foia@americanoversight.org or 202.869.5244. Also, if American

² American Oversight currently has over 11,900 page likes on Facebook, and over 43,900 followers on Twitter. American Oversight, FACEBOOK, <https://www.facebook.com/weareoversight> (last visited May 31, 2018); American Oversight (@weareoversight), TWITTER, <https://twitter.com/weareoversight> (last visited May 31, 2018).

³ *Audit the Wall*, AMERICAN OVERSIGHT, <https://www.americanoversight.org/investigation/audit-the-wall>.

Oversight's request for a fee waiver is not granted in full, please contact us immediately upon making such a determination.

Sincerely,

A handwritten signature in blue ink that reads "Austin R. Evers". The signature is fluid and cursive, with a long horizontal flourish extending to the left.

Austin R. Evers
Executive Director
American Oversight