

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

DEMOCRACY FORWARD FOUNDATION,
P.O. Box 34553
Washington, D.C. 20043,

Plaintiff,

vs.

Case No. 25-cv-0370

U.S. DEPARTMENT OF THE INTERIOR
1849 C Street, N.W.
Washington DC 20240,

U.S. FISH AND WILDLIFE SERVICE
1849 C Street, N.W.
Washington, DC 20240,

NATIONAL PARK SERVICE,
1849 C Street N.W.,
Washington, DC 20240

U.S. GEOLOGICAL SURVEY
12201 Sunrise Valley Drive
Reston, VA 20192

BUREAU OF LAND MANAGEMENT
1849 C Street, N.W.
Washington, DC 20240

Defendants.

FIRST AMENDED COMPLAINT FOR INJUNCTIVE RELIEF

Plaintiff Democracy Forward Foundation (“DFF”) brings this action against Defendants U.S. Department of the Interior (“DOI”), U.S. Fish and Wildlife Service (“FWS”), National Park Service (“NPS”), U.S. Geological Survey (“USGS”), and Bureau of Land Management (“BLM”) to compel compliance with the Freedom of Information Act, 5 U.S.C. § 552 (“FOIA”). Plaintiff alleges as follows:

Jurisdiction and Venue

1. This Court has jurisdiction over this action pursuant to 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. § 1331.

2. Venue is proper under 28 U.S.C. § 1391(e), as at least one of the Defendants' headquarters are located in Washington, D.C., within this district, and a substantial part of the events or omissions giving rise to Plaintiff's claims occurred here.

Parties

3. Plaintiff Democracy Forward Foundation ("DFF") is a not-for-profit organization incorporated under the laws of the District of Columbia and based in Washington, D.C. Plaintiff works to promote transparency and accountability in government, in part, by educating the public on government actions and policies.

4. Defendant U.S. Department of the Interior ("DOI") is a federal agency within the meaning of FOIA, 5 U.S.C. § 552(f)(1), and is headquartered in Washington, D.C. DOI has possession, custody, and control of records to which Plaintiff seeks access.

5. The U.S. Fish and Wildlife Service ("FWS") is a component of DOI and a federal agency within the meaning of FOIA, 5 U.S.C. § 552(f)(1), and is headquartered in Washington, D.C. FWS has possession, custody, and control of records to which Plaintiff seeks access.

6. National Park Service ("NPS") is a component of DOI and a federal agency within the meaning of FOIA, 5 U.S.C. § 552(f)(1), and is headquartered in Washington, D.C. NPS has possession, custody, and control of records to which Plaintiff seeks access.

7. The U.S. Geological Survey ("USGS") is a component of DOI and a federal agency within the meaning of FOIA, 5 U.S.C. § 552(f)(1), and is headquartered in Reston, Virginia. USGS has possession, custody, and control of records to which Plaintiff seeks access.

8. The Bureau of Land Management (“BLM”) is a component of DOI and a federal agency within the meaning of FOIA, 5 U.S.C. § 552(f)(1), and is headquartered in Washington, D.C. BLM has possession, custody, and control of records to which Plaintiff seeks access.

Facts

9. DOI, through its components including FWS, NPS, USGS, and BLM, terminated a number of grants for non-profits in September and November 2025 citing a misalignment between the non-profits’ awards and agency priorities.

10. On September 23, 2025, the date that the vast majority of these grants were terminated, the Daily Caller published an article reporting that, “[t]he DOI cancelled numerous grant awards...with several groups that also happened to proclaim diversity, equity and inclusion (DEI) values, which Trump has regularly critiqued.”¹

11. This article was amplified on the X accounts of DOI Secretary Doug Burgum and the Department of Government Efficiency (“DOGE”).²

12. DFF filed FOIA requests to shed light on the communications and guidance surrounding the termination of these grants within DOI.

Daily Caller Communications Request

13. On December 12, 2025, DFF sent a FOIA request to DOI seeking the following:

All electronic communications (including emails, email attachments, complete email chains, calendar invitations, calendar invitation attachments, text messages, or messages on messaging platforms, including Signal, WhatsApp, Slack and Microsoft Teams, and direct messages on social media platforms such as X and Truth Social) between (a) anyone communicating on behalf of

¹ Audrey Streb, *EXCLUSIVE: Trump Admin Axes Millions in Grants to Several DEI-Tied Environmental Organizations*, Daily Caller (Sep. 23, 2025), <https://perma.cc/8F9A8VEN>.

² Secretary Doug Burgum (@SecretaryBurgum), X (Sep. 23, 2025 at 4:12 PM), <https://perma.cc/D2MV-FGKY>; Department of Government Efficiency (@DOGE), X (Sep. 24, 2025 at 7:20 PM), <https://perma.cc/M5UK-9MVB>.

the DOI's Office of Communications and (b) external individuals or domains listed below:

External Individuals and Domains

1. @dcnf.org
2. @dailycaller.com
3. Audrey Streb (audreystreb@dcnf.org)

14. This request sought records from August 12, 2025, through September 23, 2025.

15. On December 12, 2025, DOI sent an automated acknowledgement email about this request and assigned it tracking number DOI-2026-002545.

16. On January 5, 2026, DOI sent DFF a formal acknowledgement letter about this request, assigning it to the Normal track.

17. DFF has not received any further communication from DOI regarding this request.

DOI Guidance and Directives Request

18. On December 12, 2025, DFF sent a FOIA request to DOI seeking the following:

All final guidance, directives, or memoranda circulated within the Department of the Interior regarding the review of grants originating within DOI and its components from January 20, 2025, through September 23, 2025.

19. On December 12, 2025, DOI sent an automated acknowledgement email about this request and assigned it tracking number DOI-2026-002546.

20. On January 5, 2026, DOI sent DFF a formal acknowledgement letter about this request, assigning it to the Normal track.

21. DFF has not received any further communication from DOI regarding this request.

Grant Termination Communications Request

22. On December 12, 2025, DFF sent a FOIA request to DOI seeking the following:

All electronic communications (including emails, email attachments, complete email chains, calendar invitations, calendar

invitation attachments, text messages, or messages on messaging platforms, including Signal, WhatsApp, Slack and Microsoft Teams, and direct messages on social media platforms such as X and Truth Social) sent by any official involved in the termination of the grants listed below on September 23, 2025 (except otherwise noted).

Grants

(a) Institute for Applied Ecology

- a. F22AC02755
- b. F22AC02868
- c. F23AC02247
- d. F24AC00880
- e. F24AC01432
- f. F24AC01549
- g. F25AC00611
- h. F25AC00644
- i. P22AC00734
- j. P22AC00747
- k. P24AC00089
- l. P24AC01154
- m. P24AC02224
- n. L22AC00347
- o. L22AC00351
- p. L22AC00446
- q. L23AC00134
- r. L23AC00272
- s. L23AC00339
- t. L23AC00418

(b) Institute for Bird Populations

- a. D24AC00430 - Terminated on November 19, 2025
- b. L21AC10420
- c. L22AC00194
- d. L23AC00124
- e. P21AC10259
- f. P22AC02259
- g. P23AC00841
- h. P23AC02338
- i. P24AC02430
- j. P25AC00257

(c) Mid-Klamath Watershed Council

- a. F22AC02668
- b. F23AP02864
- c. F23AC02292
- d. F24AC02782
- e. F24AP02347
- f. F24AP00910

In an effort to accommodate DOI and reduce the number of potentially responsive records to be processed and produced, we have limited this request to communications sent by officials involved in the termination of the specified grants on September 23, 2025. To be clear, however, DFF still requests that complete email chains and texts be produced, displaying both sent and received messages. This means, for example, that both an official's response to an email and the initial received message are responsive to this request and should be produced.

23. This request sought records from January 20, 2025, through September 23, 2025.

24. On December 12, 2025, DOI sent an automated acknowledgement email about this request and assigned it tracking number DOI-2026-002547.

25. On January 5, 2026, DOI sent DFF a formal acknowledgement letter about this request, assigning this request to the Complex track.

26. DFF has not received any further communication from DOI regarding this request.

FWS Guidance Request

27. On December 12, 2025, DFF sent a FOIA request to FWS seeking the following:

All final guidance, directives, or memoranda circulated within and/or provided to the Fish and Wildlife Service regarding the review of grants originating within DOI and its components from January 20, 2025, through September 23, 2025.

28. On December 12, 2025, DOI sent an automated acknowledgement email about this request and assigned it tracking number DOI-2026-002548.

29. On January 16, 2026, FWS emailed DFF granting DFF's fee waiver request, assigned the request to the Complex track, and provided an estimate date of determination of

August 17, 2026.

30. DFF has not received any further communication from FWS regarding this request.

NPS Guidance Request

31. On December 12, 2025, DFF sent a FOIA request to NPS seeking the following:

All final guidance, directives, or memoranda circulated within and/or provided to the National Park Service regarding the review of grants originating within DOI and its components from January 20, 2025, through September 23, 2025.

32. On December 12, 2025, DOI sent an automated acknowledgement email about this request and assigned it tracking number DOI-2026-002550.

33. DFF has not received any further communication from NPS regarding this request.

USGS Guidance Request

34. On December 12, 2025, DFF sent a FOIA request to USGS seeking the following:

All final guidance, directives, or memoranda circulated within and/or provided to the United States Geological Survey regarding the review of grants originating within DOI and its components from January 20, 2025, through September 23, 2025.

35. On December 12, 2025, DOI sent an automated acknowledgement email about this request and assigned it tracking number DOI-2026-002551.

36. On December 16, 2025, USGS emailed DFF granting DFF's fee waiver request, assigned the request to the Normal track, and provided an estimate date of determination of January 13, 2026.

37. On January 14, 2026, USGS emailed DFF stating USGS is coordinating with another federal agency and are still awaiting a response to our request. USGS provided a new estimated determination date of February 27, 2026.

38. DFF has not received any further communication from USGS regarding this

request.

BLM Guidance Request

39. On December 12, 2025, DFF sent a FOIA request to BLM seeking the following:

All final guidance, directives, or memoranda circulated within and/or provided to the Bureau of Land Management regarding the review of grants originating within DOI and its components from January 20, 2025, through September 23, 2025.

40. On December 12, 2025, DOI sent an automated acknowledgement email about this request and assigned it tracking number DOI-2026-002549.

41. On December 17, 2025, BLM responded to DFF's request stating, "After a thorough search of our files, we have determined that the Bureau of Land Management (BLM) has no responsive records on your desired request. A copy of BLM's response is attached as Exhibit 1.

42. On January 23, 2026, DFF appealed this response on the basis that BLM failed to provide an adequate administrative determination by asserting it had no responsive records without describing the scope or methods of its search, and because it is implausible that no responsive records exist given BLM's review and termination of grants, indicating the search was not reasonably calculated to uncover all relevant documents. A copy of DFF's appeal is attached as Exhibit 2. DOI has not acknowledged this appeal.

Exhaustion of Administrative Remedies

43. As of the date of the Complaint, Defendants have failed to notify DFF of determinations regarding DFF's requests and appeal. Through Defendants' failure to respond within the time limits required by law, DFF has constructively exhausted administrative remedies.

CLAIM FOR RELIEF

Count 1 (Violation of FOIA, 5 U.S.C. § 552)

44. Plaintiff incorporates by reference the foregoing paragraphs as though fully set forth herein.

45. By failing to respond to Plaintiff's requests with determinations and prompt productions of responsive records within the statutorily mandated time period, Defendants have violated their duties under 5 U.S.C. § 552, including but not limited to, their duties to conduct a reasonable search for responsive records, to take reasonable steps to release all nonexempt information, and to not withhold non-exempt portions of responsive records.

REQUEST FOR RELIEF

WHEREFORE, Plaintiff requests that this Court:

1. Order Defendants to conduct searches for any and all responsive records to Plaintiff's FOIA requests using search methods reasonably calculated to lead to discovery of all responsive records;
2. Order Defendants to produce, by a date certain, any and all non-exempt responsive records and a *Vaughn* index of any responsive records withheld under a claim of exemption;
3. Enjoin Defendants from continuing to withhold any and all non-exempt responsive records;
4. Award Plaintiff its costs, attorneys' fees, and other disbursements for this action;
and
5. Grant any other relief this Court deems appropriate.

Dated: February 24, 2026

Respectfully submitted,

/s/ Anisha Hindocha

Anisha N. Hindocha
(Bar No. 1725159)
Daniel A. McGrath
(Bar No. 1531723)
Robin F. Thurston
(Bar No. 7268942)
Democracy Forward Foundation
P.O. Box 34553
Washington, D.C. 20043
(202) 448-9090
dmcgrath@democracyforward.org
rthurston@democracyforward.org
ahindocha@democracyforward.org

Exhibit 1



United States Department of the Interior



BUREAU OF LAND MANAGEMENT
Washington, D.C. 20240
<http://www.blm.gov>

December 17, 2025

In Reply Refer To:
1278-FOIA (640)
FOIA# 2026-002549

Skye Perryman
Democracy Forward Foundation
P.O. Box 34553
Washington, DC 20043
Email:

Dear Skye Perryman:

This letter is an interim response to your Freedom of Information Act (FOIA) request dated, **December 12, 2025**. The tracking number is **2026-002549**.

In your letter, you asked for the following:

Democracy Forward Foundation (“DFF”) requests that the Bureau of Land Management (“BLM”) produce the following within twenty (20) business days:

All final guidance, directives, or memoranda circulated within and/or provided to the Bureau of Land Management regarding the review of grants originating within the Department of the Interior (“DOI”) and its components from January 20, 2025, through September 23, 2025.

After a thorough search of our files, we have determined that the Bureau of Land Management (BLM) has no responsive records on your desired request.

Ryan Witt, Bureau of Land Management (BLM) FOIA Officer, is responsible for this release.

Fees

Fees We do not bill requesters for FOIA processing fees when their fees are less than \$50.00, because the cost of collection would be greater than the fee collected. See 43 C.F.R. § 2.37(g).

Appeal Rights

You may appeal this response to the Department’s FOIA/Privacy Act Appeals Officer. If you choose to appeal, the FOIA/Privacy Act Appeals Officer must receive your FOIA appeal no later

than 90 workdays from the date of this final response. Appeals arriving or delivered after 5:00 p.m. Eastern Time, Monday through Friday, will be deemed received on the next workday.

Your appeal must be made in writing. You may submit your appeal and accompanying materials to the FOIA/Privacy Act Appeals Officer by mail, courier service, fax, or email. All

communication concerning your appeal should be clearly marked with the words: "FREEDOM OF INFORMATION APPEAL." Send your appeal and accompanying materials to:

Department of Interior

Office of the Solicitor

1849 C Street, N.W.

MS-6556 MIB

Washington, DC 20240

Attn: FOIA/Privacy Act Appeals Office

Telephone:(202)208-5339

Fax:(202)208-6677

Email: FOIA.Appeals@sol.doi.gov

You must include an explanation of why you believe the BLM's response is in error. Please include your name, daytime telephone number (or the name and telephone number of an appropriate contact), email address, and fax number (if available). Your contact information is required in case the FOIA/Privacy Act Appeals Officer needs additional information or clarification. You must include copies of all correspondence between you and the BLM concerning your FOIA request, including the original FOIA request and the BLM's response.

Additionally, as part of the 2007 amendments, the Office of Government Information Services (OGIS) was created to offer mediation services to resolve disputes between FOIA requesters and Federal Agencies as non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. You may contact OGIS in any of the following ways:

Office of Government Information Services

National Archives and Records Administration; Room 2510

College Park, MD 20740

E-mail: ogis@nara.gov

Telephone: 301-837-1996

Facsimile: 301-837-0348

Toll-free: 1-877-684-6448

Please note that using OGIS services does not affect the timing of filing an appeal with the Department's FOIA & Privacy Act Appeals Officer.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of FOIA. See 5 U.S.C. § 552(c) (2006 & Supp. IV (2010)). This response is limited to those records that are subject to the requirements of FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

Contact information for the Department's FOIA Public Liaison, who you may also seek dispute resolution services from, is available at <https://www.doi.gov/foia/foiacenters>."

If you have any questions regarding this request, please contact Lauren Luckey, BLM Government Information Specialist, at (202) 870-0030 or via email at BLM_WO_FOIA@blm.gov.

Sincerely,
Ryan Witt
FOIA Officer
Bureau of Land Management

Exhibit 2



January 23, 2026

VIA Electronic Delivery

Department of Interior
Office of the Solicitor
1849 C Street, N.W.
MS-6556 MIB
Washington, DC 20240
Attn: FOIA/Privacy Act Appeals Office
FOIA.Appeals@sol.doi.gov

Re: Appeal of Response to Freedom of Information Act Request #2026-002549

Dear FOIA Officer,

We write to appeal the Bureau of Land Management's ("BLM") response to Democracy Forward Foundation's ("DFF") attached FOIA request, which sought, generally, guidance and directives circulated within and/or provided to BLM regarding the review of grants originating within the Department of the Interior ("DOI") and its components. Specifically, the request sought:

All final guidance, directives, or memoranda circulated within and/or provided to the Bureau of Land Management regarding the review of grants originating within the Department of the Interior ("DOI") and its components from January 20, 2025, through September 23, 2025.

On December 17, 2025, BLM responded to DFF's request in 3 business days by stating that there were no responsive records to DFF's request after a search was conducted.

BLM's response did not provide an adequate administrative determination that would allow Democracy Forward Foundation to fulsomely appeal this response. BLM baldly asserted that "After a thorough search of files, we have determined that the Bureau of Land Management (BLM) has no responsive records on your desired request" without providing any details whatsoever about the search methods employed, including but not limited to the devices and systems searched for responsive records.

Notwithstanding the inadequacy of detail in BLM's response, Democracy Forward Foundation also appeals because it is implausible that no responsive records were identified. BLM has

reviewed and terminated a number of grants¹, and it is implausible that no guidance was circulated within or created by BLM ahead of such reviews and terminations.

Given these reasons, the absence of even a single responsive record following a reasonably-calculated search is implausible. BLM's bare response does not give any indication that it has comprehensively searched sufficient devices, systems, and custodians for records that would be responsive to this request for records, leading to the rational conclusion that the search was *not* reasonably calculated to uncover all relevant documents.

We ask for prompt reconsideration and production of the requested records. We appreciate your assistance and look forward to your prompt response.

Sincerely,

/s/ Skye Perryman

Skye Perryman

President & CEO

Democracy Forward Foundation

P.O. Box 34553

Washington, D.C. 20043

¹ Michael Doyle & Miranda Willson, *Interior grant recipients report an abrupt loss of funding*, PoliticoPro (Sept. 24, 2025, 1:34 PM), <https://subscriber.politicopro.com/article/eenews/2025/09/24/interior-grant-recipients-report-an-abrupt-loss-of-funding-00578104>.



United States Department of the Interior



BUREAU OF LAND MANAGEMENT
Washington, D.C. 20240
<http://www.blm.gov>

December 17, 2025

In Reply Refer To:
1278-FOIA (640)
FOIA# 2026-002549

Skye Perryman
Democracy Forward Foundation
P.O. Box 34553
Washington, DC 20043
Email:

Dear Skye Perryman:

This letter is an interim response to your Freedom of Information Act (FOIA) request dated, **December 12, 2025**. The tracking number is **2026-002549**.

In your letter, you asked for the following:

Democracy Forward Foundation (“DFF”) requests that the Bureau of Land Management (“BLM”) produce the following within twenty (20) business days:

All final guidance, directives, or memoranda circulated within and/or provided to the Bureau of Land Management regarding the review of grants originating within the Department of the Interior (“DOI”) and its components from January 20, 2025, through September 23, 2025.

After a thorough search of our files, we have determined that the Bureau of Land Management (BLM) has no responsive records on your desired request.

Ryan Witt, Bureau of Land Management (BLM) FOIA Officer, is responsible for this release.

Fees

Fees We do not bill requesters for FOIA processing fees when their fees are less than \$50.00, because the cost of collection would be greater than the fee collected. See 43 C.F.R. § 2.37(g).

Appeal Rights

You may appeal this response to the Department’s FOIA/Privacy Act Appeals Officer. If you choose to appeal, the FOIA/Privacy Act Appeals Officer must receive your FOIA appeal no later

than 90 workdays from the date of this final response. Appeals arriving or delivered after 5:00 p.m. Eastern Time, Monday through Friday, will be deemed received on the next workday.

Your appeal must be made in writing. You may submit your appeal and accompanying materials to the FOIA/Privacy Act Appeals Officer by mail, courier service, fax, or email. All

communication concerning your appeal should be clearly marked with the words: "FREEDOM OF INFORMATION APPEAL." Send your appeal and accompanying materials to:

Department of Interior
Office of the Solicitor
1849 C Street, N.W.
MS-6556 MIB
Washington, DC 20240
Attn: FOIA/Privacy Act Appeals Office
Telephone:(202)208-5339
Fax:(202)208-6677
Email: FOIA.Appeals@sol.doi.gov

You must include an explanation of why you believe the BLM's response is in error. Please include your name, daytime telephone number (or the name and telephone number of an appropriate contact), email address, and fax number (if available). Your contact information is required in case the FOIA/Privacy Act Appeals Officer needs additional information or clarification. You must include copies of all correspondence between you and the BLM concerning your FOIA request, including the original FOIA request and the BLM's response.

Additionally, as part of the 2007 amendments, the Office of Government Information Services (OGIS) was created to offer mediation services to resolve disputes between FOIA requesters and Federal Agencies as non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. You may contact OGIS in any of the following ways:

Office of Government Information Services
National Archives and Records Administration; Room 2510
College Park, MD 20740
E-mail: ogis@nara.gov
Telephone: 301-837-1996
Facsimile: 301-837-0348
Toll-free: 1-877-684-6448

Please note that using OGIS services does not affect the timing of filing an appeal with the Department's FOIA & Privacy Act Appeals Officer.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of FOIA. See 5 U.S.C. § 552(c) (2006 & Supp. IV (2010)). This response is limited to those records that are subject to the requirements of FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

Contact information for the Department's FOIA Public Liaison, who you may also seek dispute resolution services from, is available at <https://www.doi.gov/foia/foiacenters>."

If you have any questions regarding this request, please contact Lauren Luckey, BLM Government Information Specialist, at (202) 870-0030 or via email at BLM_WO_FOIA@blm.gov.

Sincerely,
Ryan Witt
FOIA Officer
Bureau of Land Management



December 12, 2025

VIA Electronic Delivery

Bureau of Land Management
Ryan Witt
Attn: FOIA Office (WO-640)
1849 C Street, NW
Washington, DC 20240
Via Online Portal

Re: Freedom of Information Act Request

Dear FOIA Officer:

Pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. §§ 552, Democracy Forward Foundation submits this request for records.

Records Requested

Democracy Forward Foundation ("DFF") requests that the Bureau of Land Management ("BLM") produce the following within twenty (20) business days:

All final guidance, directives, or memoranda circulated within and/or provided to the Bureau of Land Management regarding the review of grants originating within the Department of the Interior ("DOI") and its components from January 20, 2025, through September 23, 2025.

Scope of Search

FOIA requires agencies to disclose information, with only limited exceptions for information that would harm an interest protected by a specific exemption or where disclosure is prohibited by law. 5 U.S.C. § 552(a)(8)(A). In the event that any of the requested documents cannot be disclosed in their entirety, we request that you release any material that can be reasonably segregated. *See* 5 U.S.C. § 552(b). Should any documents or portions of documents be withheld, we further request that you state with specificity the description of the document to be withheld and the legal and factual grounds for withholding any documents or portions thereof in an index, as required by *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973). Should any document include both disclosable and non-disclosable material that cannot reasonably be segregated, we request that you describe what proportion of the information in a document is non-disclosable and how

that information is dispersed throughout the document. *Mead Data Cent., Inc. v. U.S. Dep't of Air Force*, 566 F.2d 242, 261 (D.C. Cir. 1977).

If requested records are located in, or originated in, another agency, department, office, installation or bureau, please refer this request or any relevant portion of this request to the appropriate entity.

To the extent that the records are readily reproducible in an electronic format, we would prefer to receive the records in that format. However, if certain records are not available in that format, we are willing to accept the best available copy of each such record.

Please respond to this request in writing within 20 working days as required under 5 U.S.C. § 552(a)(6)(A)(i). If all of the requested documents are not available within that time period, we request that you provide us with all requested documents or portions of documents that are available within that time period. If all relevant records are not produced within that time period, we are entitled to a waiver of fees for searching and duplicating records under 5 U.S.C. § 552(a)(4)(A)(viii)(I).

Request for Fee Waiver

Pursuant to 5 U.S.C. § 552(a)(4)(A)(iii) and your agency's regulations, Democracy Forward Foundation requests a waiver of all fees associated with processing records for this request. FOIA requires documents to be furnished to requesters at no fee or reduced fees when "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." 5 U.S.C. § 552(a)(4)(A).

In determining whether a fee waiver is appropriate, courts consider whether a requester has a "demonstrated . . . ability to disseminate the requested information," *Cause of Action v. F.T.C.*, 799 F.3d 1108, 1116-17 (D.C. Cir. 2015), and whether the requester regularly disseminates records obtained through FOIA to "a reasonably broad audience of persons interested in the subject" of its work. *Carney v. U.S. Dep't of Justice*, 19 F.3d 807, 814-15 (2d Cir. 1994). FOIA does not require a requester to describe exactly how it intends to disseminate the information requested, as that would require "pointless specificity"; all that is necessary is for a requester to adequately demonstrate its "ability to publicize disclosed information." *Judicial Watch, Inc. v. Rossotti*, 326 F.3d 1309, 1314 (D.C. Cir. 2003). In evaluating a fee waiver request, courts consider how a requester actually communicates information collected through FOIA to the public, including press releases or a website where documents received are made available, see *id.*, or whether the requester has a history of "contacts with any major news[] companies" that suggest an ability to disseminate materials of interest through the press. *Larson v. C.I.A.*, 843 F.2d 1481, 1483 (D.C. Cir. 1988) (upholding a denial of a fee waiver to a requester who had

failed to identify his relationships with newspaper companies that could disseminate documents).

DFF has a demonstrated ability to disseminate information of public interest requested through FOIA, and intends to publicize records DFF receives that contribute significantly to the public's understanding of the review and termination of grants originating within the DOI and its components. When DFF obtains materials through FOIA requests that are of significant public interest, DFF's communications staff regularly works to ensure that these materials and their contents are featured in press articles educating the public about the operation of government; many articles feature additional commentary and analysis from DFF staff about those materials and their relevance to policy issues of public interest. Indeed, records received by DFF have previously formed the basis of news reports.¹

¹ See, e.g., Alexander Nazaryan, *Why did right-wing troll Charles C. Johnson meet with Commerce Secretary Wilbur Ross?*, Yahoo News (May 14, 2019), <https://news.yahoo.com/why-did-rightwing-troll-charles-c-johnson-want-to-meet-with-commerce-secretary-wilbur-ross-090000636.html>; Derek Kravitz and Jack Gillum, "Happy to Do It": Emails Show Current FAA Chief Coordinated With Ex-Lobbyist Colleagues on Policy, ProPublica (Mar. 27, 2019), <https://www.propublica.org/article/dan-elwell-current-faa-chief-coordinated-with-ex-lobbyist-colleagues-on-policy>;

Hamid Aleaziz, *Emails Show US Border Officials Didn't Receive "Zero Tolerance" Guidance Until After the Policy Was Enacted*, BuzzFeed News (Feb. 28, 2019), <https://www.buzzfeednews.com/article/hamedaleaziz/zero-tolerance-policy-guidance-dhs-family-separation>; Jonathan Cohn and Jeffrey Young, *Emails Show Trump Administration Was Told Obamacare Ad Cuts Could Hurt Enrollment*, HuffPost (Dec. 17, 2018), https://www.huffingtonpost.com/entry/trump-verma-obamacare-advertising-cut_us_5c115061e4b084b082ff8dba; Madison Pauly, *When the Biggest Prison Company Complained About a California Sanctuary Law, ICE Listened*, Mother Jones (Dec. 7, 2018), <https://www.motherjones.com/politics/2018/12/geo-memo-private-prison-california-immigration/>; Eliza Rellman, 'Just answer the question and kill this story': In internal emails, Heather Nauert criticized Rex Tillerson's refusal to deny reports that he called Trump a 'moron,' Business Insider (Nov. 2, 2018), <https://www.businessinsider.com/heather-nauert-rex-tillerson-trump-moron-2018-11>; Rebecca Klein, *Lawsuit Accuses Betsy DeVos And Her Deputies Of Being Motivated By Sexism*, HuffPost (Oct. 31, 2018), https://m.huffpost.com/us/entry/us_5bd9ff6ee4b01abe6a1ad4a9; Nick Penzenstadler, *A year after Vegas shooting, ATF emails reveal blame, alarm over bump stocks*, USA Today (Oct. 1, 2018), <https://www.usatoday.com/story/news/2018/10/01/year-after-vegas-shooting-atf-emails-reveal-blame-alarm-over-bump-stocks/1432137002/>; Jessica Kwong, *Ivanka Trump was more than complicit in Obama equal pay rollback she had a hand in it, watchdog alleges*, Newsweek (Aug. 29, 2018), <https://www.newsweek.com/ivanka-trump-equal-pay-complicit-obama-1093833>; Vera Bergengruen, *New Emails Show What Happens When The Pentagon Has To Scramble To Catch Up To Trump*, BuzzFeed News (July 25, 2018), <https://www.buzzfeednews.com/article/verabergengruen/these-emails-show-what-happens-when-the-white-house-keeps>; Erin Dooley, *Exclusive: Former for-profit college executive shaped Education Department policy that could benefit former employers: Documents*, ABC News (May 15, 2017), <https://abcnews.go.com/US/exclusive-profit-college-executive-shaped-education-department-policy/story?id=55108981>; Heidi Przybyla, *Notes, emails reveal Trump appointees' war to end HHS teen pregnancy program*, NBC News (Mar. 20, 2018), <https://www.nbcnews.com/politics/politics-news/notes-emails-reveal-trump-appointees-war-end-hhs-teen-pregnancy-n857686>; Dominic Holden, *Documents Show The Trump Administration Approved Bump Stocks Before It Opposed Them*, BuzzFeed News (Mar. 22, 2018), <https://www.buzzfeednews.com/article/dominicholden/trump-administration-bump-stocks>; Bernard Condon, *Trump Advisor Denies He Cheered End of Tunnel Funding Deal*, Associated Press (Feb. 13, 2018), available at <https://www.usnews.com/news/business/articles/2018-02-13/trump-adviser-denies-he-cheered-end-of-tunnel-funding-deal>; Celeste Katz, *Interior Department tapped wildfire preparedness funds for Ryan Zinke helicopter tour*, Newsweek (Dec. 29, 2017), <https://www.newsweek.com/ryan-zinke-interior-department-helicopters-wildfires-757857>.

Democracy Forward Foundation is not filing this request to further any commercial interest, and any information obtained by Democracy Forward Foundation as a result of this request and disclosed will be disclosed at no cost.

If the request for a waiver is denied, we are willing to pay all reasonable fees incurred for searching and duplicating records in responding to this request, up to \$100. If the costs of responding to this request should exceed that amount, please contact us before incurring costs exceeding that amount.

Conclusion

If you need clarification as to the scope of the request, have any questions, or foresee any obstacles to releasing fully the requested records within 20 business days, please contact me as soon as possible at foia@democracyforward.org.

We appreciate your assistance and look forward to your prompt response.

Sincerely,

/s/ Skye Perryman

Skye Perryman

President & CEO

Democracy Forward Foundation

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