



April 28, 2023

VIA EMAIL

NARA FOIA Officer (NGC) Room 3110
National Archives and Records Administration,
8601 Adelphi Road
College Park, MD 20740-6001
FOIA@nara.gov

Freedom of Information Act Request: Obama Foundation LOI and Trump's Outgoing Transition

Dear FOIA Officer:

America First Legal Foundation is a national, nonprofit organization working to promote the rule of law in the United States, prevent executive overreach, and ensure due process and equal protection for all Americans, all to promote public knowledge and understanding of the law and individual rights guaranteed under the Constitution and laws of the United States. To that end, we file Freedom of Information Act (FOIA) requests on issues of pressing public concern, then disseminate the information we obtain, making documents broadly available to the public, scholars, and the media. Using our editorial skills to turn raw materials into distinct work, we distribute that work to a national audience through traditional and social media platforms. AFL's email list contains over 67,000 unique addresses, our Twitter page has 78,700 followers, the Twitter page of our Founder and President has over 434,000 followers, our Facebook page has 125,000 followers, and we have another 31,800 followers on GETTR.

I. Requested Records

AFL requests disclosure of the following records:

- A. All statutes and regulations relied upon by NARA for its authority to enter into a Letter of Intent (LOI) agreement with the Obama Foundation.¹

¹ Robbin Cohen, Executive Director, Obama Foundation, to David Ferriero, Archivist of the United States, Letter of Parties' Intent Regarding the Digitization of Obama Presidential Records and Related Matters Concerning Preservation, Processing, and Display of and Access to Such Records and Artifacts (Sep. 11, 2018), <https://bit.ly/3V9thcR> [signed by David Ferriero on September 21, 2018, hereinafter "LOI"].

- B. All records reflecting the date at which the Obama Foundation's Hoffman Estates facility became NARA-controlled Obama Presidential Center.
- C. All statutes and regulations relied upon by NARA for its authority to accept \$3,300,000 on behalf of the National Archives Trust Fund.
- D. All documents referring or relating to reports by NARA to former President Trump and the 115th Congress concerning its receipt of \$3,300,000 from the Obama Foundation.²
- E. All records of communications between NARA and President Trump's outgoing transition offering assistance, including the provision of facilities leased from and secured by the General Services Administration.
- F. All records reflecting any considerations by NARA to offer President Trump's outgoing transition with any assistance other than what was offered.
- G. For the George W. Bush presidency, records sufficient to determine the date on which NARA first provided assignees or detailees to the Executive Office of the President to support the outgoing transition of presidential records.
- H. For the Barack H. Obama presidency, records sufficient to determine the date on which NARA first provided assignees or detailees to the Executive Office of the President to support the outgoing transition of presidential records.
- I. For the Donald J. Trump presidency, records sufficient to determine the date on which NARA first provided assignees or detailees to the Executive Office of the President to support the outgoing transition of presidential records.

For Parts A, B, and C of this request, the relevant time period is from October 1, 2016 to September 12, 2018.

For Parts D, E, and F of this request, the relevant time period is from October 1, 2020 to February 9, 2022.

II. Processing and Production

Per 5 U.S.C. § 552(a)(4)(A)(iii) and your agency's fee waiver regulations, AFL requests a waiver of all search and duplication fees. AFL has a demonstrated ability and intention to effectively convey the information broadly to the public; AFL's status as a representative of the news media has been recognized by other agencies for granting fee waivers by the Departments of Defense, Education, Energy, Health and Human Services, Justice, Interior, and Homeland Security. As a non-profit organization, AFL has no commercial interest, and the request is made entirely to serve the public interest. We are, of course, available to provide additional information in writing or offline in support of this request. If AFL's request for a fee waiver is not granted in full, please contact us immediately upon making that determination.

Processing should strictly comply with the processing guidance in the Attorney General's Memorandum on Freedom of Information Act Guidelines. If you have any

² 31 U.S.C. §§ 1351, 1517(b).

questions about our request or believe further discussions regarding search and processing would facilitate the more efficient production of requested records, please get in touch with me at FOIA@aflegal.org.

To accelerate your release of responsive records, AFL welcomes production on an agreed rolling basis. Please provide responsive records in an electronic format by email. Alternatively, please provide responsive records in native or PDF format on a USB drive to America First Legal Foundation, 611 Pennsylvania Ave SE #231, Washington, DC 20003.

Thank you in advance for your cooperation.

Sincerely,

/s/ Michael Ding

America First Legal Foundation