



Department of Commerce  
Bureau of Industry and Security (BIS)  
Office of Planning, Evaluation and Management  
1401 Constitution Avenue NW, Room 6622,  
Washington, DC 20230  
**Via: FOIA.gov**

August 7, 2026

**Re: Freedom of Information Act Request for Records Relating to Federal Oversight of Frontier Artificial Intelligence Models**

Dear FOIA Officer:

Pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552, and the Department of Commerce's implementing regulations, 15 C.F.R. Subtitle A, Part 4, Protect Democracy Project requests production within twenty (20) business days of the following records:

1. The complete text of the voluntary frontier AI disclosure and pre-release review framework that an administration official stated was completed by August 1, 2026 pursuant to the June 2, 2026 Executive Order "Promoting Advanced Artificial Intelligence Innovation and Security" (hereinafter, the "AI pre-release review framework").
2. Any records identifying the companies participating in, invited to participate in, or considered for participation in the AI pre-release review framework.
3. Any records identifying the statutory or other legal authority relied upon to establish or operate the AI pre-release review framework.
4. Any records identifying the terms of industry participation or cooperation in the GOLD EAGLE clearinghouse announced on July 14, 2026 pursuant to the June 2, 2026 Executive Order "Promoting Advanced Artificial Intelligence Innovation and Security."
5. Any records identifying the companies participating in, invited to participate in, or considered for participation in the GOLD EAGLE clearinghouse.

6. Any records identifying the statutory or other legal authority relied upon to establish or operate the GOLD EAGLE clearinghouse.

Please search for responsive records regardless of format, medium, or physical characteristics. We seek records of any kind, including paper records, electronic records, audiotapes, videotapes, photographs, data, and graphical material. Our request includes without limitation all correspondence, letters, emails, text messages, social media posts and messages, messages on messaging applications, facsimiles, telephone messages, voice mail messages, and transcripts, notes, or minutes of any meetings, telephone conversations, or discussions. Our request also includes any attachments to emails and other records, and anyone who was cc'ed or bcc'ed on any emails.

In addition to the records requested above, we also request records describing the processing of this request, including records sufficient to identify search terms used and locations and custodians searched, and any tracking sheets used to track the processing of this request. If your agency uses FOIA questionnaires or certifications completed by individual custodians or components to determine whether they possess responsive materials or to describe how they conducted searches, we also request any such records prepared in connection with the processing of this request.

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. We prefer to receive the records in electronic format; however, we are willing to accept the best available copy of each such record.

### EXPEDITED PROCESSING

Protect Democracy Project requests that you expedite the processing of this request pursuant to 5 U.S.C. § 552(a)(6)(E) and the Department of Commerce's implementing regulations, 15 C.F.R. § 4.6. FOIA provides for expedited processing where a requestor “demonstrates a compelling need.” 5 U.S.C. § 552(a)(6)(E)(i); *see also* 47 C.F.R. § 0.461(h)(2). It defines “compelling need” to include situations where a “request [is] made by a person primarily engaged in disseminating information” and there exists an “urgency to inform the public concerning actual or alleged Federal Government activity.” *Id.* § 552(a)(6)(E)(v); *see also* 47 C.F.R. § 0.461(h)(3)(ii).

This request meets the criteria for expedited processing because it is essential for the public to know the legal basis and criteria under which federal agencies are deciding which companies can release their products and which customers gain access to the country’s most advanced artificial intelligence models, and because Protect Democracy Project is “primarily engaged in disseminating information.”

Courts have found that Protect Democracy “easily” satisfies the criteria for a requester primarily engaged in disseminating information. *Protect Democracy Project v. U.S. Dep’t of Def.*, 263 F. Supp. 3d 293, 298 (D.D.C. 2017); *see Protect Democracy Project v. U.S. Dep’t of Just.*, 498 F. Supp. 3d 132, 139 (D.D.C. 2020). As explained below in more detail in the section of this request regarding a fee waiver, the Protect Democracy Project intends to disseminate publicly the information obtained in response to this request.

Moreover, there is an “urgency to inform the public concerning actual or alleged Federal Government activity.” 5 U.S.C. § 552(a)(6)(E). On June 12, 2026, the Department of Commerce ordered Anthropic to suspend worldwide access to two of its AI models, Fable 5 and Mythos 5, within ninety minutes,<sup>1</sup> citing export-control authority in a novel context.<sup>2</sup> The Commerce Department later restored access to Mythos 5 for only

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<sup>1</sup> Complaint, *Legion LegalTech Corp. v. United States*, No. 1:26-cv-02225 (D.D.C. filed June 23, 2026), p. 2, <https://storage.courtlistener.com/recap/gov.uscourts.dcd.293776/gov.uscourts.dcd.293776.1.0.pdf>.

<sup>2</sup> Alan Z. Rozenshtein, *A Kill Switch for Frontier AI*, Lawfare (June 15, 2026), <https://www.lawfaremedia.org/article/a-kill-switch-for-frontier-ai>.

a select list of undisclosed “trusted partner” organizations, before lifting the export controls entirely on June 30, 2026.<sup>3</sup> On July 14, 2026, the White House, Treasury, the Department of Homeland Security, and the Pentagon jointly launched “GOLD EAGLE,” a standing, voluntary AI-industry coordination structure that rests on no new statutory authority.<sup>4</sup> Separately, OpenAI has agreed, through informal negotiation rather than any public order, to limit distribution of its own forthcoming models to government-vetted partners.<sup>5</sup> And on August 1, 2026, the White House stated that it had finalized a voluntary framework for reviewing advanced AI models before their release, while declining to disclose the framework’s contents or which companies have agreed to participate.<sup>6</sup>

Whatever the public’s views on how artificial intelligence models should be regulated, this pattern of executive branch actions raises questions that transcend that policy debate: should the executive branch be permitted to decide, through undisclosed criteria and without congressional authorization, which companies release their products and which customers gain access to a general-purpose technology reshaping the economy. And can the public have confidence that this extensive government intervention in the markets and the affairs of private companies is based on the public interest and in accordance with the law — not partisan or private pecuniary interests. These are vital questions of public interest that the public cannot evaluate without the records sought here.

Public concern about how the executive branch is wielding unspecified regulatory power behind closed doors is heightened in light of unresolved questions about financial relationships between AI companies and government-adjacent private entities. Reporting in the *Wall Street Journal* has indicated that President Trump has taken a close personal

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<sup>3</sup> Ashley Capoot, *Anthropic says Trump admin has lifted export controls on Claude Fable 5 and Mythos 5*, CNBC (June 30, 2026), <https://www.cnbc.com/2026/06/30/anthropic-says-trump-admin-has-lifted-export-controls-on-claude-fable-5-and-mythos-5.html>.

<sup>4</sup> *White House Launches Gold Eagle Initiative for Unprecedented Cybersecurity Vulnerability Coordination* (July 14, 2026), <https://www.whitehouse.gov/releases/2026/07/white-house-launches-gold-eagle-initiative-for-unprecedented-cybersecurity-vulnerability-coordination/>.

<sup>5</sup> Ashley Capoot, *OpenAI limits new AI models to ‘trusted partners’ at request of U.S. government*, CNBC (June 26, 2026), <https://www.cnbc.com/2026/06/26/openai-limits-new-ai-models-to-trusted-partners-request-us-government.html>.

<sup>6</sup> Maria Curi, *White House finalizes AI framework behind closed doors*, Axios (Aug. 3, 2026), <https://www.axios.com/2026/08/03/white-house-finalizes-ai-framework-behind-closed-doors>.

interest in how much companies are donating to his political interests, and “companies have paid new attention to the White House as Trump has gotten involved in regulatory decisions that once were made by independent agencies.”<sup>7</sup> That reporting includes AI companies and their customers. The concern is that these financial relationships could bear on which companies receive favorable treatment under the government’s frameworks and processes for evaluating advanced AI models. The public cannot assess, and Congress cannot conduct meaningful oversight of, decisions of this magnitude while the criteria, the participants, and the underlying legal authority remain undisclosed.

Presently and in the coming weeks, executive branch decisions of enormous consequence for our economy and the rule of law are being made pursuant to the pre-release review framework finalized on August 1, 2026, and the GOLD EAGLE clearinghouse process announced on July 14, 2026. These developments are receiving substantial media coverage, further demonstrating “strong evidence of an ‘urgency to inform’ the public.” *Protect Democracy Project, Inc. v. U.S. Dep’t of Def.*, 263 F. Supp. 3d at 299 (D.D.C. 2017); *see also Wash. Post v. Dep’t of Homeland Sec.*, 459 F. Supp. 2d 61, 75 (D.D.C. 2006) (“Because the urgency with which the plaintiff makes its FOIA request is predicated on a matter of current national debate, . . . a likelihood for irreparable harm exists if the plaintiff’s FOIA request does not receive expedited treatment.”); *Protect Democracy Project, Inc. v. United States Dep’t of Just.*, 498 F. Supp. 3d at 140. Moreover, the liability protections under the Cybersecurity Information Sharing Act that underlie GOLD EAGLE’s information-sharing function are currently set to expire on September 30, 2026 absent congressional reauthorization,<sup>8</sup> after which the program’s operation may change materially. It is therefore urgent that any responsive records are produced in an expedited fashion, as that is the only way for citizens in a democracy to engage in the ongoing public discourse about the AI industry and government oversight.

Pursuant to 15 C.F.R. § 4.6(f)(3), I hereby certify and affirm that the foregoing is true and correct to the best of my knowledge and belief. We further seek your decision to

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<sup>7</sup> Josh Dawsey et al., ‘The Boss Wants This Money’: Inside Trump’s Unprecedented Fundraising Operation, Wall Street Journal (July 30, 2026), <https://www.wsj.com/politics/policy/trump-donations-company-fundraising-1e34a78f>.

<sup>8</sup> CRS In Focus IF12959, “The Cybersecurity Information Sharing Act of 2015: Expiring Provisions” (updated May 8, 2026), [congress.gov/crs-product/IF12959](https://congress.gov/crs-product/IF12959).



grant or deny expedited processing within ten (10) calendar days of your receipt of this request, consistent with the Department's implementing regulations, 15 C.F.R. § 4.6(f)(4).

### FEE WAIVER

FOIA provides that fees associated with a request are waived 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)(iii). The core mission of Protect Democracy Project, a 501(c)(3) organization is to inform public understanding of the operations and activities of government, including the executive branch's exercise of power over emerging technology. This request is submitted in furtherance of that mission. Courts have found that Protect Democracy Project "easily" satisfies the criteria for a requester primarily engaged in disseminating information. *Protect Democracy Project v. U.S. Dep't of Def.*, 263 F. Supp. 3d at 298; *see Protect Democracy Project v. U.S. Dep't of Just.*, 498 F. Supp. 3d at 139. Protect Democracy has no commercial interests.

In addition to satisfying the requirements for a waiver of fees associated with the search and processing of records, Protect Democracy Project is entitled to a waiver of all fees except "reasonable standard charges for document duplication." 5 U.S.C. § 552(a)(4)(A)(ii)(II). Federal law mandates that fees be limited to document duplication costs for any requester that qualifies as a representative of the news media. *Id.* Protect Democracy Project is a 501(c)(3) good-government organization that qualifies under FOIA as a "representative of the news media." Courts have also held that non-profit public interest groups which disseminate information to the public qualify as "representatives of the news media" for purposes of FOIA's fee reduction provision. The purpose of Protect Democracy Project is to "gather information of potential interest to a segment of the public, use its editorial skills to turn the raw materials into distinct work, and distribute that work to an audience." *See Nat'l Sec. Archive v. U.S. Dep't of Def.*, 880 F.2d 1381, 1387 (D.C. Cir. 1989).

Indeed, Protect Democracy Project has routinely demonstrated its ability to disseminate information about its FOIA requests to a wide audience. *See, e.g., Protect Democracy Project, Inc. v. U.S. Dep't of Just.*, 498 F. Supp. 3d at 139 (Protect Democracy Project "listed examples of previous instances when it 'disseminate[d] information about



its FOIA requests to a wide audience.”). Protect Democracy Project will disseminate information and analysis about this request—and any information obtained in response—through, among other places, the website [protectdemocracy.org](https://protectdemocracy.org); the Bluesky feed <https://bsky.app/profile/protectdemocracy.org>, which has more than 124,000 followers; a Substack subscriber list of approximately 47,000 people; a LinkedIn page with over 19,000 followers; and by sharing information with other members of the press. Protect Democracy Project should therefore be considered a “representative of the news media” for fee waiver purposes. *See* 5 U.S.C. § 552(a)(4)(A)(ii)(II).

If the request for a fee waiver is denied and there are fees for responding to this request, Protect Democracy Project authorizes charges up to \$100.00. If fees will exceed \$100.00, please contact me before processing the request.

### RESPONSIVE RECORDS

We ask that you search all systems of records, including electronic and paper, in use at your agency, as well as files or e-mails in the personal custody of your employees, such as personal e-mail accounts, as required by FOIA and to the extent that they are reasonably likely to contain responsive records. Protect Democracy Project prefers that the records be provided electronically as PDF files and transmitted via e-mail.

If you make a determination that any responsive record, or any segment within a record, is exempt from disclosure, we ask that you provide an index of those records at the time you transmit all other responsive records. In the index, please include a description of the record and the reason for exclusion with respect to each individual exempt record or exempt portion of a record, as provided by *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973), *cert. denied*, 415 U.S. 977 (1974). When you deem a portion of a record exempt, we ask that the remainder of the record be provided, as required by 5 U.S.C. § 552(b).

Given the 20-day statutory deadline, 5 U.S.C. § 552(a)(6)(A)(i), we hope to be as helpful as possible in clarifying or answering questions about this request. Please contact us at [FOIA@protectdemocracy.org](mailto:FOIA@protectdemocracy.org) or (202) 579-4582 if you require any additional information. We appreciate your cooperation and look forward to hearing from you very soon.



Sincerely,

Deana El-Mallawany  
Counsel & Director of Impact Programs



Office of Science and Technology Policy (OSTP)  
Attn: FOIA Officer  
Eisenhower Executive Office Building  
1650 Pennsylvania Avenue NW  
Washington, DC 20504  
Via email: [ostpfoia@ostp.eop.gov](mailto:ostpfoia@ostp.eop.gov)

August 7, 2026

**Re: Freedom of Information Act Request for Records Relating to Federal Oversight of Frontier Artificial Intelligence Models**

Dear FOIA Officer:

Pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552, and the Office of Science and Technology Policy (OSTP)'s implementing regulations 32 C.F.R. § 2402, Protect Democracy Project requests production within twenty (20) business days of the following records:

1. The complete text of the voluntary frontier AI disclosure and pre-release review framework that an administration official stated was completed by August 1, 2026 pursuant to the June 2, 2026 Executive Order "Promoting Advanced Artificial Intelligence Innovation and Security" (hereinafter, the "AI pre-release review framework").
2. Any records identifying the companies participating in, invited to participate in, or considered for participation in the AI pre-release review framework.
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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. We prefer to receive the records in electronic format; however, we are willing to accept the best available copy of each such record.

### EXPEDITED PROCESSING

Protect Democracy Project requests that you expedite the processing of this request pursuant to 5 U.S.C. § 552(a)(6)(E) and OSTP's implementing regulations, 32 C.F.R. § 2402.6(d). FOIA provides for expedited processing where a requestor "demonstrates a compelling need." 5 U.S.C. § 552(a)(6)(E)(i); *see also* 47 C.F.R. § 0.461(h)(2). It defines "compelling need" to include situations where a "request [is] made by a person primarily engaged in disseminating information" and there exists an "urgency to inform the public concerning actual or alleged Federal Government activity." *Id.* § 552(a)(6)(E)(v); *see also* 47 C.F.R. § 0.461(h)(3)(ii).

This request meets the criteria for expedited processing because it is essential for the public to know the legal basis and criteria under which federal agencies are deciding which companies can release their products and which customers gain access to the country's most advanced artificial intelligence models, and because Protect Democracy Project is "primarily engaged in disseminating information."

Courts have found that Protect Democracy Project "easily" satisfies the criteria for a requester primarily engaged in disseminating information. *Protect Democracy Project v. U.S. Dep't of Def.*, 263 F. Supp. 3d 293, 298 (D.D.C. 2017); *see Protect Democracy Project v. U.S. Dep't of Just.*, 498 F. Supp. 3d 132, 139 (D.D.C. 2020). As explained below in more detail in the section of this request regarding a fee waiver, the Protect Democracy Project intends to disseminate publicly the information obtained in response to this request.

Moreover, there is an "urgency to inform the public concerning actual or alleged Federal Government activity." 5 U.S.C. § 552(a)(6)(E). On June 12, 2026, the Department of Commerce ordered Anthropic to suspend worldwide access to two of its AI models, Fable 5 and Mythos 5, within ninety minutes,<sup>1</sup> citing export-control authority in a novel context.<sup>2</sup> The Commerce Department later restored access to Mythos 5 for only

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a select list of undisclosed “trusted partner” organizations, before lifting the export controls entirely on June 30, 2026.<sup>3</sup> On July 14, 2026, the White House, Treasury, the Department of Homeland Security, and the Pentagon jointly launched “GOLD EAGLE,” a standing, voluntary AI-industry coordination structure that rests on no new statutory authority.<sup>4</sup> Separately, OpenAI has agreed, through informal negotiation rather than any public order, to limit distribution of its own forthcoming models to government-vetted partners.<sup>5</sup> And on August 1, 2026, the White House stated that it had finalized a voluntary framework for reviewing advanced AI models before their release, while declining to disclose the framework’s contents or which companies have agreed to participate.<sup>6</sup>

Whatever the public’s views on how artificial intelligence models should be regulated, this pattern of executive branch actions raises questions that transcend that policy debate: should the executive branch be permitted to decide, through undisclosed criteria and without congressional authorization, which companies release their products and which customers gain access to a general-purpose technology reshaping the economy. And can the public have confidence that this extensive government intervention in the markets and the affairs of private companies is based on the public interest and in accordance with the law — not partisan or private pecuniary interests. These are vital questions of public interest that the public cannot evaluate without the records sought here.

Public concern about how the executive branch is wielding unspecified regulatory power behind closed doors is heightened in light of unresolved questions about financial relationships between AI companies and government-adjacent private entities. Reporting in the *Wall Street Journal* has indicated that President Trump has taken a close personal

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interest in how much companies are donating to his political interests, and “companies have paid new attention to the White House as Trump has gotten involved in regulatory decisions that once were made by independent agencies.”<sup>7</sup> That reporting includes AI companies and their customers. The concern is that these financial relationships could bear on which companies receive favorable treatment under the government’s frameworks and processes for evaluating advanced AI models. The public cannot assess, and Congress cannot conduct meaningful oversight of, decisions of this magnitude while the criteria, the participants, and the underlying legal authority remain undisclosed.

Presently and in the coming weeks, executive branch decisions of enormous consequence for our economy and the rule of law are being made pursuant to the pre-release review framework finalized on August 1, 2026, and the GOLD EAGLE clearinghouse process announced on July 14, 2026. These developments are receiving substantial media coverage, further demonstrating “strong evidence of an ‘urgency to inform’ the public.” *Protect Democracy Project, Inc. v. U.S. Dep’t of Def.*, 263 F. Supp. 3d at 299 (D.D.C. 2017); *see also Wash. Post v. Dep’t of Homeland Sec.*, 459 F. Supp. 2d 61, 75 (D.D.C. 2006) (“Because the urgency with which the plaintiff makes its FOIA request is predicated on a matter of current national debate, . . . a likelihood for irreparable harm exists if the plaintiff’s FOIA request does not receive expedited treatment.”); *Protect Democracy Project, Inc. v. United States Dep’t of Just.*, 498 F. Supp. 3d at 140. Moreover, the liability protections under the Cybersecurity Information Sharing Act that underlie GOLD EAGLE’s information-sharing function are currently set to expire on September 30, 2026 absent congressional reauthorization,<sup>8</sup> after which the program’s operation may change materially. It is therefore urgent that any responsive records are produced in an expedited fashion, as that is the only way for citizens in a democracy to engage in the ongoing public discourse about the AI industry and government oversight.

Pursuant to 32 C.F.R. § 2402.6(d)(3), I hereby certify and affirm that the foregoing is true and correct to the best of my knowledge and belief. We further seek your decision to grant or deny expedited processing within ten (10) calendar days of your

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<sup>7</sup> Josh Dawsey et al., *‘The Boss Wants This Money’: Inside Trump’s Unprecedented Fundraising Operation*, Wall Street Journal (July 30, 2026), <https://www.wsj.com/politics/policy/trump-donations-company-fundraising-1e34a78f>.

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receipt of this request, consistent with the Department's implementing regulations, 32 C.F.R. § 2402.6(d)(2).

### FEE WAIVER

FOIA provides that fees associated with a request are waived 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)(iii). The core mission of Protect Democracy Project, a 501(c)(3) organization is to inform public understanding of the operations and activities of government, including the executive branch's exercise of power over emerging technology. This request is submitted in furtherance of that mission. Courts have found that Protect Democracy Project “easily” satisfies the criteria for a requester primarily engaged in disseminating information. *Protect Democracy Project v. U.S. Dep't of Def.*, 263 F. Supp. 3d at 298; *see Protect Democracy Project v. U.S. Dep't of Just.*, 498 F. Supp. 3d at 139. Protect Democracy has no commercial interests.

In addition to satisfying the requirements for a waiver of fees associated with the search and processing of records, Protect Democracy Project is entitled to a waiver of all fees except “reasonable standard charges for document duplication.” 5 U.S.C. § 552(a)(4)(A)(ii)(II). Federal law mandates that fees be limited to document duplication costs for any requester that qualifies as a representative of the news media. *Id.* Protect Democracy is a 501(c)(3) good-government organization that qualifies under FOIA as a “representative of the news media.” Courts have also held that non-profit public interest groups which disseminate information to the public qualify as “representatives of the news media” for purposes of FOIA's fee reduction provision. The purpose of Protect Democracy Project is to “gather information of potential interest to a segment of the public, use its editorial skills to turn the raw materials into distinct work, and distribute that work to an audience.” *See Nat'l Sec. Archive v. U.S. Dep't of Def.*, 880 F.2d 1381, 1387 (D.C. Cir. 1989).

Indeed, Protect Democracy Project has routinely demonstrated its ability to disseminate information about its FOIA requests to a wide audience. *See, e.g., Protect Democracy Project, Inc. v. U.S. Dep't of Just.*, 498 F. Supp. 3d at 139 (Protect Democracy Project “listed examples of previous instances when it ‘disseminate[d] information about



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If the request for a fee waiver is denied and there are fees for responding to this request, Protect Democracy Project authorizes charges up to \$100.00. If fees will exceed \$100.00, please contact me before processing the request.

### RESPONSIVE RECORDS

We ask that you search all systems of records, including electronic and paper, in use at your agency, as well as files or e-mails in the personal custody of your employees, such as personal e-mail accounts, as required by FOIA and to the extent that they are reasonably likely to contain responsive records. Protect Democracy Project would prefer records in electronic format, saved as PDF documents, and transmitted via e-mail.

If you make a determination that any responsive record, or any segment within a record, is exempt from disclosure, we ask that you provide an index of those records at the time you transmit all other responsive records. In the index, please include a description of the record and the reason for exclusion with respect to each individual exempt record or exempt portion of a record, as provided by *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973), *cert. denied*, 415 U.S. 977 (1974). When you deem a portion of a record exempt, we ask that the remainder of the record be provided, as required by 5 U.S.C. § 552(b).

Given the 20-day statutory deadline, 5 U.S.C. § 552(a)(6)(A)(i), we hope to be as helpful as possible in clarifying or answering questions about this request. Please contact us at [FOIA@protectdemocracy.org](mailto:FOIA@protectdemocracy.org) or (202) 579-4582 if you require any additional information. We appreciate your cooperation and look forward to hearing from you very soon.



Sincerely,

Deana El-Mallawany  
Counsel & Director of Impact Programs



FOIA Officer  
The Office of the National Cyber Director  
725 17th Street N.W., Washington, DC 20006  
**Via Email:** [FOIA@ncd.eop.gov](mailto:FOIA@ncd.eop.gov)

August 7, 2026

**Re: Freedom of Information Act Request for Records Relating to Federal Oversight of Frontier Artificial Intelligence Models**

Dear FOIA Officer:

Pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552, and the Office of the National Cyber Director's (ONCD) proposed implementing regulations, 32 C.F.R. § 2200, Protect Democracy Project requests production within twenty (20) business days of the following records:

1. The complete text of the voluntary frontier AI disclosure and pre-release review framework that an administration official stated was completed by August 1, 2026 pursuant to the June 2, 2026 Executive Order "Promoting Advanced Artificial Intelligence Innovation and Security" (hereinafter, the "AI pre-release review framework").
2. Any records identifying the companies participating in, invited to participate in, or considered for participation in the AI pre-release review framework.
3. Any records identifying the statutory or other legal authority relied upon to establish or operate the AI pre-release review framework.
4. Any records identifying the terms of industry participation or cooperation in the GOLD EAGLE clearinghouse announced on July 14, 2026 pursuant to the June 2, 2026 Executive Order "Promoting Advanced Artificial Intelligence Innovation and Security."
5. Any records identifying the companies participating in, invited to participate in, or considered for participation in the GOLD EAGLE clearinghouse.

6. Any records identifying the statutory or other legal authority relied upon to establish or operate the GOLD EAGLE clearinghouse.

Please search for responsive records regardless of format, medium, or physical characteristics. We seek records of any kind, including paper records, electronic records, audiotapes, videotapes, photographs, data, and graphical material. Our request includes without limitation all correspondence, letters, emails, text messages, social media posts and messages, messages on messaging applications, facsimiles, telephone messages, voice mail messages, and transcripts, notes, or minutes of any meetings, telephone conversations, or discussions. Our request also includes any attachments to emails and other records, and anyone who was cc'ed or bcc'ed on any emails.

In addition to the records requested above, we also request records describing the processing of this request, including records sufficient to identify search terms used and locations and custodians searched, and any tracking sheets used to track the processing of this request. If your agency uses FOIA questionnaires or certifications completed by individual custodians or components to determine whether they possess responsive materials or to describe how they conducted searches, we also request any such records prepared in connection with the processing of this request.

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. We prefer to receive the records in electronic format; however, we are willing to accept the best available copy of each such record.

### EXPEDITED PROCESSING

Protect Democracy Project requests that you expedite the processing of this request pursuant to 5 U.S.C. § 552(a)(6)(E) and the ONCD's proposed implementing regulations, 32 C.F.R. § 2200.6(d). FOIA provides for expedited processing where a requestor "demonstrates a compelling need." 5 U.S.C. § 552(a)(6)(E)(i); *see also* 47 C.F.R. § 0.461(h)(2). It defines "compelling need" to include situations where a "request [is] made by a person primarily engaged in disseminating information" and there exists an "urgency to inform the public concerning actual or alleged Federal Government activity." *Id.* § 552(a)(6)(E)(v); *see also* 47 C.F.R. § 0.461(h)(3)(ii).

This request meets the criteria for expedited processing because it is essential for the public to know the legal basis and criteria under which federal agencies are deciding which companies can release their products and which customers gain access to the country's most advanced artificial intelligence models, and because Protect Democracy Project is "primarily engaged in disseminating information."

Courts have found that Protect Democracy "easily" satisfies the criteria for a requester primarily engaged in disseminating information. *Protect Democracy Project v. U.S. Dep't of Def.*, 263 F. Supp. 3d 293, 298 (D.D.C. 2017); *see Protect Democracy Project v. U.S. Dep't of Just.*, 498 F. Supp. 3d 132, 139 (D.D.C. 2020). As explained below in more detail in the section of this request regarding a fee waiver, the Protect Democracy Project intends to disseminate publicly the information obtained in response to this request.

Moreover, there is an "urgency to inform the public concerning actual or alleged Federal Government activity." 5 U.S.C. § 552(a)(6)(E). On June 12, 2026, the Department of Commerce ordered Anthropic to suspend worldwide access to two of its AI models, Fable 5 and Mythos 5, within ninety minutes,<sup>1</sup> citing export-control authority in a novel context.<sup>2</sup> The Commerce Department later restored access to Mythos 5 for only

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<sup>1</sup> Complaint, *Legion LegalTech Corp. v. United States*, No. 1:26-cv-02225 (D.D.C. filed June 23, 2026), p. 2, <https://storage.courtlistener.com/recap/gov.uscourts.dcd.293776/gov.uscourts.dcd.293776.1.0.pdf>.

<sup>2</sup> Alan Z. Rozenshtein, *A Kill Switch for Frontier AI*, Lawfare (June 15, 2026), <https://www.lawfaremedia.org/article/a-kill-switch-for-frontier-ai>.

a select list of undisclosed “trusted partner” organizations, before lifting the export controls entirely on June 30, 2026.<sup>3</sup> On July 14, 2026, the White House, Treasury, the Department of Homeland Security, and the Pentagon jointly launched “GOLD EAGLE,” a standing, voluntary AI-industry coordination structure that rests on no new statutory authority.<sup>4</sup> Separately, OpenAI has agreed, through informal negotiation rather than any public order, to limit distribution of its own forthcoming models to government-vetted partners.<sup>5</sup> And on August 1, 2026, the White House stated that it had finalized a voluntary framework for reviewing advanced AI models before their release, while declining to disclose the framework’s contents or which companies have agreed to participate.<sup>6</sup>

Whatever the public’s views on how artificial intelligence models should be regulated, this pattern of executive branch actions raises questions that transcend that policy debate: should the executive branch be permitted to decide, through undisclosed criteria and without congressional authorization, which companies release their products and which customers gain access to a general-purpose technology reshaping the economy. And can the public have confidence that this extensive government intervention in the markets and the affairs of private companies is based on the public interest and in accordance with the law — not partisan or private pecuniary interests. These are vital questions of public interest that the public cannot evaluate without the records sought here.

Public concern about how the executive branch is wielding unspecified regulatory power behind closed doors is heightened in light of unresolved questions about financial relationships between AI companies and government-adjacent private entities. Reporting in the *Wall Street Journal* has indicated that President Trump has taken a close personal

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<sup>3</sup> Ashley Capoot, *Anthropic says Trump admin has lifted export controls on Claude Fable 5 and Mythos 5*, CNBC (June 30, 2026), <https://www.cnbc.com/2026/06/30/anthropic-says-trump-admin-has-lifted-export-controls-on-claude-fable-5-and-mythos-5.html>.

<sup>4</sup> *White House Launches Gold Eagle Initiative for Unprecedented Cybersecurity Vulnerability Coordination* (July 14, 2026), <https://www.whitehouse.gov/releases/2026/07/white-house-launches-gold-eagle-initiative-for-unprecedented-cybersecurity-vulnerability-coordination/>.

<sup>5</sup> Ashley Capoot, *OpenAI limits new AI models to ‘trusted partners’ at request of U.S. government*, CNBC (June 26, 2026), <https://www.cnbc.com/2026/06/26/openai-limits-new-ai-models-to-trusted-partners-request-us-government.html>.

<sup>6</sup> Maria Curi, *White House finalizes AI framework behind closed doors*, Axios (Aug. 3, 2026), <https://www.axios.com/2026/08/03/white-house-finalizes-ai-framework-behind-closed-doors>.

interest in how much companies are donating to his political interests, and “companies have paid new attention to the White House as Trump has gotten involved in regulatory decisions that once were made by independent agencies.”<sup>7</sup> That reporting includes AI companies and their customers. The concern is that these financial relationships could bear on which companies receive favorable treatment under the government’s frameworks and processes for evaluating advanced AI models. The public cannot assess, and Congress cannot conduct meaningful oversight of, decisions of this magnitude while the criteria, the participants, and the underlying legal authority remain undisclosed.

Presently and in the coming weeks, executive branch decisions of enormous consequence for our economy and the rule of law are being made pursuant to the pre-release review framework finalized on August 1, 2026, and the GOLD EAGLE clearinghouse process announced on July 14, 2026. These developments are receiving substantial media coverage, further demonstrating “strong evidence of an ‘urgency to inform’ the public.” *Protect Democracy Project, Inc. v. U.S. Dep’t of Def.*, 263 F. Supp. 3d at 299; *see also Wash. Post v. Dep’t of Homeland Sec.*, 459 F. Supp. 2d 61, 75 (D.D.C. 2006) (“Because the urgency with which the plaintiff makes its FOIA request is predicated on a matter of current national debate, . . . a likelihood for irreparable harm exists if the plaintiff’s FOIA request does not receive expedited treatment.”); *Protect Democracy Project, Inc. v. United States Dep’t of Just.*, 498 F. Supp. 3d at 140. Moreover, the liability protections under the Cybersecurity Information Sharing Act that underlie GOLD EAGLE’s information-sharing function are currently set to expire on September 30, 2026 absent congressional reauthorization,<sup>8</sup> after which the program’s operation may change materially. It is therefore urgent that any responsive records are produced in an expedited fashion, as that is the only way for citizens in a democracy to engage in the ongoing public discourse about the AI industry and government oversight.

Pursuant to proposed 32 C.F.R. § 2200.6(d)(3), I hereby certify and affirm that the foregoing is true and correct to the best of my knowledge and belief. We further seek your decision to grant or deny expedited processing within ten (10) calendar days of your

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<sup>7</sup> Josh Dawsey et al., ‘The Boss Wants This Money’: Inside Trump’s Unprecedented Fundraising Operation, Wall Street Journal (July 30, 2026), <https://www.wsj.com/politics/policy/trump-donations-company-fundraising-1e34a78f>.

<sup>8</sup> CRS In Focus IF12959, “The Cybersecurity Information Sharing Act of 2015: Expiring Provisions” (updated May 8, 2026), [congress.gov/crs-product/IF12959](https://congress.gov/crs-product/IF12959).

receipt of this request, consistent with the Department's implementing regulations, 32 C.F.R. § 2200.6(d)(2).

### FEE WAIVER

FOIA provides that fees associated with a request are waived 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)(iii). The core mission of Protect Democracy Project, a 501(c)(3) organization is to inform public understanding of the operations and activities of government, including the executive branch's exercise of power over emerging technology. This request is submitted in furtherance of that mission. Courts have found that Protect Democracy Project “easily” satisfies the criteria for a requester primarily engaged in disseminating information. *Protect Democracy Project v. U.S. Dep't of Def.*, 263 F. Supp. 3d at 298; *see Protect Democracy Project v. U.S. Dep't of Just.*, 498 F. Supp. 3d at 139. Protect Democracy has no commercial interests.

In addition to satisfying the requirements for a waiver of fees associated with the search and processing of records, Protect Democracy is entitled to a waiver of all fees except “reasonable standard charges for document duplication.” 5 U.S.C. § 552(a)(4)(A)(ii)(II). Federal law mandates that fees be limited to document duplication costs for any requester that qualifies as a representative of the news media. *Id.* Protect Democracy Project is a 501(c)(3) good-government organization that qualifies under FOIA as a “representative of the news media.” Courts have also held that non-profit public interest groups which disseminate information to the public qualify as “representatives of the news media” for purposes of FOIA's fee reduction provision. The purpose of Protect Democracy Project is to “gather information of potential interest to a segment of the public, use its editorial skills to turn the raw materials into distinct work, and distribute that work to an audience.” *See Nat'l Sec. Archive v. U.S. Dep't of Def.*, 880 F.2d 1381, 1387 (D.C. Cir. 1989).

Indeed, Protect Democracy Project has routinely demonstrated its ability to disseminate information about its FOIA requests to a wide audience. *See, e.g., Protect Democracy Project, Inc. v. U.S. Dep't of Just.*, 498 F. Supp. 3d at 139 (Protect Democracy Project “listed examples of previous instances when it ‘disseminate[d] information about



its FOIA requests to a wide audience.”). Protect Democracy Project will disseminate information and analysis about this request—and any information obtained in response—through, among other places, the website [protectdemocracy.org](https://protectdemocracy.org); the Bluesky feed <https://bsky.app/profile/protectdemocracy.org>, which has more than 124,000 followers; a Substack subscriber list of approximately 47,000 people; a LinkedIn page with over 19,000 followers; and by sharing information with other members of the press. Protect Democracy Project should therefore be considered a “representative of the news media” for fee waiver purposes. *See* 5 U.S.C. § 552(a)(4)(A)(ii)(II).

If the request for a fee waiver is denied and there are fees for responding to this request, Protect Democracy Project authorizes charges up to \$100.00. If fees will exceed \$100.00, please contact me before processing the request.

### RESPONSIVE RECORDS

We ask that you search all systems of records, including electronic and paper, in use at your agency, as well as files or e-mails in the personal custody of your employees, such as personal e-mail accounts, as required by FOIA and to the extent that they are reasonably likely to contain responsive records. Protect Democracy Project would prefer records in electronic format, saved as PDF documents, and transmitted via e-mail.

If you make a determination that any responsive record, or any segment within a record, is exempt from disclosure, we ask that you provide an index of those records at the time you transmit all other responsive records. In the index, please include a description of the record and the reason for exclusion with respect to each individual exempt record or exempt portion of a record, as provided by *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973), *cert. denied*, 415 U.S. 977 (1974). When you deem a portion of a record exempt, we ask that the remainder of the record be provided, as required by 5 U.S.C. § 552(b).

Given the 20-day statutory deadline, 5 U.S.C. § 552(a)(6)(A)(i), we hope to be as helpful as possible in clarifying or answering questions about this request. Please contact us at [FOIA@protectdemocracy.org](mailto:FOIA@protectdemocracy.org) or (202) 579-4582 if you require any additional information. We appreciate your cooperation and look forward to hearing from you very soon.



Sincerely,

Deana El-Mallawany  
Counsel & Director of Impact Programs



FOIA and Transparency  
Department of the Treasury  
1500 Pennsylvania Avenue NW  
Washington, DC 20220  
**Via Email:** [FOIA@treasury.gov](mailto:FOIA@treasury.gov)

August 7, 2026

**Re: Freedom of Information Act Request for Records Relating to Federal Oversight of Frontier Artificial Intelligence Models**

Dear FOIA Officer:

Pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552, and the Treasury Department's implementing regulations, 31 C.F.R. Subpart A, Part 1, Protect Democracy Project requests production within twenty (20) business days of the following records:

1. The complete text of the voluntary frontier AI disclosure and pre-release review framework that an administration official stated was completed by August 1, 2026 pursuant to the June 2, 2026 Executive Order "Promoting Advanced Artificial Intelligence Innovation and Security" (hereinafter, the "AI pre-release review framework").
2. Any records identifying the companies participating in, invited to participate in, or considered for participation in the AI pre-release review framework.
3. Any records identifying the statutory or other legal authority relied upon to establish or operate the AI pre-release review framework.
4. Any records identifying the terms of industry participation or cooperation in the GOLD EAGLE clearinghouse announced on July 14, 2026 pursuant to the June 2, 2026 Executive Order "Promoting Advanced Artificial Intelligence Innovation and Security."
5. Any records identifying the companies participating in, invited to participate in, or considered for participation in the GOLD EAGLE clearinghouse.

6. Any records identifying the statutory or other legal authority relied upon to establish or operate the GOLD EAGLE clearinghouse.

Please search for responsive records regardless of format, medium, or physical characteristics. We seek records of any kind, including paper records, electronic records, audiotapes, videotapes, photographs, data, and graphical material. Our request includes without limitation all correspondence, letters, emails, text messages, social media posts and messages, messages on messaging applications, facsimiles, telephone messages, voice mail messages, and transcripts, notes, or minutes of any meetings, telephone conversations, or discussions. Our request also includes any attachments to emails and other records, and anyone who was cc'ed or bcc'ed on any emails.

In addition to the records requested above, we also request records describing the processing of this request, including records sufficient to identify search terms used and locations and custodians searched, and any tracking sheets used to track the processing of this request. If your agency uses FOIA questionnaires or certifications completed by individual custodians or components to determine whether they possess responsive materials or to describe how they conducted searches, we also request any such records prepared in connection with the processing of this request.

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. We prefer to receive the records in electronic format; however, we are willing to accept the best available copy of each such record.

### EXPEDITED PROCESSING

Protect Democracy Project requests that you expedite the processing of this request pursuant to 5 U.S.C. § 552(a)(6)(E) and Department of the Treasury's implementing regulations, 31 C.F.R. § 1.4(e). FOIA provides for expedited processing where a requestor "demonstrates a compelling need." 5 U.S.C. § 552(a)(6)(E)(i); *see also* 47 C.F.R. § 0.461(h)(2). It defines "compelling need" to include situations where a "request [is] made by a person primarily engaged in disseminating information" and there exists an "urgency to inform the public concerning actual or alleged Federal Government activity." *Id.* § 552(a)(6)(E)(v); *see also* 47 C.F.R. § 0.461(h)(3)(ii).

This request meets the criteria for expedited processing because it is essential for the public to know the legal basis and criteria under which federal agencies are deciding which companies can release their products and which customers gain access to the country's most advanced artificial intelligence models, and because Protect Democracy Project is "primarily engaged in disseminating information."

Courts have found that Protect Democracy Project "easily" satisfies the criteria for a requester primarily engaged in disseminating information. *Protect Democracy Project v. U.S. Dep't of Def.*, 263 F. Supp. 3d 293, 298 (D.D.C. 2017); *see Protect Democracy Project v. U.S. Dep't of Just.*, 498 F. Supp. 3d 132, 139 (D.D.C. 2020). As explained below in more detail in the section of this request regarding a fee waiver, the Protect Democracy Project intends to disseminate publicly the information obtained in response to this request.

Moreover, there is an "urgency to inform the public concerning actual or alleged Federal Government activity." 5 U.S.C. § 552(a)(6)(E). On June 12, 2026, the Department of Commerce ordered Anthropic to suspend worldwide access to two of its AI models, Fable 5 and Mythos 5, within ninety minutes,<sup>1</sup> citing export-control authority in a novel context.<sup>2</sup> The Commerce Department later restored access to Mythos 5 for only

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<sup>1</sup> Complaint, *Legion LegalTech Corp. v. United States*, No. 1:26-cv-02225 (D.D.C. filed June 23, 2026), p. 2, <https://storage.courtlistener.com/recap/gov.uscourts.dcd.293776/gov.uscourts.dcd.293776.1.0.pdf>.

<sup>2</sup> Alan Z. Rozenshtein, *A Kill Switch for Frontier AI*, Lawfare (June 15, 2026), <https://www.lawfaremedia.org/article/a-kill-switch-for-frontier-ai>.

a select list of undisclosed “trusted partner” organizations, before lifting the export controls entirely on June 30, 2026.<sup>3</sup> On July 14, 2026, the White House, Treasury, the Department of Homeland Security, and the Pentagon jointly launched “GOLD EAGLE,” a standing, voluntary AI-industry coordination structure that rests on no new statutory authority.<sup>4</sup> Separately, OpenAI has agreed, through informal negotiation rather than any public order, to limit distribution of its own forthcoming models to government-vetted partners.<sup>5</sup> And on August 1, 2026, the White House stated that it had finalized a voluntary framework for reviewing advanced AI models before their release, while declining to disclose the framework’s contents or which companies have agreed to participate.<sup>6</sup>

Whatever the public’s views on how artificial intelligence models should be regulated, this pattern of executive branch actions raises questions that transcend that policy debate: should the executive branch be permitted to decide, through undisclosed criteria and without congressional authorization, which companies release their products and which customers gain access to a general-purpose technology reshaping the economy. And can the public have confidence that this extensive government intervention in the markets and the affairs of private companies is based on the public interest and in accordance with the law — not partisan or private pecuniary interests. These are vital questions of public interest that the public cannot evaluate without the records sought here.

Public concern about how the executive branch is wielding unspecified regulatory power behind closed doors is heightened in light of unresolved questions about financial relationships between AI companies and government-adjacent private entities. Reporting in the *Wall Street Journal* has indicated that President Trump has taken a close personal

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<sup>3</sup> Ashley Capoot, *Anthropic says Trump admin has lifted export controls on Claude Fable 5 and Mythos 5*, CNBC (June 30, 2026), <https://www.cnbc.com/2026/06/30/anthropic-says-trump-admin-has-lifted-export-controls-on-claude-fable-5-and-mythos-5.html>.

<sup>4</sup> *White House Launches Gold Eagle Initiative for Unprecedented Cybersecurity Vulnerability Coordination* (July 14, 2026), <https://www.whitehouse.gov/releases/2026/07/white-house-launches-gold-eagle-initiative-for-unprecedented-cybersecurity-vulnerability-coordination/>.

<sup>5</sup> Ashley Capoot, *OpenAI limits new AI models to ‘trusted partners’ at request of U.S. government*, CNBC (June 26, 2026), <https://www.cnbc.com/2026/06/26/openai-limits-new-ai-models-to-trusted-partners-request-us-government.html>.

<sup>6</sup> Maria Curi, *White House finalizes AI framework behind closed doors*, Axios (Aug. 3, 2026), <https://www.axios.com/2026/08/03/white-house-finalizes-ai-framework-behind-closed-doors>.

interest in how much companies are donating to his political interests, and “companies have paid new attention to the White House as Trump has gotten involved in regulatory decisions that once were made by independent agencies.”<sup>7</sup> That reporting includes AI companies and their customers. The concern is that these financial relationships could bear on which companies receive favorable treatment under the government’s frameworks and processes for evaluating advanced AI models. The public cannot assess, and Congress cannot conduct meaningful oversight of, decisions of this magnitude while the criteria, the participants, and the underlying legal authority remain undisclosed.

Presently and in the coming weeks, executive branch decisions of enormous consequence for our economy and the rule of law are being made pursuant to the pre-release review framework finalized on August 1, 2026, and the GOLD EAGLE clearinghouse process announced on July 14, 2026. These developments are receiving substantial media coverage, further demonstrating “strong evidence of an ‘urgency to inform’ the public.” *Protect Democracy Project, Inc. v. U.S. Dep’t of Def.*, 263 F. Supp. 3d at 299 (D.D.C. 2017); *see also Wash. Post v. Dep’t of Homeland Sec.*, 459 F. Supp. 2d 61, 75 (D.D.C. 2006) (“Because the urgency with which the plaintiff makes its FOIA request is predicated on a matter of current national debate, . . . a likelihood for irreparable harm exists if the plaintiff’s FOIA request does not receive expedited treatment.”); *Protect Democracy Project, Inc. v. United States Dep’t of Just.*, 498 F. Supp. 3d at 140. Moreover, the liability protections under the Cybersecurity Information Sharing Act that underlie GOLD EAGLE’s information-sharing function are currently set to expire on September 30, 2026 absent congressional reauthorization,<sup>8</sup> after which the program’s operation may change materially. It is therefore urgent that any responsive records are produced in an expedited fashion, as that is the only way for citizens in a democracy to engage in the ongoing public discourse about the AI industry and government oversight.

Pursuant 31 C.F.R. § 1.4(e)(3), I hereby certify and affirm that the foregoing is true and correct to the best of my knowledge and belief. We further seek your decision to grant or deny expedited processing within ten (10) calendar days of your receipt of this

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<sup>7</sup> Josh Dawsey et al., ‘The Boss Wants This Money’: Inside Trump’s Unprecedented Fundraising Operation, Wall Street Journal (July 30, 2026), <https://www.wsj.com/politics/policy/trump-donations-company-fundraising-1e34a78f>.

<sup>8</sup> CRS In Focus IF12959, “The Cybersecurity Information Sharing Act of 2015: Expiring Provisions” (updated May 8, 2026), [congress.gov/crs-product/IF12959](https://congress.gov/crs-product/IF12959).

request, consistent with the Department's implementing regulations, 31 C.F.R. § 1.4(e)(5).

### FEE WAIVER

FOIA provides that fees associated with a request are waived 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)(iii). The core mission of Protect Democracy Project, a 501(c)(3) organization is to inform public understanding of the operations and activities of government, including the executive branch's exercise of power over emerging technology. This request is submitted in furtherance of that mission. Courts have found that Protect Democracy Project “easily” satisfies the criteria for a requester primarily engaged in disseminating information. *Protect Democracy Project v. U.S. Dep't of Def.*, 263 F. Supp. 3d at 298; *see Protect Democracy Project v. U.S. Dep't of Just.*, 498 F. Supp. 3d at 139. Protect Democracy has no commercial interests.

In addition to satisfying the requirements for a waiver of fees associated with the search and processing of records, Protect Democracy Project is entitled to a waiver of all fees except “reasonable standard charges for document duplication.” 5 U.S.C. § 552(a)(4)(A)(ii)(II). Federal law mandates that fees be limited to document duplication costs for any requester that qualifies as a representative of the news media. *Id.* Protect Democracy Project is a 501(c)(3) good-government organization that qualifies under FOIA as a “representative of the news media.” Courts have also held that non-profit public interest groups which disseminate information to the public qualify as “representatives of the news media” for purposes of FOIA's fee reduction provision. The purpose of Protect Democracy Project is to “gather information of potential interest to a segment of the public, use its editorial skills to turn the raw materials into distinct work, and distribute that work to an audience.” *See Nat'l Sec. Archive v. U.S. Dep't of Def.*, 880 F.2d 1381, 1387 (D.C. Cir. 1989).

Indeed, Protect Democracy Project has routinely demonstrated its ability to disseminate information about its FOIA requests to a wide audience. *See, e.g., Protect Democracy Project, Inc. v. U.S. Dep't of Just.*, 498 F. Supp. 3d at 139 (Protect Democracy Project “listed examples of previous instances when it ‘disseminate[d] information about



its FOIA requests to a wide audience.”). Protect Democracy Project will disseminate information and analysis about this request—and any information obtained in response—through, among other places, the website [protectdemocracy.org](https://protectdemocracy.org); the Bluesky feed <https://bsky.app/profile/protectdemocracy.org>, which has more than 124,000 followers; a Substack subscriber list of approximately 47,000 people; a LinkedIn page with over 19,000 followers; and by sharing information with other members of the press. Protect Democracy Project should therefore be considered a “representative of the news media” for fee waiver purposes. *See* 5 U.S.C. § 552(a)(4)(A)(ii)(II).

If the request for a fee waiver is denied and there are fees for responding to this request, Protect Democracy Project authorizes charges up to \$100.00. If fees will exceed \$100.00, please contact me before processing the request.

### RESPONSIVE RECORDS

We ask that you search all systems of records, including electronic and paper, in use at your agency, as well as files or e-mails in the personal custody of your employees, such as personal e-mail accounts, as required by FOIA and to the extent that they are reasonably likely to contain responsive records. Protect Democracy Project prefers that the records be provided electronically as PDF files and transmitted via e-mail.

If you make a determination that any responsive record, or any segment within a record, is exempt from disclosure, we ask that you provide an index of those records at the time you transmit all other responsive records. In the index, please include a description of the record and the reason for exclusion with respect to each individual exempt record or exempt portion of a record, as provided by *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973), *cert. denied*, 415 U.S. 977 (1974). When you deem a portion of a record exempt, we ask that the remainder of the record be provided, as required by 5 U.S.C. § 552(b).

Given the 20-day statutory deadline, 5 U.S.C. § 552(a)(6)(A)(i), we hope to be as helpful as possible in clarifying or answering questions about this request. Please contact us at [FOIA@protectdemocracy.org](mailto:FOIA@protectdemocracy.org) or (202) 579-4582 if you require any additional information. We appreciate your cooperation and look forward to hearing from you very soon.



Sincerely,

Deana El-Mallawany  
Counsel & Director of Impact Programs