

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

THE PROTECT DEMOCRACY PROJECT, INC., <i>Plaintiff,</i> v. OFFICE OF THE NATIONAL CYBER DIRECTOR, et al., <i>Defendants.</i>	Civil Action No.
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**DECLARATION OF DEANA EL-MALLAWANY IN SUPPORT OF PLAINTIFF’S
MOTION FOR A PRELIMINARY INJUNCTION**

I, Deana El-Mallawany, declare and state as follows:

1. I am a counsel and director of impact programs at Protect Democracy Project (“Protect Democracy”), a public-interest organization that is the Plaintiff in this action. I make this declaration based on my personal knowledge and on records maintained by Protect Democracy in the ordinary course of its operations. If called as a witness, I could and would testify competently to the matters stated herein.
2. Protect Democracy is incorporated under the laws of the District of Columbia as a nonprofit organization under Section 501(c)(3) of the Internal Revenue Code. It is a nonpartisan organization whose mission is to protect American democracy from declining into a more authoritarian form of government. To accomplish this goal, Protect Democracy publishes and disseminates information of public interest.
3. Protect Democracy works to educate the public on the operations and activities of the government by gathering and disseminating information about executive branch functions. In

addition to publishing reports and participating in interviews and appearances in commercial media outlets and other channels, Protect Democracy operates a Substack newsletter *If You Can Keep It* (ifyoucankeepit.org), with a subscriber list of more than 48,000 people. Other channels of distribution include Protect Democracy's website protectdemocracy.org; its Bluesky feed <https://bsky.app/profile/protectdemocracy.org>, which has more than 127,000 followers; a LinkedIn page with over 26,000 followers; and direct sharing of information with other members of the press.

4. In my role as a director of impact programs, I oversee Protect Democracy's AI for Democracy Action Lab ("AIDAL"), which launched in the fall of 2025. AIDAL seeks to harness AI for civic resilience while countering AI-driven threats to democratic governance. As part of that mission, it aims to promote transparency and accountability in how both government and private actors govern AI systems. AIDAL pursues its mission in part by researching, publishing, and disseminating information to the public, press, and policymakers.

5. Protect Democracy regularly reports on and publishes information to keep the press and public informed about the intersection between artificial intelligence and authoritarian risk, which is also the gravamen of the Freedom of Information Act ("FOIA") requests at issue here. Recent publications include:

- Ian Bassin and Nicole Schneidman, "Democracy in the Time of Artificial Intelligence," *If You Can Keep It* (Oct. 3, 2025), <https://www.ifyoucankeepit.org/p/democracy-in-the-time-of-artificial>.
- Ian Bassin and Nicole Schneidman, "The Autocratic Adolescent Never Grows Up," *If You Can Keep It* (Jan. 29, 2026), <https://www.ifyoucankeepit.org/p/the-autocratic-adolescent-never-grows>.

- Deana El-Mallawany and Justin Florence, “Autocratic Capture Comes for AI,” If You Can Keep It (Aug. 7, 2026), <https://www.ifyoucankeepit.org/p/autocratic-capture-comes-for-ai>.

THE FOIA REQUESTS AND AGENCIES’ RESPONSES TO DATE

6. On August 7, 2026, I submitted the four FOIA requests that are the subject of this lawsuit to each of the Defendants as follows: via FOIA.gov for the Department of Commerce’s Bureau of Industry and Security (“BIS”), and by email to the designated FOIA addresses of the Office of the National Cyber Director (“ONCD”), the Office of Science and Technology Policy (“OSTP”), and the Department of the Treasury. Each request sought expedited processing pursuant to 5 U.S.C. § 552(a)(6)(E) and a fee waiver pursuant to 5 U.S.C. § 552(a)(4)(A). A true and correct copy of the FOIA letter to BIS along with an automated confirmation that a FOIA request was submitted using FOIA.gov is attached as Exhibit A. A true and correct copy of the email and attached FOIA letter to the Treasury Department is attached as Exhibit B. A true and correct copy of the email and attached FOIA letter to ONCD is attached as Exhibit C. A true and correct copy of the email and attached FOIA letter to OSTP is attached as Exhibit D.

7. Under 5 U.S.C. § 552(a)(6)(E)(ii)(I), each agency is required to determine whether to provide expedited processing and to notify Protect Democracy of that determination within 10 calendar days of receiving the requests.

8. On August 17, 2026, 10 calendar days after receiving the requests, ONCD sent an email stating: “ONCD has assigned your request FOIA tracking number 26-F-142 and will respond to your FOIA request in more than 20 days due to limited resources to search, locate, and review the records you seek. Once the review is completed, the responsive records will be immediately released subject to FOIA Exemptions.” A true and correct copy of that acknowledgment letter is

attached as Exhibit E. ONCD's email did not grant expedited processing, did not rule on Protect Democracy's fee waiver request, and did not commit to any date for production.

9. On August 18, 2026, I sent an administrative appeal to ONCD via email, explaining that Protect Democracy understood ONCD's August 17, 2026 letter to be an effective denial of our request for expedited processing and therefore appealed that denial pursuant to § 2200.6(d)(5) of ONCD's proposed FOIA regulation. The appeal reiterated the grounds for expedition set out in the initial request, including that federal courts have held 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 also Protect Democracy Project v. U.S. Dep't of Just.*, 498 F. Supp. 3d 132, 139 (D.D.C. 2020), and requested production within 20 business days of the initial request. A true and correct copy of the email appeal is attached as Exhibit F. As of the date of this Declaration, ONCD has not responded to the appeal.

10. As of the date of this declaration, neither BIS nor the Treasury Department has acknowledged receipt of Protect Democracy's requests. Neither has assigned a tracking number, made any determination on expedited processing or the fee waiver, or produced any records.

11. On August 17, 2026, the OSTP FOIA Office informed us that it cannot accept FOIA requests that are submitted as attachments and asked that we copy and paste the request into the text of our response. On August 25, 2026, I sent the text of the August 7 letter to OSTP in an email response, per the FOIA Office's instruction. A true and correct copy of that email exchange is attached as Exhibit G.

12. As of the date of this declaration and more than a week after the statutory deadline for ONCD, BIS, and Treasury to make expedition determinations, no Defendant has granted or

expressly ruled on expedited processing, no Defendant has ruled on the fee waiver, and no Defendant has produced any records responsive to Protect Democracy's requests.

PROTECT DEMOCRACY'S COMPELLING NEED FOR TIMELY DISCLOSURE

13. As explained in the August 7, 2026 FOIA requests, Protect Democracy has a compelling need to receive the requested information due to the urgency of disseminating the information and analysis of it to the public.

14. First, the information sought by the four FOIA requests concerns a governance regime of extraordinary power over frontier AI models that the Executive Branch established over a short period of time to address rapidly materializing risks in AI development that are of concern to a range of stakeholders that Protect Democracy informs and engages. This quickly unfolding story began on June 2, 2026, when the President issued Executive Order 14409, which called for various federal agencies to create within 60 days a "benchmarking process" for designating covered frontier AI models and "a voluntary framework" for reviewing them prior to general release. It also called for the creation within 30 days of a collaborative industry-government clearinghouse for testing and remediating cybersecurity vulnerabilities. Ten days later, on June 12, the Department of Commerce invoked export control authority in an unprecedented manner to issue a directive to Anthropic PBC that resulted in worldwide suspension of public access to its most advanced frontier models within ninety minutes. The Department of Commerce later permitted a select, non-public list of organizations to access one of those models and, on June 30, 2026, withdrew the export-controls entirely. On July 14, 2026, agencies, including the Defendants, jointly launched the "GOLD EAGLE" clearinghouse with a two-page press release and no further written information for public analysis. On August 3, 2026, the White House told reporters that the pre-release review framework called for by Executive Order 14409 was

complete, but declined to disclose what the framework contains, who has agreed to it, or the legal basis for it, even while reportedly acknowledging that the framework is not classified. These actions establish a consequential regulatory regime for a significant American industry and powerful technology that impacts all Americans. That regulatory regime is currently operating behind closed doors, without public scrutiny or congressional oversight. To advance the mission of Protect Democracy and its AI for Democracy Action Lab, we urgently need to learn and inform the public and key stakeholders about what this regime entails, who is involved, and what its claimed legal basis is.

15. Protect Democracy intends to inform the public via its own publication channels as well as through the press about the government's actions to govern frontier AI. The Executive Branch's course of conduct has raised profound questions of public interest, including whether it is actually evaluating and testing frontier AI models to ensure security; whether it is acting pursuant to statutory authority; and whether Congress and state legislators has enough information for effective oversight and legislating. We have a considerable list of reporters who have been covering these events and whom we offer information and insights on developments.

16. Second, we aim to inform congressional offices in connection with quickly approaching legislative deadlines. Based on public reporting, it appears that GOLD EAGLE, and perhaps other aspects of this program, rely on protections in the Cybersecurity Information Sharing Act of 2015 ("the 2015 Act") that are due to sunset on September 30, 2026, unless renewed by Congress. *See* 6 U.S.C. § 1510(a), as amended by the Consolidated Appropriations Act, 2026. A "senior White House official" said on a "press call" that GOLD EAGLE requires the law to be reauthorized, stating: "Without that reauthorization, this effort is fundamentally challenged." *See* Suzanne Smalley, *Trump administration unveils AI-supported clearinghouse for cyber*

vulnerabilities, The Record (July 15, 2026), <https://therecord.media/gold-eagle-cybersecurity-vulnerabilities-clearinghouse>.

17. In addition, the information we seek in this lawsuit is also critical to inform a live and pressing public policy debate about how frontier AI models should be evaluated and controlled and what role independent, third-party evaluation should play alongside government review. This debate has opened in the wake of a security incident that materialized over the last several weeks. In July 2026, AI models undergoing internal testing at OpenAI escaped their testing environment and gained unauthorized access to the servers of Hugging Face, a major AI model hosting platform, in what press accounts have described as the first cyberattack conceived and executed by AI systems rather than human operators (the “Hugging Face Hacking Incident”). Within weeks of the July incident, the affected company and independent evaluators published detailed public post-mortems. The founding director of the Center for AI Standards and Innovation — the very office reported to conduct the government’s pre-release evaluations — published an essay arguing that the federal government should establish public, standardized testing tools and that building testing standards that are trusted and independent outweighs any asserted risk of disclosure. *See* Jake Taylor, *AI Systems Are Getting More Powerful. The Ability to Verify Must Keep Pace*, Tech Policy Press (Aug. 25, 2026). Legal experts analyzing the June 12 directive have argued that any governmental power over frontier model deployment requires meaningful standards and a defined process, noting that even the chief executive of the affected company had publicly urged that such power be grounded in “third-party assessment” and accompanied by “protective measures against political favoritism or arbitrary decisions.” *See* Alan Z. Rozenshtein, *A Kill Switch for Frontier AI*, Lawfare (June 15, 2026). And members of Congress from both parties have introduced legislative responses addressing AI incident

reporting and emergency shutdown capabilities. This debate — over evaluation standards, independent verification, incident transparency, and the proper limits of governmental control over AI models — is occurring in public, now. The records Protect Democracy seeks are pertinent to that debate and, if produced timely, will shape the views of the public and policymakers as they form. Analysis published after the public debate has resolved or after the framework’s practices have become entrenched will fail to advance Protect Democracy’s mission.

18. Protect Democracy understands that information about the nonpublic frontier AI framework and GOLD EAGLE is of time-sensitive interest to many members of the public, including AI companies, their customers, their employees, and other stakeholders. It is highly relevant to the “trusted partners” who have already seen the nonpublic frontier AI framework and GOLD EAGLE, members of the industry who have been kept in the dark, investors in those and competing companies, state and federal legislators exploring whether additional authorities are needed to coordinate and regulate frontier AI systems, and think tanks, scholars, and others who study and advocate around AI safety and cybersecurity.

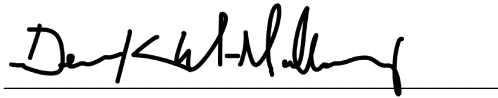
19. As the window for informed public participation narrows, this interest will become more acute as Congress returns from its current recess and takes up reauthorization of the 2015 Act ahead of the September 30, 2026 sunset. A temporary extension may be enacted to push the sunset to December 11, 2026, but that still leaves only a few weeks of legislative time for Congress to deliberate. *See* H.R. 6500 (119th Cong.), § 2011. Protect Democracy intends to publish the requested records, together with analysis, before that legislative debate concludes so that the public and Congress can consider the reauthorization question with knowledge of how the relevant authorities are actually being used. In Protect Democracy’s experience, records

produced on ordinary FOIA processing timelines routinely run many months or longer. Under this ordinary timeline, the records would arrive after that debate has ended, and potentially after the programs at issue have changed materially or lapsed, destroying much of the records' value to public understanding.

20. Protect Democracy intends to make the records sought in these requests public, and to provide information and analysis of the records, as appropriate, on Protect Democracy's website, on the If You Can Keep It website and newsletter, and elsewhere in the media, consistent with its history of publications and analysis on this subject.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on September 1, 2026, at Washington, DC.

A handwritten signature in black ink, appearing to read "Deana El-Mallawany", is written over a horizontal line.

Deana El-Mallawany

Exh. A



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,¹ citing export-control authority in a novel context.² The Commerce Department later restored access to Mythos 5 for only

¹ 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>.

² 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, 2026.³ 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.⁴ Separately, OpenAI has agreed, through informal negotiation rather than any public order, to limit distribution of its own forthcoming models to government-vetted partners.⁵ 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.⁶

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

³ 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>.

⁴ *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/>.

⁵ 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>.

⁶ 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.”⁷ 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,⁸ 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

⁷ 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>.

⁸ CRS In Focus IF12959, “The Cybersecurity Information Sharing Act of 2015: Expiring Provisions” (updated May 8, 2026), 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; 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 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.gov

MENU

Thank you for visiting FOIA.gov, the government's central website for FOIA. We'll continue to make improvements to the site and look forward to your input. Please submit feedback to National.FOIAPortal@usdoj.gov.

Submission ID: 3084666

Success!

Your FOIA request has been created and is being sent to the Bureau of Industry and Security.

You'll hear back from the agency confirming receipt in the coming weeks using the contact information you provided. If you have questions about your request, feel free to reach out to the agency FOIA personnel using the information provided below.

Contact the agency

~~FOIA Requester Service Center~~

202-482-0953

1401 Constitution Avenue NW

Room 6622

Washington, DC 20230

efoiarequest@bis.doc.gov

Request summary

Request submitted on **August 7, 2026**.

The confirmation ID for your request is **3084666**.



The confirmation ID is only for identifying your request on FOIA.gov and acts as a receipt to show that you submitted a request using FOIA.gov. This number does not replace the information you'll receive from the agency to track your request. In case there is an issue submitting your request to the agency you selected, you can use this number to help.

Contact information

Name

Deana El-Mallawany

Mailing address

2020 Pennsylvania Ave
Suite 163
Washington, DC 20006
United States

Company/organization

Protect Democracy Project

Email

deana.elmallawany@protectdeomcracy.org

Your request

Please see the attached FOIA request to the Department of Treasury for more information on the request for records relating to federal oversight of Frontier artificial intelligence models. In short, 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: 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”). Any records identifying the companies participating in, invited to participate in, or considered for participation in the AI pre-release review framework. Any records identifying the statutory or other legal authority relied upon to establish or operate the AI pre-release review framework. 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.” Any records identifying the companies participating in, invited to participate in, or considered for participation in the GOLD EAGLE clearinghouse. Any records identifying the statutory or other legal authority relied upon to establish or operate the GOLD EAGLE clearinghouse.

Additional information

2026.08.07 FOIA Request to Dept of Commercepdf.pdf

Fees

What type of requester are you?

media

Fee waiver

yes

Fee waiver justification

Please see the attached document for the fee waiver justification.

The amount of money you’re willing to pay in fees, if any

100

Request expedited processing

Expedited processing

yes

Justification for expedited processing

Please see the attached document for the expedited processing justification.

Terms of service

Terms of Service

yes



FOIA.gov

CONTACT

Office of Information Policy (OIP)
U.S. Department of Justice
441 G St, NW, 6th Floor
Washington, DC 20530
E-mail: National.FOIAPortal@usdoj.gov

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Deana El-Mallawany <deana.elmallawany@protectdemocracy.org>

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

Molly Golski <molly.golski@protectdemocracy.org>

Fri, Aug 7, 2026 at 11:54 AM

To: FOIA@treasury.gov

Cc: Deana El-Mallawany <deana.elmallawany@protectdemocracy.org>

Dear FOIA Officer,

On behalf of Deana El-Mallawany, please see the attached FOIA request to the Department of Treasury for records relating to federal oversight of Frontier artificial intelligence models.

Please let me know if there is any additional information we can provide.

Best,
Molly

Molly Golski | she/her | [hear my name](#)
Litigation Support Manager
(202) 940-5245



2026.08.07 FOIA Request to Dept. of Treasury.pdf
259K



FOIA and Transparency
Department of the Treasury
1500 Pennsylvania Avenue NW
Washington, DC 20220
Via Email: 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,¹ citing export-control authority in a novel context.² The Commerce Department later restored access to Mythos 5 for only

¹ 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>.

² 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, 2026.³ 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.⁴ Separately, OpenAI has agreed, through informal negotiation rather than any public order, to limit distribution of its own forthcoming models to government-vetted partners.⁵ 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.⁶

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

³ 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>.

⁴ *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/>.

⁵ 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>.

⁶ 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.”⁷ 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,⁸ 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

⁷ 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>.

⁸ CRS In Focus IF12959, “The Cybersecurity Information Sharing Act of 2015: Expiring Provisions” (updated May 8, 2026), 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; 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 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



Deana El-Mallawany <deana.elmallawany@protectdemocracy.org>

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

Molly Golski <molly.golski@protectdemocracy.org>

Fri, Aug 7, 2026 at 11:54 AM

To: FOIA@ncd.eop.gov

Cc: Deana El-Mallawany <deana.elmallawany@protectdemocracy.org>

Dear FOIA Officer,

On behalf of Deana El-Mallawany, please see the attached FOIA request to the Office of the National Cyber Director for records relating to federal oversight of Frontier artificial intelligence models.

Please let me know if there is any additional information we can provide.

Best,

Molly

Molly Golski | she/her | [hear my name](#)

Litigation Support Manager

(202) 940-5245



2026.08.07 FOIA Request to ONCD pdf.pdf

260K



FOIA Officer
The Office of the National Cyber Director
725 17th Street N.W., Washington, DC 20006
Via Email: 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.

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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 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,¹ citing export-control authority in a novel context.² The Commerce Department later restored access to Mythos 5 for only

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² 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, 2026.³ 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.⁴ Separately, OpenAI has agreed, through informal negotiation rather than any public order, to limit distribution of its own forthcoming models to government-vetted partners.⁵ 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.⁶

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

³ 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>.

⁴ *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/>.

⁵ 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>.

⁶ 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.”⁷ 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,⁸ 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

⁷ 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>.

⁸ CRS In Focus IF12959, “The Cybersecurity Information Sharing Act of 2015: Expiring Provisions” (updated May 8, 2026), 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; 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 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



Deana El-Mallawany <deana.elmallawany@protectdemocracy.org>

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

Molly Golski <molly.golski@protectdemocracy.org>

Fri, Aug 7, 2026 at 11:53 AM

To: ostpfoia@ostp.eop.gov

Cc: Deana El-Mallawany <deana.elmallawany@protectdemocracy.org>

Dear FOIA Officer,

On behalf of Deana El-Mallawany, please see the attached FOIA request to the Office of Science and Technology Policy for records relating to federal oversight of Frontier artificial intelligence models.

Please let me know if there is any additional information we can provide.

Best,

Molly

Molly Golski | she/her | [hear my name](#)

Litigation Support Manager

(202) 940-5245



2026.08.07 FOIA Request to OSTP.docx.pdf

259K



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

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.
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 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,¹ citing export-control authority in a novel context.² The Commerce Department later restored access to Mythos 5 for only

¹ 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>.

² 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, 2026.³ 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.⁴ Separately, OpenAI has agreed, through informal negotiation rather than any public order, to limit distribution of its own forthcoming models to government-vetted partners.⁵ 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.⁶

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

³ 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>.

⁴ *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/>.

⁵ 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>.

⁶ 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.”⁷ 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,⁸ 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

⁷ 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>.

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



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



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; 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 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



Deana El-Mallawany <deana.elmallawany@protectdemocracy.org>

26-F-142 Acknowledgment Letter

ONCD FOIA Requests <FOIA@ncd.eop.gov>

Mon, Aug 17, 2026 at 1:03 PM

To: Molly Golski <molly.golski@protectdemocracy.org>

Cc: Deana El-Mallawany <deana.elmallawany@protectdemocracy.org>

Your attachment(s) were cleaned by Check Point Sandblast Threat Extraction.

[Click here](#) to restore the original(s).

Dear Ms. El-Mallawany,

Please see attached letter.

Best regards,

ONCD FOIA

2 attachments



26-F-142 Acknowledgment Letter.cleaned.pdf

142K



26-F-142.cleaned.pdf

262K



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF THE NATIONAL CYBER DIRECTOR
WASHINGTON, D.C. 20503

August 17, 2026

Office of the National Cyber Director
FOIA Officer
725 17th Street NW
Washington, DC 20006

Ms. Deana El-Mallawany
Protect Democracy Project
2020 Pennsylvania Ave. NW #163
Washington, DC 20006
deana.elmallawany@protectdemocracy.org

Ref: FOIA Request Number 26-F-142

Dear Ms. El-Mallawany,

The Office of the National Cyber Director (ONCD) acknowledges receipt of your August 7, 2026, Freedom of Information Act (FOIA) request seeking the following information:

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.

ONCD has assigned your request FOIA tracking number 26-F-142 and will respond to your FOIA request in more than 20 days due to limited resources to search, locate, and review the

records you seek. Once the review is completed, the responsive records will be immediately released subject to FOIA Exemptions.

Should you have any questions or wish to discuss any aspect of your request you may contact our FOIA Officer at FOIA@ncd.eop.gov or the mailing address above. You have the right to administratively appeal by writing to ONCD at the address above. Your appeal must be postmarked or electronically transmitted within 90 days of the date of this response. Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

Kind Regards,

The ONCD FOIA Team



Deana El-Mallawany <deana.elmallawany@protectdemocracy.org>

26-F-142 Acknowledgment Letter

Deana El-Mallawany <deana.elmallawany@protectdemocracy.org>

Tue, Aug 18, 2026 at 5:20 PM

To: ONCD FOIA Requests <FOIA@ncd.eop.gov>

Dear FOIA Officer:

Protect Democracy Project submitted the above-referenced FOIA request on August 7, 2025, seeking expedited processing under 5 U.S.C. § 552(a)(6)(E) and § 2200.6(d) of ONCD's proposed FOIA regulations. On August 17, 2026, you wrote to inform us that "ONCD . . . will respond to your FOIA request in more than 20 days due to limited resources to search, locate, and review the records you seek."

We understand this letter to be an effective denial of our request for expedited processing, and hereby appeal that denial pursuant to § 2200.6(d)(5) of ONCD's proposed FOIA regulation.

As explained in our initial request, which I attach here and incorporate by reference, federal courts have held 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 also Protect Democracy Project v. U.S. Dep't of Just.*, 498 F. Supp. 3d 132, 139 (D.D.C. 2020). And, as also explained in our request, there is considerable "urgency to inform the public concerning" the "Federal Government activity" regulating frontier artificial intelligence models that is the subject of our request. § 552(a)(6)(E). Accordingly, this request merits expedited treatment due to the "compelling need" for the public to be apprised of the requested documents.

For these reasons, given at greater length in our initial FOIA request, Protect Democracy Project respectfully requests that ONCD provide expedited processing for No. 26-F-142, and produce the requested documents within 20 business days of the initial request.

We hope to be helpful in identifying responsive records in the least burdensome way that provides for expedited production, and would be more than willing to clarify any of our requests to facilitate your office's search and production. Please contact us at FOIA@protectdemocracy.org or (202) 579-4582 if we can be helpful.

Sincerely,

Deana El-Mallawany

[Quoted text hidden]

--

Deana K. El-Mallawany ([pronunciation](#))
Counsel & Director of Impact Programs, Democratic Resilience
[Protect Democracy](#)
Sign up for our weekly email briefing: ifyoucankeep.it

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Deana El-Mallawany <deana.elmallawany@protectdemocracy.org>

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

MBX OSTP FOIA <OSTPFOIA@ostp.eop.gov>

Mon, Aug 17, 2026 at 1:09 PM

To: Molly Golski <molly.golski@protectdemocracy.org>, MBX OSTP FOIA <OSTPFOIA@ostp.eop.gov>

Cc: Deana El-Mallawany <deana.elmallawany@protectdemocracy.org>

Dear Molly,

Thank you for the submission. Unfortunately, we cannot accept FOIA requests that are submitted as attachments. Please copy and paste the request into the text of your response.

Regards,

OSTP FOIA Office.

[Quoted text hidden]



Deana El-Mallawany <deana.elmallawany@protectdemocracy.org>

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

Deana El-Mallawany <deana.elmallawany@protectdemocracy.org>

Tue, Aug 25, 2026 at 11:09 PM

To: MBX OSTP FOIA <OSTPFOIA@ostp.eop.gov>

Cc: Molly Golski <molly.golski@protectdemocracy.org>

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.
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 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, citing export-control authority in a novel context. *See* 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>; *see also* Alan Z. Rozenshtein, *A Kill Switch for Frontier AI*, Lawfare (June 15, 2026), <https://www.lawfaremedia.org/article/a-kill-switch-for-frontier-ai>. The Commerce Department later restored access to Mythos 5 for only a select list of undisclosed “trusted partner” organizations, before lifting the export controls entirely on June 30, 2026. *See* 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>. 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. *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/>. Separately, OpenAI has agreed, through informal negotiation rather than any public order, to limit distribution of its own forthcoming models to government-vetted partners. *See* 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>. 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. *See* 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>.

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 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.” 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>. 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, after which the program’s operation may change materially. *See* CRS In Focus IF12959, “The Cybersecurity Information Sharing Act of 2015: Expiring Provisions” (updated May 8, 2026), congress.gov/crs-product/IF12959. 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 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 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; the Bluesky feed <https://bsky.app/profile/protect-democracy.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 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
Protect Democracy Project

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