



October 14, 2020

Tracey St. Pierre
Chief FOIA Officer
FOIA Service Center, Office of Management
Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202-4536

Dear Ms. St. Pierre:

Under the Freedom of Information Act, 5 U.S.C. § 552, Checks and Balances Project, a nonpartisan watchdog blog, is requesting copies of Department of Education ("Education") records. We seek records reflecting interactions between Education officials and various parties regarding the awarding and allocation of grants and other forms of funding authorized by the Coronavirus Aid, Relief, and Economic Security Act ("CARES Act"). Third parties include but are not limited to Trump campaign officials, for-profit education companies, charter school trade associations, charter school owners/operators and their associated for-profit management organizations, and religious schools and/or their relevant associations.

For reference purposes, the CARES Act allotted \$14 billion alone to the Office of Postsecondary Education as the Higher Education Emergency Relief Fund (<https://www2.ed.gov/about/offices/list/ope/caresact.html> — accessed October 7, 2020). A total of \$30.75 billion was allotted for the Education Stabilization Fund (<https://oese.ed.gov/offices/Education-Stabilization-Fund/> (last accessed October 7, 2020).

The scope of this FOIA request's subject matter should be construed to encompass the entirety of the process for awarding individual grants or other funding authorized by CARES Act appropriations, including discussions about third parties submitting bids, the receipt of individual bids, the review of individual bids, and determinations regarding granting or denying individual bids.

The categories of communications we are specifically seeking include, but are not limited to, the following:

- 1) Communications between Education officials and other U.S. Government officials, including verbal and/or other communications memorialized in writing;
- 2) Communications between Education officials and non-government third parties, including verbal and/or other communications memorializing in writing; and
- 3) To the extent they do not fall within the scope of line items #1 and/or #2, any calendar appointments, meeting set up, and contact lists that otherwise fall within the overall scope of this FOIA request's subject matter, as outlined in the above paragraph.

The phrase "Education officials" should be construed to encompass Government civilian employees, detailees, political appointees, military personnel (whether active duty, reservists or National Guard), contract support staff and consultants supporting Education. The phrase "U.S. Government officials" should be construed to encompass Government civilian employees, detailees, political appointees,

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Constitutional officers, military personnel (whether active duty, reservists or National Guard), contract support staff and consultants supporting any other part of the U.S. Government, exclusive of those already encompassing the phrase "Education officials". The phrase "non-government third parties" should be construed to encompass any private citizens, private companies, private organizations or other non-U.S. Government entities, including, but not limited to, the Republican National Committee, the Trump Victory Committee, and Donald J. Trump for President, Inc.

The timeframe for this request can be limited from March 1, 2020, up until the date upon which the agency begins searching for responsive records. The scope of Education's searches should not be limited to Education-originated records and should encompass all cross-references.

If Education denies all or part of this request, please cite the specific exemptions you believe justify your refusal to release the information or permit the review and notify us of your appeal procedures available under the law. We request that any documents or records produced in response to this request be provided in electronic (soft copy) form wherever possible. Acceptable formats are .pdf, .jpg, .gif, .tif. Please provide soft-copy records by email or on a CD if email is not feasible. However, we do not agree to pay an additional fee to receive records on a CD, and in the instance that such a fee is required, we will accept a paper copy of responsive records. Do not incur expenses beyond \$100 without first contacting me for authorization.

If you have any questions about handling this request, you may reach me at the contacts below.

Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott Peterson", with a stylized flourish at the end.

Scott Peterson
Executive Director
Checks and Balances Project

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scott@checksandbalancesproject.org