



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF THE GENERAL COUNSEL

August 20, 2021

Via USAfx File Exchange

Mehreen Rasheed
American Oversight
1030 15th Street NW, B255
Washington, DC 20005
mehreen.rasheed@americanoversight.org

Re: *American Oversight v. U.S. Department of Education* – Interim Release
Civil Action No.: 1:21-cv-01444 (RDM)
FOIA Request Nos.: 20-02321-F & 20-02322-F

Dear Ms. Rasheed:

This letter is the Department of Education's final response to American Oversight's two requests, dated August 24, 2020, for information pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552. Specifically, these FOIA Request seek the following:

20-02321-F

All email communications (including emails, email attachments, calendar invitations, and calendar invitation attachments) between (a) the Education officials specified below and (b) White House officials specified below:

Education officials:

- i. Betsy DeVos, Secretary of Education
- ii. Nathan Bailey, Chief of Staff
- iii. Mitchell Zais, Deputy Secretary
- iv. Kent Talbert, Senior Advisor to the Deputy Secretary
- v. Robert King, Assistant Secretary, Office of Postsecondary Education
- vi. Anyone serving as a Senior Advisor in the Office of Postsecondary Education, including but not limited to John Huston
- vii. Anyone serving as White House liaison

White House officials:

- i. Stephen Miller, Senior Advisor for Policy (including but not limited to the email address stephen.miller@who.eop.gov)
- ii. Robert Gabriel, Jr., Director of the Office of the Senior Advisor for Policy

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The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

(including but not limited to the email address

robert.gabriel@who.eop.gov)

iii. Jennifer Cytryn, Assistant to the Senior Advisor for Policy (including but not limited to the email address jennifer.cytryn@who.eop.gov)

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All email communications (including emails, email attachments, calendar invitations, and calendar invitation attachments) sent from (a) the individuals specified below to (b) any email address ending in .com, .org, .net, .mail, or .edu, containing any of the following terms:

- i. "CARES Act"
- ii. "Higher Education Emergency Relief Fund"
- iii. HEERF
- iv. "emergency financial aid"
- v. "coronavirus relief"
- vi. Undocumented
- vii. "illegal immigrant"
- viii. "illegal alien"
- ix. "international student"

Specified individuals:

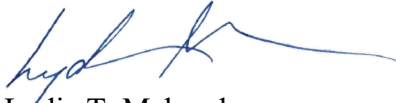
- i. Betsy DeVos, Secretary of Education
- ii. Nathan Bailey, Chief of Staff
- iii. Mitchell Zais, Deputy Secretary
- iv. Robert King, Assistant Secretary, Office of Postsecondary Education

No responsive records were located for request 20-02321-F. The second and final release of 387 pages of records responsive to 20-02322-F has been uploaded to the USAfx File Exchange System for your review. Certain information, however, has been withheld according to the FOIA exemptions specified below:

1. Records or portions of records relating to certain intra-agency information is exempt from disclosure pursuant to 5 U.S.C. § 552 (b)(5) of the FOIA. This exemption permits the withholding of inter- or intra-agency information that could be withheld under civil discovery; and
2. Records or portions of records relating to personal information are exempt pursuant to 5 U.S.C. § 552(b)(6) of the FOIA. Disclosure of this information would constitute a clearly unwarranted invasion of personal privacy.

Because this request is in litigation, if you have questions regarding this response, please contact AUSA Kathryn Wyer at Kathryn.Wyer@usdoj.gov.

Sincerely,



Lydia T. Makande
General Attorney

cc: AUSA Kathryn Wyer