



February 9, 2023

[Via Online FOIA Portal](#)

FOIA Officer
Department of Health and Human Services
Hubert H. Humphrey Building, Room 729H
200 Independence Avenue SW
Washington, DC 20201

RE: Freedom of Information Act Request; Fee Waiver and Expedited Treatment Requested

To Whom It May Concern,

Pursuant to the Freedom of Information Act, 5 U.S.C. § 552, and 45 C.F.R. § 5, the Chamber of Commerce of the United States of America (“Chamber”) hereby requests the following information:

All communications related to the “Blueprint for an AI Bill of Rights” (“Blueprint”)¹ between (a) any individual employed by, or communicating on behalf of, the White House Office of Science and Technology (“OSTP”), including any person using an email address with the domain @ostp.eop.gov, and (b) any employee of the Department of Health & Human Services (“HHS”) or any person otherwise communicating on behalf of HHS.

As used in this request, “communications” includes emails, email attachments, text messages, electronic chats, instant messages, encrypted or self-destructing messages, messages sent via Facebook messenger or other social media messaging services, text messages, voice messages, calendar invitations/entries, letters, memoranda, or other communication records. The timeframe for the Chamber’s request is November 23, 2020 (the start of the presidential transition period) to the present.

I further request that the FOIA officer responsible for the processing of this request issue an immediate hold on all records responsive, or potentially responsive, to this request, so as to prevent their disposal until such time as a final determination has been issued on the request and any administrative remedies for appeal have been exhausted.

In an effort to facilitate document review, please provide the responsive documents in electronic form in lieu of a paper production. If a certain portion of responsive records can be

¹ <https://www.whitehouse.gov/ostp/ai-bill-of-rights/>

produced more readily, I request that those records be produced first and the remaining records be produced on a rolling basis as circumstances permit.

Fee Waiver Request

The Chamber requests a fee waiver because disclosure of this information is in the public interest, as it is likely to contribute significantly to public understanding of the operations or activities of the government. The public has a significant interest in understanding the development and implementation of the Blueprint, which the White House declared was “developed through extensive consultation with ... U.S. government agencies” and “includes concrete steps which governments, companies, communities, and others can take” toward the White House’s preferred policy preferences. <https://www.whitehouse.gov/ostp/news-updates/2022/10/04/fact-sheet-biden-harris-administration-announces-key-actions-to-advance-tech-accountability-and-protect-the-rights-of-the-american-public/> (“Blueprint Announcement”).

The request seeks information that “concerns identifiable operations or activities of the government” and is “likely to contribute significantly to public understanding of those operations or activities,” 45 C.F.R. §§ 5.54(b)(1)–(2), because the request seeks detailed information relating to the development and implementation of a recently announced White House policy that the White House trumpeted for its “extensive consultation” with agencies like HHS, and that immediately resulted in “actions across the Federal government” to “advance the Blueprint.” Blueprint Announcement (emphasis omitted). The request will increase public understanding of HHS’s operations and activities, and not just the understanding of the Chamber or a narrow segment of interested persons, 45 C.F.R. § 5.54(b)(2)(ii), because the Chamber disseminates the results of its FOIA requests to the public, and because there is already significant public interest in the issuance of the Blueprint. *See, e.g.,* Skye Witley, *AI ‘Bill of Rights’ Principles Posited by Biden Policy Team*, Bloomberg Law (Oct. 4, 2022) <https://news.bloomberglaw.com/privacy-and-data-security/future-ai-bill-of-rights-guides-offered-by-biden-policy-team>; *White House Releases Guidance on AI*, National Law Journal (Nov. 10, 2022) <https://www.natlawreview.com/article/white-house-releases-guidance-ai>. And the disclosure is likely to significantly enhance the public’s understanding of the subject matter of the request, 45 C.F.R. § 5.54(b)(2), because the request seeks detailed information about the development and implementation of the Blueprint, which will help the public understand the development of this important policy and assess the White House’s claims of “extensive consultation” that are largely unspecified. Blueprint Announcement.

This request further qualifies for a fee waiver because the request is not in the commercial interest of the Chamber. The Chamber is a non-profit organization organized under Section 501(c)(6) of the Internal Revenue Code. Disclosure of this information is not primarily in the Chamber’s commercial interest because it seeks to use this information to educate itself and the public about the White House’s and HHS’s ongoing activities. *See* 45 C.F.R. § 5.54(b)(3). The White House’s and HHS’s activities affect a broad swath of the United States economy and business entities across the country—many of whom are members of the Chamber. The disclosure of these documents will allow the Chamber, its members, and the public to better understand the White

House's and HHS's recent and future activities and the potential impact of these actions. If this request for a fee waiver is denied, the Chamber is willing to pay fees up to \$2,500.

Expedited Processing Request

The Chamber requests the expedited processing of this request because of the urgent need for expedited release of these records to inform the public about Federal Government activity. 45 C.F.R. § 5.27(b)(2). The Chamber's primary purpose in requesting these records is to disseminate time-sensitive information about the White House's and HHS's activities. The Chamber's mission involves disseminating information—to both its membership and the public—regarding economic issues in the United States, especially as they relate to the federal government. The Chamber regularly publicly discloses the results of its FOIA requests online, which it would do with these records as well.

It is urgent that these records be made available to inform the public concerning the federal government's activities. 45 C.F.R. § 5.27(b)(2). The White House has already announced myriad actions that agencies across the Executive Branch are taking to "advance the Blueprint," and the White House has further announced that the Blueprint will be used to craft further executive action "[w]here law or policy does not already provide guidance." Blueprint Announcement (emphasis omitted). The requested records are significant to informing the public about the development of the Blueprint, the actions already taken pursuant to the Blueprint, and further actions that could arise imminently from the Blueprint, especially given the Blueprint's avowed purpose to guide further executive action. Additionally, for companies and other members of the public attempting to comply with the Blueprint and its initiatives, the requested information is crucial for them to order their affairs and protect their rights at the present time. The Blueprint claims that it is addressing one of the "great challenges posed to democracy," and the public is entitled to expedited access to the records regarding that claim.

By signing this request, I certify that the explanation why there is an urgent need for the requested records is true and correct to the best of my knowledge. 45 C.F.R. § 5.27(a).

* * *

Federal law requires that HHS produce these records within twenty (20) business days or, in unusual circumstances, within thirty (30) business days. *See* 5 U.S.C. § 552(a)(6)(A)-(B); *see also* 45 C.F.R. § 5.24(f). If the Chamber's request is denied in whole or in part, please justify all denials by reference to specific exemptions under the FOIA.

Please contact me by email if you have any questions about this request. Thank you for your prompt attention to this matter.

Sincerely,

A handwritten signature in black ink that reads "Jordan Crenshaw". The signature is written in a cursive, flowing style.

Jordan Crenshaw
Vice President
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U.S. Chamber of Commerce
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