



January 31, 2023

**Via FOIA Portal**

Department of Health and Human Services  
Administration for Children and Families  
Room 2411, 330 C Street SW, Room 3411,  
Washington, DC 20201

**Freedom of Information Act Request: Notice of Proposed Rulemaking –  
AFCARS Information on LGBT and Native American Children**

Dear FOIA Officer:

America First Legal Foundation is a national, nonprofit organization working to promote the rule of law in the United States, prevent executive overreach, and ensure due process and equal protection for all Americans, all to promote public knowledge and understanding of the law and individual rights guaranteed under the Constitution and laws of the United States. To that end, we file Freedom of Information Act (FOIA) requests on issues of pressing public concern, then disseminate the information we obtain, making documents broadly available to the public, scholars, and the media. Using our editorial skills to turn raw materials into distinct work, we distribute that work to a national audience through traditional and social media platforms. AFL's email list contains over 45,000 unique addresses, our Twitter page has 54,100 followers, the Twitter page of our Founder and President has over 399,500 followers, our Facebook page has 109,000 followers, and we have another approximately 31,600 followers on GETTR.

**I. Requested Records**

AFL requests the following records under the Freedom of Information Act (FOIA), 5 U.S.C. § 552(a).

- A. All records of or related to the development of proposed rule RIN: 0970-AC98 in the Unified Agenda, available at <https://www.reginfo.gov/public/do/eAgendaViewRule?pubId=202210&RIN=0970-AC98>. The time frame for this request is January 1, 2022, to January 1, 2023.
- B. All records of or related to the processing of this request.

## II. Custodians

- A. Cheri Hoffman, Deputy Commissioner of the Administration on Children, Youth and Families
- B. Aysha E. Schomburg, Associate Commissioner of the Children's Bureau
- C. Kathleen McHugh, Director, Division of Policy, Children's Bureau

## III. Fee Waiver Request

Per 5 U.S.C. § 552(a)(4)(A)(iii), AFL requests a waiver of all search and duplication fees associated with this request. We believe AFL's noncommercial commitment to public education and transparency justifies this fee waiver. We are, of course, available to provide additional information in writing or offline in support of this request. If AFL's request for a fee waiver is not granted in full, please contact us immediately upon making that determination.

## IV. Processing and Production

Processing should occur in strict compliance with the processing guidance in the Attorney General's Memorandum on Freedom of Information Act Guidelines.<sup>1</sup> If you have any questions about our request or believe further discussions regarding search and processing would facilitate a more efficient production of records of interest to AFL, then please contact me at FOIA@aflegal.org.

Thank you in advance for your cooperation.

Sincerely,

/s/ Reed D. Rubinstein

America First Legal Foundation

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<sup>1</sup> U.S. Dep't Just. (Mar. 15, 2022), <https://bit.ly/3zvpxb6>.