



March 15, 2023

VIA EMAIL: FOIARequest@state.gov

U. S. Department of State
Office of Information Programs and Services
2201 C Street N.W., Suite B266
Washington, D.C. 20520-0000

Freedom of Information Act Request: Agency “Equity” Teams

Dear Sir/Madam:

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 51,000 unique addresses, our Twitter page has 55,100 followers, the Twitter page of our Founder and President has over 415,000 followers, our Facebook page has 112,000 followers, and we have another approximately 31,700 followers on GETTR.

I. Background

On February 16, 2023, President Biden issued an Executive Order titled “Further Advancing Racial Equity and Support for Underserved Communities Through the Federal Government.”¹ Without congressional authorization or supporting appropriations, this Order uses facially illegal “equity” measures to transform federal operations radically. For example, Section 2 instructs agency heads to establish an “Agency Equity Team” by March 15, 2023, staffed with a combination of political appointees and career civil servants to implement “equity initiatives,” “deliver equitable outcomes,” mandate “continued equity training and equity leadership development,” and embedding “equity” into everything each agency does. Section 3

¹ Exec. Order No. 14,091, 88 Fed. Reg. 10825 (Feb. 22, 2023).

requires each agency head to implement a “comprehensive equity strategy” using policy, budgetary, programmatic, service-delivery, procurement, data-collection processes, grantmaking, public engagement, research and evaluation, and regulatory functions to “yield equitable outcomes.” Section 4 requires the Office of Management and Budget to update “internal processes, directives, and Government-wide guidance” to “support equitable decision-making” while designing and using “artificial intelligence” and “automated systems” in a “manner that advances equity.” Section 5 requires agencies to “Deliver Equitable Outcomes” to privileged classes. Section 6 directs agencies to “facilitate equitable flows of private capital” and to favor “underserved communities,” while Section 7 mandates that agencies direct federal procurement to them.

Our Constitution and civil rights laws command that all Americans be treated equally, based on individual merit, and irrespective of immutable characteristics such as race, color, sex, or national origin. Biden’s Order instead imposes a morally reprehensible system of preferences based on such characteristics. This is unlawful.

II. Requested Records

Under 5 U.S.C. § 552(a), AFL requests the following records.

- A. Records sufficient to identify the names and positions of all employees included in the “Agency Equity Team.”
- B. All records of resumes and position descriptions that are on file for everyone identified in Part A above.
- C. All records, including communications, relating to the selection process for the “Agency Equity Team.”

III. Processing and Production

Per 5 U.S.C. § 552(a)(4)(A)(iii) and 22 C.F.R. § 171.16, AFL requests a waiver of all search and duplication fees. The requested documents will be posted on our website and made freely available to the public; this request is not being made for commercial purposes. AFL broadly disseminates information to the public regarding the operations and activities of the federal government, and numerous federal agencies, including the Department of State, have routinely granted our fee waiver requests.

Processing should strictly comply with the processing guidance in the Attorney General’s Memorandum on Freedom of Information Act Guidelines. If you have any questions about our request or believe further discussions regarding search and processing would facilitate the more efficient production of requested records, please get in touch with me at FOIA@aflegal.org. If AFL’s request for a fee waiver is not

granted in full, please get in touch with us immediately upon making that determination.

To accelerate your release of responsive records, AFL welcomes production on an agreed rolling basis. Please provide responsive records in an electronic format by email. Alternatively, please provide responsive records in native or PDF format on a USB drive to America First Legal Foundation, 611 Pennsylvania Ave SE #231, Washington, DC 20003.

Thank you in advance for your cooperation.

Sincerely,

/s/ Reed D. Rubinstein
America First Legal Foundation



March 14, 2023

VIA TREASURY PAL

U. S. Department of the Treasury
c/o Mark Bittner, Director
FOIA & Transparency – Departmental Offices
1500 Pennsylvania Ave., N.W.
Washington, DC 20220

Freedom of Information Act Request: Agency “Equity” Teams

Dear Mr. Bittner:

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 51,000 unique addresses, our Twitter page has 55,100 followers, the Twitter page of our Founder and President has over 415,000 followers, our Facebook page has 112,000 followers, and we have another approximately 31,700 followers on GETTR.

I. Background

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equitable outcomes,” mandate “continued equity training and equity leadership development,” and embedding “equity” into everything each agency does. Section 3 requires each agency head to implement a “comprehensive equity strategy” using policy, budgetary, programmatic, service-delivery, procurement, data-collection processes, grantmaking, public engagement, research and evaluation, and regulatory functions to “yield equitable outcomes.” Section 4 requires the Office of Management and Budget to update “internal processes, directives, and Government-wide guidance” to “support equitable decision-making” while designing and using “artificial intelligence” and “automated systems” in a “manner that advances equity.” Section 5 requires agencies to “Deliver Equitable Outcomes” to privileged classes. Section 6 directs agencies to “facilitate equitable flows of private capital” and to favor “underserved communities,” while Section 7 mandates that agencies direct federal procurement to them.

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II. Requested Records

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- B. All records of resumes and position descriptions that are on file for everyone identified in Part A above.
- C. All records, including communications, relating to the selection process for the “Agency Equity Team.”

III. Processing and Production

Per 5 U.S.C. § 552(a)(4)(A)(iii) and 31 C.F.R. § 1.7(k), AFL requests a waiver of all search and duplication fees. AFL broadly disseminates information to the public regarding the operations and activities of the federal government, and numerous federal agencies have routinely granted our fee waiver requests. Such a waiver should be given here as well. First, disclosure of the requested information will “directly and clearly” shed light on identifiable operations or activities of the Department as required under 31 CFR § 1.7(k)(2)(i). Second, disclosure of the requested information will contribute significantly to public understanding of these operations or activities under 31 C.F.R. § 1.7(k)(2)(ii). The requested information, which is not currently in the public domain, will be meaningfully informative about the Department’s “equity”

activities. These activities are a topic of broad public interest and concern, especially given the recent failure of the Silicon Valley Bank. This financial institution reportedly prioritized equity over sound risk management. The public has a right to know if the Department is following a similar path. All records received will be posted on our website and made freely available to the public. Finally, this request is not primarily in our commercial interest under 31 CFR § 1.7(k)(2)(iii).

Processing should strictly comply with the processing guidance in the Attorney General's Memorandum on Freedom of Information Act Guidelines. If you have any questions about our request or believe further discussions regarding search and processing would facilitate the more efficient production of requested records, please get in touch with me at FOIA@aflegal.org. If AFL's request for a fee waiver is not granted in full, please get in touch with us immediately upon making that determination.

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Thank you in advance for your cooperation.

Sincerely,

/s/ Reed D. Rubinstein
America First Legal Foundation



March 14, 2023

VIA PAL

Stephanie Carr, Chief
OSD/JS FOIA Requester Service Center, Office of Freedom of Information
United States Department of Defense
1155 Defense Pentagon
Washington, DC 20301-1155

Freedom of Information Act Request: Agency “Equity” Teams

Dear Ms. Carr:

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- C. All records, including communications, relating to the selection process for the “Agency Equity Team.”
- D. All records regarding the processing of the above items.

III. Processing and Production

Per 5 U.S.C. § 552(a)(4)(A)(iii) and 32 CFR § 286.12(l), AFL requests a waiver of all search and duplication fees. AFL broadly disseminates information to the public regarding the operations and activities of the federal government, and numerous federal agencies, including the Department of Defense, have routinely granted our fee waiver requests.

Such a waiver should be granted here as well. First, disclosure of the requested information will “directly and clearly” shed light on identifiable operations or

activities of the Department as required under 32 CFR § 286(l)(2)(i). Second, disclosure of the requested information will contribute significantly to public understanding of these operations or activities under 32 CFR § 286(l)(2)(ii). The requested information, which is not currently in the public domain, will be meaningfully informative about the Department's "equity" activities. These activities are a topic of broad public interest and concern, especially given the overtly discriminatory requirements contained therein. The public has an absolute right to know if the Department will comply with federal statutes and the Constitution and who will make "equity" decisions. All records received will be posted on our website and made freely available to the public. Finally, this request is not primarily in our commercial interest under 32 CFR § 286(l)(2)(iii).

Processing should strictly comply with the processing guidance in the Attorney General's Memorandum on Freedom of Information Act Guidelines. If you have any questions about our request or believe further discussions regarding search and processing would facilitate the more efficient production of requested records, please get in touch with me at FOIA@aflegal.org. If AFL's request for a fee waiver is not granted in full, please get in touch with us immediately upon making that determination.

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Thank you in advance for your cooperation.

Sincerely,

/s/ Reed D. Rubinstein
America First Legal Foundation



March 14, 2023

VIA ONLINE PORTAL

Douglas Hibbard
Chief, Initial Request Staff
Office of Information Policy
United States Department of Justice
6th Floor, 441 G St NW
Washington, DC 20530

VIA ELECTRONIC MAIL

Kilian B. Kagle, Chief
4CON, Room 6.153
Civil Rights Division
United States Department of Justice
950 Pennsylvania Ave., N.W.
Washington, DC 20530
CRT.FOIArequests@usdoj.gov

Dan Wagner
FOIA Contact
Justice Management Division
Room 1111 RFK
United States Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, DC 20530
JMDFOIA@usdoj.gov

Freedom of Information Act Request: Agency “Equity” Teams

Dear Mr. Hibbard, Mr. Kagle, and Mr. Wagner:

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

611 Pennsylvania Ave SE #231
Washington, DC 20003

320 South Madison Avenue
Monroe, Georgia 30655

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I. Background

On February 16, 2023, President Biden issued an Executive Order titled “Further Advancing Racial Equity and Support for Underserved Communities Through the Federal Government.”¹ Without congressional authorization or supporting appropriations, this Order uses facially illegal “equity” measures to transform federal operations radically. For example, Section 2 instructs agency heads to establish an “Agency Equity Team” by March 15, 2023, staffed with a combination of political appointees and career civil servants to implement “equity initiatives,” “deliver equitable outcomes,” mandate “continued equity training and equity leadership development,” and embedding “equity” into everything each agency does. Section 3 requires each agency head to implement a “comprehensive equity strategy” using policy, budgetary, programmatic, service-delivery, procurement, data-collection processes, grantmaking, public engagement, research and evaluation, and regulatory functions to “yield equitable outcomes.” Section 4 requires the Office of Management and Budget to update “internal processes, directives, and Government-wide guidance” to “support equitable decision-making” while designing and using “artificial intelligence” and “automated systems” in a “manner that advances equity.” Section 5 requires agencies to “Deliver Equitable Outcomes” to privileged classes. Section 6 directs agencies to “facilitate equitable flows of private capital” and to favor “underserved communities,” while Section 7 mandates that agencies direct federal procurement to them.

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¹ Exec. Order No. 14,091, 88 Fed. Reg. 10825 (Feb. 22, 2023).

- B. All records of resumes and position descriptions that are on file for everyone identified in Part A above.
- C. All records, including communications, relating to the selection process for the “Agency Equity Team.”
- D. All records regarding or referring to Executive Order No. 14,091 between December 1, 2022, to the date of processing.
- E. All records regarding the processing of the above items.

III. Suggested Custodians for Part C

For Mr. Hibbard

All political appointees and career employees with a grade equivalent of GS-15 in the:

- A. Office of the Attorney General
- B. Office of the Deputy Attorney General
- C. Office of the Associate Attorney General

For Mr. Kagle

All political appointees and career employees with a grade equivalent of GS-15 in the Civil Rights Division

For Mr. Wagner

All political appointees and career employees with a grade equivalent of GS-15 in the Justice Management Division.

IV. Processing and Production

Per 5 U.S.C. § 552(a)(4)(A)(iii) and 28 CFR § 16.10, AFL requests a waiver of all search and duplication fees. AFL broadly disseminates information to the public regarding the operations and activities of the federal government, and numerous federal agencies, including the Department of Justice, have routinely granted our fee waiver requests. All records received will be posted on our website and made freely available to the public, and this request is not primarily in our commercial interest.

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Thank you in advance for your cooperation.

Sincerely,

/s/ Reed D. Rubinstein
America First Legal Foundation



March 14, 2023

VIA FOIA.gov

William Holzerland, FOIA Officer
1849 C Street, NW, MS-7328, MIB
United States Department of the Interior
Washington, DC 20240

Freedom of Information Act Request: Agency “Equity” Teams

Dear Mr. Holzerland:

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 51,000 unique addresses, our Twitter page has 55,100 followers, the Twitter page of our Founder and President has over 415,000 followers, our Facebook page has 112,000 followers, and we have another approximately 31,700 followers on GETTR.

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policy, budgetary, programmatic, service-delivery, procurement, data-collection processes, grantmaking, public engagement, research and evaluation, and regulatory functions to “yield equitable outcomes.” Section 4 requires the Office of Management and Budget to update “internal processes, directives, and Government-wide guidance” to “support equitable decision-making” while designing and using “artificial intelligence” and “automated systems” in a “manner that advances equity.” Section 5 requires agencies to “Deliver Equitable Outcomes” to privileged classes. Section 6 directs agencies to “facilitate equitable flows of private capital” and to favor “underserved communities,” while Section 7 mandates that agencies direct federal procurement to them.

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- D. All records regarding or referring to Executive Order No. 14,091 between December 1, 2022, to the date of processing.
- E. All records regarding the processing of the above items.

III. Processing and Production

Per 5 U.S.C. § 552(a)(4)(A)(iii) and 43 CFR §§ 2.45 and 2.48, AFL requests a waiver of all search and duplication fees. AFL broadly disseminates information to the public regarding the operations and activities of the federal government, and numerous federal agencies have routinely granted our fee waiver requests.

Such a waiver should be granted here as well. First, disclosure of the requested information will “directly and clearly” shed light on identifiable operations or activities of the Department as required under 43 CFR § 2.48(a)(1). Second, disclosure

of the requested information will contribute significantly to public understanding of these operations or activities under 43 CFR § 2.48(2)(i). The requested information, which is not currently in the public domain, will be meaningfully informative about the Department's "equity" activities. These activities are a topic of broad public interest and concern, especially given the overtly discriminatory requirements contained therein. The public has an absolute right to know if the Department will comply with federal statutes and the Constitution and who will make "equity" decisions. All records received will be posted on our website and made freely available to the public. Finally, this request is not primarily in our commercial interest under 43 CFR § 2.48(b).

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/s/ Reed D. Rubinstein
America First Legal Foundation



March 15, 2023

Via PAL

Alexis Graves, FOIA Officer
U.S. Department of Agriculture
1400 Independence Avenue SW
Room 4039-A
Washington, DC 20250-0706

Freedom of Information Act Request: Agency “Equity” Teams

Dear Ms. Graves,

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 51,000 unique addresses, our Twitter page has 55,100 followers, the Twitter page of our Founder and President has over 415,000 followers, our Facebook page has 112,000 followers, and we have another approximately 31,700 followers on GETTR.

I. Background

On February 16, 2023, President Biden issued an Executive Order titled “Further Advancing Racial Equity and Support for Underserved Communities Through the Federal Government.”¹ Without direct congressional authorization or supporting appropriations, the Order requires the federal government to accelerate the advancement of facially illegal “equity” measures throughout the bureaucracy.

For instance, Section 2 of the Order instructs agency heads to establish an “Agency Equity Team” by March 15, 2023, and to staff those Agency Equity Teams at each agency with personnel from every possible component of each agency (policy, legal,

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communications, financial assistance, civil rights, procurement, etc.), and to radically transform the way that the agencies conduct every aspect of their operations. The Order specifically charges each Agency Equity Team with “the implementation of equity initiatives” and “delivering equitable outcomes” for the American people.

In addition to “delivering equitable outcomes,” the Order charges each Agency Equity Team with ensuring “continued equity training and equity leadership development,” and embedding “equity” into everything each agency does. And the Order creates a “White House Steering Committee on Equity,” chaired by Assistant to the President Susan Rice, to coordinate efforts to embed “equity” at every agency.

The Order also directs all agencies to “facilitate equitable flows of private capital” when advancing urban development policies. The Order directs all federal agencies to favor “underserved communities” and provide them with special treatment. The Order mandates that favored groups obtain federal government preferences. Section 5 requires agencies to “Deliver Equitable Outcomes” to the specified privileged classes; Section 7 mandates agencies direct procurement to them.

Our Constitution and civil rights laws command that all Americans be treated equally, based on individual merit, and irrespective of immutable characteristics such as race, color, sex, or national origin. However, the Order aims to embed a morally reprehensible system of preferences based entirely on such characteristics in every aspect of the federal government’s operations. This is unlawful.

II. Requested Records

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the operations and activities of the federal government, and its requests for fee waivers have been routinely granted by numerous federal agencies.

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/s/ Reed D. Rubinstein
America First Legal Foundation



March 15, 2023

Via E-Mail: - eFOIA@doc.gov

Bobbie Parsons

IOS FOIA Officer

FOIA Officer, Office of the Secretary, Office of Privacy and Open Government

1401 Constitution Avenue NW, Room 61013

Washington, DC 20230

Freedom of Information Act Request: Agency “Equity” Teams

Dear Ms. Parsons,

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Thank you in advance for your cooperation.

Sincerely,

/s/ Reed D. Rubinstein
America First Legal Foundation



March 15, 2023

Via Email – osec-foia@dol.gov

U.S. Department of Labor
Office of the Solicitor of Labor
200 Constitution Avenue, NW
Washington, DC 20210

Freedom of Information Act Request: Agency “Equity” Teams

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 51,000 unique addresses, our Twitter page has 55,100 followers, the Twitter page of our Founder and President has over 415,000 followers, our Facebook page has 112,000 followers, and we have another approximately 31,700 followers on GETTR.

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For instance, Section 2 of the Order instructs agency heads to establish an “Agency Equity Team” by March 15, 2023, and to staff those Agency Equity Teams at each agency with personnel from every possible component of each agency (policy, legal, communications, financial assistance, civil rights, procurement, etc.), and to radically

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America First Legal Foundation



March 15, 2023

Via PAL

Arianne Perkins, Acting FOIA Officer
FOIA Officer/Director, Freedom of Information and Privacy Acts Division, Hubert
H. Humphrey Building, Suite 729H
200 Independence Avenue, SW
Washington, DC 20201

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America First Legal Foundation



March 15, 2023

Via E-Mail - FOIA@hud.gov

Deborah Snowden, Deputy Chief FOIA Officer
Chief, Room 10139
451 7th Street, SW
Washington, DC 20410-3000

Freedom of Information Act Request: Agency “Equity” Teams

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March 14, 2023

Via Email – ost.foia@dot.gov

U.S. Department of Transportation
Office of the Secretary
Departmental FOIA Office
1200 New Jersey Ave, SE, W94-122
Washington, DC 20590

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FOIA Request Service Center
1000 Independence Avenue, SW
Mail Stop MA-46
Washington, DC 20585

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March 14, 2023

Via FOIA Express Portal

U.S. Department of Education
Office of the Executive Secretariat
FOIA Service Center
400 Maryland Ave. SW, LBJ 7W106A
Washington, DC 20202-4536

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March 14, 2023

Via VA Public Access Link

Department of Veterans Affairs
Freedom of Information Act Services (005R1C)
811 Vermont Avenue, NW
Washington, DC 20420

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Pursuant to 5 U.S.C. § 552(a), AFL requests the following records.

- A. Records sufficient to identify the names and positions of all employees who are included in the “Agency Equity Team”.
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- C. All records, including communications, relating to the selection process for the “Agency Equity Team”.

III. Processing and Production

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Thank you in advance for your cooperation.

Sincerely,

/s/ Reed D. Rubinstein
America First Legal Foundation



March 14, 2023

Via Secure Release Portal

U.S. Department of Homeland Security
Privacy Office, Mail Stop 0655
2707 Martin Luther King Jr. Avenue SE
Washington, DC 20528-0655

Freedom of Information Act Request: Agency “Equity” Teams

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 51,000 unique addresses, our Twitter page has 55,100 followers, the Twitter page of our Founder and President has over 415,000 followers, our Facebook page has 112,000 followers, and we have another approximately 31,700 followers on GETTR.

I. Background

On February 16, 2023, President Biden issued an Executive Order titled “Further Advancing Racial Equity and Support for Underserved Communities Through the Federal Government.”¹ Without direct congressional authorization or supporting appropriations, the Order requires the federal government to accelerate the advancement of facially illegal “equity” measures throughout the bureaucracy.

For instance, Section 2 of the Order instructs agency heads to establish an “Agency Equity Team” by March 15, 2023, and to staff those Agency Equity Teams at each

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America First Legal Foundation



March 14, 2023

Via EMAIL

Oreoluwa Fashola
Chief, Freedom of Information/Privacy Acts Office
U.S. Small Business Administration
409 Third St. SW, 8th floor
Washington, DC 20416
FOIA@sba.gov

Freedom of Information Act Request: Agency “Equity” Teams

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/s/ Reed D. Rubinstein
America First Legal Foundation



March 13, 2023

Via FOIA.gov

Michelle L. Christ
Acting FOIA Officer
Social Security Administration
WHR G401
6401 Security Boulevard
Baltimore, MD 21235

Freedom of Information Act Request: Agency “Equity” Teams

Dear Ms. Christ:

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America First Legal Foundation



March 13, 2023

Via FOIA.gov

Dan Hall
Associate General Counsel
FOIA Requester Service Center (LG)
U.S. General Services Administration
1800 F Street, NW, 7308
Washington, DC 20405-0001

Freedom of Information Act Request: Agency “Equity” Teams

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Thank you in advance for your cooperation.

Sincerely,

/s/ Reed D. Rubinstein
America First Legal Foundation



March 14, 2023

Via EMAIL

Colleen R. Allen
Chief FOIA Officer
U.S. Agency for International Development
M/MS/IRD, Suite 2.4.0A, USAID Annex
1300 Pennsylvania Avenue, NW
Washington, DC 20523-2701
foia@usaid.gov

Freedom of Information Act Request: Agency “Equity” Teams

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March 13, 2023

Via FOIA.gov

Jeffrey M. Prieto
General Counsel / Chief FOIA Officer
National FOIA Office
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW (2310A)
Washington, DC 20460

Freedom of Information Act Request: Agency “Equity” Teams

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March 14, 2023

Via FOIA Portal

NASA HQ FOIA Office, MS 5-R30
300 E Street, SW
Washington, DC 20546

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III. Processing and Production

Per 5 U.S.C. § 552(a)(4)(A)(iii), AFL requests a waiver of all search and duplication fees. The requested documents will be posted in their entirety on our website and made freely available to the general public and this request is not being made for commercial purposes. AFL broadly disseminates information to the public regarding the operations and activities of the federal government, and its requests for fee waivers have been routinely granted by numerous federal agencies.

Processing should occur in strict compliance with the processing guidance in the Attorney General's Memorandum on Freedom of Information Act Guidelines. 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. If AFL's request for a fee waiver is not granted in full, please contact us immediately upon making that determination.

To accelerate your release of responsive records, AFL welcomes production on an agreed rolling basis. If possible, please provide responsive records in an electronic format by email. Alternatively, please provide responsive records in native format or in PDF format on a USB drive to America First Legal Foundation, 611 Pennsylvania Ave SE #231, Washington, DC 20003.

Thank you in advance for your cooperation.

Sincerely,

/s/ Reed D. Rubinstein
America First Legal Foundation



March 14, 2023

Via E-Mail – foia@nsf.gov
National Science Foundation
Attn: FOIA Officer
2415 Eisenhower Avenue
Alexandria, Virginia 22314

Freedom of Information Act Request: Agency “Equity” Teams

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 51,000 unique addresses, our Twitter page has 57,400 followers, the Twitter page of our Founder and President has over 416,000 followers, our Facebook page has 112,000 followers, and we have another approximately 31,700 followers on GETTR.

I. Background

On February 16, 2023, President Biden issued an Executive Order titled “Further Advancing Racial Equity and Support for Underserved Communities Through the Federal Government.”¹ Without direct congressional authorization or supporting appropriations, the Order requires the federal government to accelerate the advancement of facially illegal “equity” measures throughout the bureaucracy.

For instance, Section 2 of the Order instructs agency heads to establish an “Agency Equity Team” by March 15, 2023, and to staff those Agency Equity Teams at each agency with personnel from every possible component of each agency (policy, legal, communications, financial assistance, civil rights, procurement, etc.), and to radically

¹ Exec. Order No. 14,091, 88 Fed. Reg. 10825 (Feb. 22, 2023).

transform the way that the agencies conduct every aspect of their operations. The Order specifically charges each Agency Equity Team with “the implementation of equity initiatives” and “delivering equitable outcomes” for the American people.

In addition to “delivering equitable outcomes,” the Order charges each Agency Equity Team with ensuring “continued equity training and equity leadership development,” and embedding “equity” into everything each agency does. And the Order creates a “White House Steering Committee on Equity,” chaired by Assistant to the President Susan Rice, to coordinate efforts to embed “equity” at every agency.

The Order also directs all agencies to “facilitate equitable flows of private capital” when advancing urban development policies. The Order directs all federal agencies to favor “underserved communities” and provide them with special treatment. The Order mandates that favored groups obtain federal government preferences. Section 5 requires agencies to “Deliver Equitable Outcomes” to the specified privileged classes; Section 7 mandates agencies direct procurement to them.

Our Constitution and civil rights laws command that all Americans be treated equally, based on individual merit, and irrespective of immutable characteristics such as race, color, sex, or national origin. However, the Order aims to embed a morally reprehensible system of preferences based entirely on such characteristics in every aspect of the federal government’s operations. This is unlawful.

II. Requested Records

Pursuant to 5 U.S.C. § 552(a), AFL requests the following records.

- A. Records sufficient to identify the names and positions of all employees who are included in the “Agency Equity Team”.
- B. All records of resumes and position descriptions on file for each individual identified in Part A, above.
- C. All records, including communications, relating to the selection process for the “Agency Equity Team”.

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America First Legal Foundation



March 14, 2023

Via E-Mail - foia@opm.gov
U.S. Office of Personnel Management
1900 E Street, N.W.
OPIM/FOIA Room 5H35
Washington, D.C. 20415-7900

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