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October 5, 2020

Dionne Hardy
OMB FOIA Officer
Office of Management and Budget
725 17th Street NW, Suite 9204
Washington, DC 20503

VIA CERTIFIED MAIL & ELECTRONIC MAIL

**Re: Freedom of Information Act Request Regarding “Executive Order
Combatting Race and Sex Stereotyping”**

Dear Ms. Hardy:

The NAACP Legal Defense & Educational Fund, Inc. (LDF) is the nation’s oldest civil and human rights law organization. LDF was founded in 1940 by Thurgood Marshall, who later became the first African-American Supreme Court Justice, and, since its inception, has worked to defend and advance the rights of African Americans and protect the integrity of our nation’s democracy. On behalf of LDF, and in response to the Executive Order on Combatting Race and Sex Stereotyping, signed on September 22, 2020, I hereby request copies of the following documents pursuant to the Freedom of Information Act, 5 U.S.C. § 552:

- a. Any and all documents regarding the creation, drafting, development, or promulgation of the Executive Order, including but not limited to the Department of Treasury seminar referenced in the Executive Order; the Training materials from Argonne National Laboratories referenced in the Executive Order; the Materials from Sandia National Laboratories referenced in the Executive Order; the Smithsonian Institution museum graphic referenced in the Executive Order; drafts of the Executive Order; written comments and any other documents related to any interagency review of the Executive Order; any analysis of the economy and efficiency of the Executive Order made pursuant to the Federal Property and Administrative Services Act; and all other correspondence, statements, memoranda, presentations and instructions related to the creation, drafting, development, or promulgation of the Executive Order.
- a) Any and all documents related to any requests made by or to federal agencies seeking examples of diversity, racial sensitivity or other racial inclusivity

trainings conducted in the past three years that might be implicated by this order, and the responses received from those agencies.

- b) Any and all drafts and final memoranda, opinions, or correspondence regarding review of the Executive Order for form and legality by the U.S. Department of Justice (“DOJ”), as required by Executive Order 11,030 § 2, 27 Fed. Reg. 5,847 (June 19, 1962).
- c) Any and all documents, including drafts, regarding the financial impact of the Executive Order.
- d) Any and all documents, including drafts, regarding the expenditures necessary to implement the Executive Order.
- e) Any and all documents related to the implementation of the Executive Order, including but not limited to any review process that would be undertaken of existing contracts and the guidelines or standards for this process; any presentations or related materials explaining what is specifically prohibited by the Executive Order; any communications with the Department of Labor and other documents related to the creation of the hotline referenced in the Executive Order; any memoranda or advisories provided to agency personnel related to the launch or implementation of the initiative; and any directives provided to agency leadership describing the plans, processes or procedures for the implementation of the Executive Order.
- f) Any and all documents and communications received in response to the Executive Order, including but not limited to communications to the hotline created pursuant to Section 4(b); and communications from other federal agencies, contractors, sub-contractors and grant recipients.

If possible, please provide copies of these documents in an electronic format no later than 20 business days after receipt of this request pursuant to 5 U.S.C. § 552 (a)(3) and (6). If photocopies are provided, then LDF respectfully requests a waiver of copying and other fees, as it is a 501(c)(3), non-profit organization seeking these documents in the public interest and because the information is likely to contribute significantly to the public’s understanding of the need for the Executive Order and the actions that will be taken in response. *Id.* §552(a)(4)(A)(iii). The information requested will not be used for commercial purposes. If the Office of Management and Budget declines LDF’s request for a waiver, then please provide an invoice, detailing reasonable standard charges, prior to fulfilling this request. *Id.* §552(a)(4)(A)(ii).

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If this request is denied in whole or in part, we ask that you cite in writing the specific statutory exemption upon which you have relied for each enumerated request. In the event that you have any questions concerning the type or scope of materials we have requested, please contact Ajmel A. Quereshi at the email listed below.

Sincerely,

Sherrilyn Ifill
Janai Nelson
Jin Hee Lee
Monique Lin-Luse
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