

EXHIBIT 3

AMERICANS FOR
PUBLIC
TRUST

107 S. West St., Ste 442
Alexandria, VA 22314

AmericansforPublicTrust.org
202.656.5175

January 11, 2023

National Freedom of Information Act Office, AFN-400
Federal Aviation Administration
800 Independence Avenue, SW
Washington, DC 20591

Re: Freedom of Information Act (“FOIA”) Request

To Whom It May Concern:

I submit this request for records pursuant to the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552 and 49 C.F.R. § 7.1 *et seq.* I request that a copy of the records detailed below be provided to me. I do not wish to inspect the records first.

I seek any and all records as that term is defined under FOIA (5 U.S.C. § 552(f)(2)), and applicable case law (*see, e.g., Forsham v. Harris*, 455 U.S. 169, 193 (1980)), existing in any format whatsoever, including, but not limited to, written correspondence, email correspondence, records of telephone correspondence, records pertaining to in-person meetings, calendar or scheduling entries, videotapes, photographs, computer print-outs, telephone messages, or voice mail messages regarding particular organizations between November 4, 2020 to the time of the processing of this request.

In particular, I request the following:

- Records sufficient to identify every instance of any executive branch agency secretary, administrator, commissioner, chair, director, or other agency head, member of the White House staff or Member of Congress or their staff used FAA-owned aircraft N1, N2, or N3, including, but not limited to any and all other FAA-owned aircraft housed at Washington D.C.-Reagan National Airport (DCA) for official or personal travel, including, but not limited to, email correspondence, memoranda, requests for approval, authorizations, costs, costs analysis, passenger manifests, schedules, FAA itineraries, etc. related to the use of the same aircraft.

Notice is hereby given that I am requesting these records as an “other requester” within the meaning of 5 U.S.C. § 552(a)(4)(A)(ii)(III); *see also* 49 C.F.R. § 7.42(g)(4).

Notice is hereby given that I am willing to pay the appropriate fees incurred and assessed for the document search and duplication of the agency records responsive to this request. 5 U.S.C. § 552(a)(4)(A)(ii)(III); *see also* 49 C.F.R. § 7.42(g)(4).

Please search for responsive records regardless of format, medium, or physical characteristics. I request that responsive records be produced in native format, or the format most felicitous to an expedited production. Upon receipt of this request, please take all reasonable steps to preserve relevant public records while the request is pending.

If it is your position that any portion of the requested records is exempt from disclosure, I request that you provide a *Vaughn* index of those documents. See *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973). As you are

aware, a *Vaughn* index must describe each document claimed as exempt with sufficient specificity “to permit a reasoned judgment as to whether the material is actually exempt under FOIA.” *Founding Church of Scientology v. Bell*, 603 F.2d 945, 959 (D.C. Cir. 1979). Moreover, the *Vaughn* index must “describe each document or portion thereof withheld, and for each withholding it must discuss the consequences of supplying the sought-after information.” *King v. U.S. Dep’t of Justice*, 830 F.2d 210, 223–24 (D.C. Cir. 1987).

In the event that some portions of the requested records are properly exempt from disclosure, please disclose any reasonably segregable, non-exempt portions of the requested records. See 5 U.S.C. § 552(b). Pursuant to regulation, please clearly delineate any and all redactions in such a manner so that the justification for each redaction is apparent. See 49 C.F.R. § 7.14. If it is your position that a document contains non-exempt segments and that those non-exempt segments are so dispersed throughout the documents as to make segregation impossible, please state what portion of the document is non-exempt, and how the material is dispersed through the document. *Mead Data Cent. v. U.S. Dep’t of the Air Force*, 455 F.2d 242, 261 (D.C. Cir. 1977). Claims of non-segregability must be made with the same detail as required for claims of exemptions in a *Vaughn* index. If a request is denied in whole, please state specifically that it is not reasonable to segregate portions of the record for release.

If you have any questions about this request, please do not hesitate to contact me by phone at (202) 656-5175 or by email at nserslev@americansforpublictrust.org. If records are available in electronic format please email the documents to nserslev@americansforpublictrust.org. If not, please send the requested documents to my attention at:

Americans for Public Trust
107 South West Street, Suite 442
Alexandria, VA 22314

Because of the time-sensitive nature of this request, I ask that you strictly comply with the 20-day time limit established by FOIA and applicable Department of Transportation regulations. See 5 U.S.C. § 552(a)(6)(A); 49 C.F.R. § 7.31(a)(2). Please be advised that once this 20-day period has expired, you are deemed to have constructively denied this request, and I will consider the internal appeals process to be constructively exhausted. See, e.g., *Citizens For Ethics And Responsibility In Government v. Fed. Election Comm’n*, 711 F.3d 180 (D.C. Cir. 2013). I also respectfully request that documents be made available as soon as they are located and reviewed via a rolling production. I will undertake to pay any and all reasonable increased costs incurred as part of a rolling production.

Sincerely,



Nathaniel C. Serslev