

**Exhibit 2**

**Subject:** FOIA request NSD 23-399  
**From:** "Tiernan, Kevin (NSD)" <[Kevin.Tiernan@usdoj.gov](mailto:Kevin.Tiernan@usdoj.gov)>  
**Sent:** 8/30/23, 8:43:34 AM  
**To:** "Patrick Eddington" <[peddington@cato.org](mailto:peddington@cato.org)>;  
**CC:** "NSDFOIA (NSD)" <[NSDFOIA@usdoj.gov](mailto:NSDFOIA@usdoj.gov)>;  
**Attachments:** 23-399 Eddington.pdf

\*CAUTION: External Email\*

Dear Mr. Eddington:

I am writing regarding your recent FOIA request (NSD 23-399, attached) to clarify your request for our search purposes. Are you requesting compliance letters that DOJ/NSD files with the Foreign Intelligence Surveillance Court based on the FISA Section 702 FBI query audits? If so, I understand from my colleagues that we would be able to identify those records and process them under the FOIA.

Please understand that processing these records will require coordination with other agency equity holders prior to any productions.

Thank you,  
Kevin

Kevin G. Tiernan  
Records and FOIA  
National Security Division  
175 N Street NE (3CON)  
12.206  
202-233-0755 (direct)  
202-598-3142 (cell)

[kevin.tiernan@usdoj.gov](mailto:kevin.tiernan@usdoj.gov) (U)

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**Subject:** Re: FOIA request NSD 23-399  
**From:** "Patrick Eddington" <[PEddington@cato.org](mailto:PEddington@cato.org)>  
**Sent:** 8/30/23, 10:46:51 AM  
**To:** "Tiernan, Kevin (NSD)" <[Kevin.Tiernan@usdoj.gov](mailto:Kevin.Tiernan@usdoj.gov)>;  
**CC:** "NSDFOIA (NSD)" <[NSDFOIA@usdoj.gov](mailto:NSDFOIA@usdoj.gov)>;

Mr. Tiernan,

Cato does not seek the compliance letters sent to the FISC but the actual compiled audit reports themselves. I hope this clarifies things regarding this request. Please provide an estimated completion date for this request as well.

With thanks,

Patrick G. Eddington  
Senior Fellow  
Cato Institute  
<https://www.cato.org/people/patrick-g-eddington>  
[peddington@cato.org](mailto:peddington@cato.org)  
[REDACTED] (cell/Signal)

----- Original Message -----

From "Tiernan, Kevin (NSD)" <[Kevin.Tiernan@usdoj.gov](mailto:Kevin.Tiernan@usdoj.gov)>  
To "Patrick Eddington" <[peddington@cato.org](mailto:peddington@cato.org)>  
Cc "NSDFOIA (NSD)" <[NSDFOIA@usdoj.gov](mailto:NSDFOIA@usdoj.gov)>  
Date 8/30/23, 8:43:34 AM  
Subject FOIA request NSD 23-399

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**Subject:** Re[2]: FOIA request NSD 23-399  
**From:** "Patrick Eddington" <[PEddington@cato.org](mailto:PEddington@cato.org)>  
**Sent:** 9/7/23, 3:41:23 PM  
**To:** "Tiernan, Kevin (NSD)" <[Kevin.Tiernan@usdoj.gov](mailto:Kevin.Tiernan@usdoj.gov)>;  
**CC:** "NSDFOIA (NSD)" <[NSDFOIA@usdoj.gov](mailto:NSDFOIA@usdoj.gov)>;

Kevin,

I'll check back in about 30 days from now if I don't hear back from you before then regarding where the OGA referral/coord process stands. Assuming we're not in another government shutdown.

Best,

Pat

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----- Original Message -----

From "Tiernan, Kevin (NSD)" <[Kevin.Tiernan@usdoj.gov](mailto:Kevin.Tiernan@usdoj.gov)>  
To "Patrick Eddington" <[PEddington@cato.org](mailto:PEddington@cato.org)>  
Cc "NSDFOIA (NSD)" <[NSDFOIA@usdoj.gov](mailto:NSDFOIA@usdoj.gov)>  
Date 9/7/23, 3:35:59 PM  
Subject RE: FOIA request NSD 23-399

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**Subject:** Re[4]: FOIA request NSD 23-399  
**From:** "Patrick Eddington" <[PEddington@cato.org](mailto:PEddington@cato.org)>  
**Sent:** 10/12/23, 4:30:10 PM  
**To:** "Tiernan, Kevin (NSD)" <[Kevin.Tiernan@usdoj.gov](mailto:Kevin.Tiernan@usdoj.gov)>;

Hello again, Kevin.

Was wondering if you had an ECD for this one at this point?

Thanks,

Pat

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----- Original Message -----

From "Tiernan, Kevin (NSD)" <[Kevin.Tiernan@usdoj.gov](mailto:Kevin.Tiernan@usdoj.gov)>  
To "Patrick Eddington" <[PEddington@cato.org](mailto:PEddington@cato.org)>  
Cc "NSDFOIA (NSD)" <[NSDFOIA@usdoj.gov](mailto:NSDFOIA@usdoj.gov)>  
Date 9/7/23, 3:58:03 PM  
Subject RE: Re[2]: FOIA request NSD 23-399

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**Subject:** Re[5]: FOIA request NSD 23-399  
**From:** "Patrick Eddington" <[PEddington@cato.org](mailto:PEddington@cato.org)>  
**Sent:** 1/29/24, 1:47:00 PM  
**To:** "Tiernan, Kevin (NSD)" <[Kevin.Tiernan@usdoj.gov](mailto:Kevin.Tiernan@usdoj.gov)>;

Kevin,

Please provide an ECD for this request.

With thanks,

Patrick G. Eddington  
Senior Fellow  
Cato Institute  
<https://www.cato.org/people/patrick-g-eddington>  
[peddington@cato.org](mailto:peddington@cato.org)  
[REDACTED] (cell)

----- Original Message -----

From "Patrick Eddington" <[PEddington@cato.org](mailto:PEddington@cato.org)>  
To "Tiernan, Kevin (NSD)" <[Kevin.Tiernan@usdoj.gov](mailto:Kevin.Tiernan@usdoj.gov)>  
Date 10/12/23, 4:30:10 PM  
Subject Re[4]: FOIA request NSD 23-399

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**Subject:** RE: Re[5]: FOIA request NSD 23-399  
**From:** "Tiernan, Kevin (NSD)" <[Kevin.Tiernan@usdoj.gov](mailto:Kevin.Tiernan@usdoj.gov)>  
**Sent:** 1/30/24, 8:33:55 AM  
**To:** "Patrick Eddington" <[PEddington@cato.org](mailto:PEddington@cato.org)>;  
**CC:** "NSDFOIA (NSD)" <[NSDFOIA@usdoj.gov](mailto:NSDFOIA@usdoj.gov)>;

\*CAUTION: External Email\*

Good morning Mr. Eddington – I have to confirm, but it is my understanding that the responsive records were sent to another agency (or agencies) as consultations. We will try to get some additional info and follow up.

Thank you,  
Kevin

Kevin G. Tiernan  
Records and FOIA  
National Security Division  
202-233-0755

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**From:** Patrick Eddington <[PEddington@cato.org](mailto:PEddington@cato.org)>  
**Sent:** Monday, January 29, 2024 1:47 PM  
**To:** Tiernan, Kevin (NSD) <[Kevin.Tiernan@usdoj.gov](mailto:Kevin.Tiernan@usdoj.gov)>  
**Subject:** [EXTERNAL] Re[5]: FOIA request NSD 23-399  
**Importance:** High

Kevin,

Please provide an ECD for this request.

With thanks,

Patrick G. Eddington  
Senior Fellow  
Cato Institute  
<https://www.cato.org/people/patrick-g-eddington>  
[peddington@cato.org](mailto:peddington@cato.org)

██████████ (cell)

----- Original Message -----

From "Patrick Eddington" <[PEddington@cato.org](mailto:PEddington@cato.org)>

To "Tiernan, Kevin (NSD)" <[Kevin.Tiernan@usdoj.gov](mailto:Kevin.Tiernan@usdoj.gov)>

Date 10/12/23, 4:30:10 PM

Subject Re[4]: FOIA request NSD 23-399