

# Exhibit C

**DEPARTMENT OF HEALTH & HUMAN SERVICES**

Office of the Secretary

Assistant Secretary for Public Affairs  
Washington, D.C. 20201Refer to: Request Number **2017-00722-FOIA-OS****June 9, 2017**

Austin R. Evers  
Executive Director  
American Oversight  
1030 15th Street, N.W., Suite B255  
Washington, DC 20005

Dear Mr. Evers:

This acknowledges receipt and is an interim response to your May 04, 2017, Freedom of Information Act (FOIA) request, submitted to the Department of Health and Human Services (HHS), FOI/Privacy Acts Division. Specifically, you requested:

- “1. A copy of any letter or memorandum sent on or about March 23, 2017 to Congressional Republicans outlining potential regulatory actions related to the Affordable Care Act. The requested record was referenced in an April 4, 2017 letter from 21 Senators to Secretary Tom Price.
2. Any other communications from HHS to any member of Congress or congressional staff concerning potential administrative actions relating to implementation of the Affordable Care Act. Please provide all responsive records from March 6, 2017, to the date the search is conducted.”

I apologize for the delay in responding. We received your request on **May 04, 2017**.

We have initiated a search to locate records falling within the scope of your request. If our searching units advise us that you have requested a voluminous amount of records that require extensive search and examination, my staff will contact you shortly to discuss your willingness to modify your request.

As a result of our review of your request for expedited processing, I have determined that your request for expedited processing does not meet the requirements under the FOIA and HHS implementing regulations and cannot be granted. The FOIA requires that an agency expedite processing of a request only when the requester demonstrates a “compelling need.” Our review indicates that you have not clearly demonstrated a “compelling need.” You have not clearly articulated an imminent threat to the life or physical safety of an individual; and you also have not demonstrated that there is an “urgency to inform the public concerning actual or alleged Federal activity” through a request by one primarily engaged in disseminating information to the public.

The law authorizes us to collect fees for responding to FOIA requests. Because we are uncertain that applicable fees will exceed our minimum charge (\$25.00), we are not addressing your request for a fee waiver at this time. However, if we determine there will be fees associated with processing your request, we will contact you at that time.

If you are not satisfied with my action on this request, you may administratively appeal this denial of expedited processing. By filing an appeal, you preserve your rights under FOIA and give the agency a chance to review and reconsider your request and the agency’s decision.

Your appeal must be mailed within 90 days from the date of receipt of this letter, to:

Ms. Catherine Teti  
Deputy Agency Chief FOIA Officer  
U.S. Department of Health and Human Services  
Office of the Assistant Secretary for Public Affairs  
Room 729H  
200 Independence Avenue, S.W.  
Washington, DC 20201

Please clearly mark both the envelope and your letter “Freedom of Information Act Appeal.” You may also e-mail your appeal to: [HHS.ACFO@hhs.gov](mailto:HHS.ACFO@hhs.gov).

If you would like to discuss our response before filing an appeal to attempt to resolve your dispute without going through the appeals process, you may contact the HHS FOIA Public Liaison for assistance at:

Michael Bell  
HHS FOIA Public Liaison  
U.S. Department of Health and Human Services  
Office of the Assistant Secretary for Public Affairs  
Room 729H  
200 Independence Avenue, S.W.  
Washington, DC 20201

Telephone: (202) 260-0793  
E-mail: [HHS\\_FOIA\\_Public\\_Liaison@hhs.gov](mailto:HHS_FOIA_Public_Liaison@hhs.gov)

If you are unable to resolve your FOIA dispute through our FOIA Public Liaison, the Office of Government Information Services (OGIS), the Federal FOIA Ombudsman’s office, offers mediation services to help resolve disputes between FOIA requesters and Federal agencies. The contact information for OGIS is:

Office of Government Information Services  
National Archives and Records Administration  
8601 Adelphi Road – OGIS  
College Park, MD 20740-6001

Telephone: 202-741-5770  
Toll-Free: 1-877-684-6448  
E-mail: [ogis@nara.gov](mailto:ogis@nara.gov)  
Fax: 202-741-5769

Sincerely yours,



Michael S. Marquis  
Director  
FOI/Privacy Acts Division