

EXHIBIT A



September 26, 2019

VIA EMAIL

FOIA Requester Service Center
U.S. Department of Energy
1000 Independence Avenue SW
Mail Stop MA-46
Washington, DC 20585
foia-central@hq.doe.gov

Re: Request for Expedition of FOIA Requests

Dear FOIA Officer:

On August 9, 2019, American Oversight submitted two FOIA requests to the U.S. Department of Energy (DOE) seeking information relating generally to the U.S. Delegation to Ukraine led by Secretary Perry on or about May 19-21, 2019, as well as Secretary Perry's communications with Michael Bleyzer and related individuals and entities. DOE assigned these requests tracking numbers HQ-2019-01236-F and HQ-2019-01238-F.

In light of recent developments, we now request that DOE grant expedited processing of these two requests. In short, the recently-released whistleblower complaint, which alleges that President Trump and his administration undertook efforts to withhold vital aid to Ukraine unless the Ukrainian government investigated the son of one of President Trump's domestic political rivals, specifically references the U.S. delegation led by Secretary Perry as occurring during this lobbying effort.¹ Specifically, the whistleblower stated:

I learned from U.S. officials that, on or around 14 May, the President instructed Vice President Pence to cancel his planned travel to Ukraine to attend President Zelenskyy's inauguration on 20 May; Secretary of Energy Rick Perry led the delegation instead. According to these officials, it was also "made clear" to them that the President did not want to meet with Mr. Zelenskyy until he saw how Zelenskyy "chose to act" in office. I do not know how this guidance was communicated, or by whom.²

¹ Letter to Chairs Sen. Richard Burr & Rep. Adam Schiff, U.S. Senate Select Committee on Intelligence & U.S. House of Representatives Permanent Select Committee on Intelligence, Aug. 12, 2019, https://intelligence.house.gov/uploadedfiles/20190812_-_whistleblower_complaint_unclass.pdf ("Whistleblower Complaint").

² *Id.* at App. 1-2.



Request for Expedition

Pursuant to 5 U.S.C. § 552(a)(6)(E)(1) and the implementing regulations of your agency, 10 C.F.R. § 1004.5(d)(6), American Oversight requests that your agency expedite the processing of requests HQ-2019-01236-F and HQ-2019-01238-F.

I certify to be true and correct to the best of my knowledge and belief that there is a compelling need for expedited processing of the identified requests because recent events have revealed that the information requested is urgently needed in order to inform the public concerning actual or alleged government activity, and American Oversight is primarily engaged in disseminating the information it received from public records requests to the public.

The allegations laid out in the Whistleblower Complaint and related reporting are of the utmost public urgency and underlie the announced impeachment inquiry into the president's actions.³ There is clearly an urgent need to inform the public regarding the matters that are the subject of American Oversight's FOIA requests. First, American Oversight has requested records with the potential to shed light on whether the current administration has, allegedly at the behest of President Trump, undertaken inappropriate actions to pressure a foreign government to conduct an investigation of one of the president's potential political opponents in order to give the president an electoral advantage. Because voting in the presidential primary elections—in which both President Trump and candidate Joe Biden will be candidates—is scheduled to commence in less than five months, on February 3, 2020, and voting in the general election will start in just over a year, there is plainly an urgent need to inform the public about the administration actions that would be revealed by the records requested here.⁴ Second, recent factual developments have demonstrated that there are immense public concerns that the president and his administration may be continuing or intensifying their efforts to use the authority and resources of the federal government to pressure the Ukrainian government to undertake an investigation of presidential candidate Joe Biden and his family.⁵

³ See Whistleblower Complaint, *supra* note 1; see also Zachary B. Wolf & Curt Merrill, *The Whistleblower Complaint, Annotated*, CNN, Sept. 26, 2019, <https://www.cnn.com/interactive/2019/09/politics/whistleblower-complaint-annotated/>; Olivia Beavers & Morgan Chalfant, *Whistleblower Complaint Says Trump Sought to Enlist Ukraine's Help in 2020*, THE HILL (Sept. 26, 2019, 8:42 AM), <https://thehill.com/policy/national-security/463151-intelligence-panel-released-declassified-whistleblower-document>; Kyle Cheney, *Whistleblower Says White House Tried to 'Lock Down' Ukraine Call*, POLITICO Sept. 26, 2019, 12:13 PM), <https://www.politico.com/story/2019/09/26/congress-releases-whistleblower-complaint-alleging-trump-abused-his-office-1514008>; Nancy Pelosi Announces Formal Trump Impeachment Inquiry, AXIOS, Sept. 24, 2019, <https://www.axios.com/nancy-pelosi-announces-impeachment-inquiry-4396ba96-6586-48e1-9aae-083f279db57d.html>.

⁴ Catherine Kim, *The 2020 Election Calendar*, VOX (Sept. 12, 2019, 11:56 PM), <https://www.vox.com/2019/6/26/18693259/2020-presidential-election-calendar-primaries>.

⁵ See Whistleblower Complaint, *supra* note 1; see also *supra* note 17; Robert Legare, *Rudy Giuliani Says He Didn't Ask Ukraine to Investigate Biden—And Then Says He Did*, CBS NEWS (Sept. 20, 2019, 10:31

American Oversight's requests seek information that can shed light on whether and to what extent the Trump administration is attempting to use government resources to pressure a foreign nation to undertake actions designed to threaten, weaken, or otherwise target the president's political opponent for the purpose of giving him an electoral advantage. The public urgently needs the information American Oversight has requested before voting in the 2020 presidential election, including before voting in the primaries of that election. The public has a right to know if the president's administration has inappropriately used government power to gain electoral advantage against an opponent through pressure on a foreign nation, including potentially through the U.S. delegation led by Secretary Perry. Moreover, the executive director of the Bleyzer Foundation—which was established by Michael Bleyzer,⁶ the Ukrainian private equity investor with whom Secretary Perry has met and whom was named in American Oversight's requests—is Ukrainian President Volodymyr Zelenskyy's advisor on macroeconomic policy.⁷ Communications between Secretary Perry and Bleyzer associates are relevant to the allegations laid out in the whistleblower complaint and relevant reporting.

I further certify that American Oversight is primarily engaged in disseminating information to the public. American Oversight's mission is to promote transparency in government, to educate the public about government activities, and to ensure the accountability of government officials. Similar to other organizations that have been found to satisfy the criteria necessary to qualify for expedition,⁸ American Oversight “gathers information of potential interest to a segment of the public, uses its editorial skills to turn the raw material into a distinct work, and distributes that work to an audience.”⁹ American Oversight uses the information gathered, and its analysis of it, to educate the public through reports, press releases, and other media. American Oversight also makes materials it gathers available on its public website and promotes their availability on social media platforms, such as Facebook and Twitter.¹⁰ As discussed previously, American Oversight has demonstrated its commitment to the public disclosure of documents and creation of editorial content.¹¹

AM) <https://www.cbsnews.com/news/rudy-giuliani-chris-cuomo-interview-did-not-ask-ukraine-to-investigate-biden-and-then-says-he-did-cnn-appearance/>.

⁶ The Bleyzer Foundation, <http://www.bleyzerfoundation.org/>.

⁷ *Zelensky's Advisor: Ukraine, IMF May Agree on New Program After Parliamentary Elections*, UKRINFORM (May 20, 2019, 4:20 PM), <https://www.ukrinform.net/rubric-economy/2704153-zelenskys-advisor-ukraine-imf-may-agree-on-new-program-after-parliamentary-elections.html>.

⁸ See *ACLU v. U.S. Dep't of Justice*, 321 F. Supp. 2d 24, 30–31 (D.D.C. 2004); *EPIC v. Dep't of Defense*, 241 F. Supp. 2d 5, 15 (D.D.C. 2003).

⁹ *ACLU*, 321 F. Supp. 2d at 29 n.5 (quoting *EPIC*, 241 F. Supp. 2d at 11).

¹⁰ American Oversight currently has approximately 12,300 page likes on Facebook and 54,500 followers on Twitter. American Oversight, FACEBOOK, <https://www.facebook.com/weareoversight> (last visited Sept. 26, 2019); American Oversight (@weareoversight), TWITTER, <https://twitter.com/weareoversight> (last visited Sept. 26, 2019).

¹¹ See generally *News*, AMERICAN OVERSIGHT, <https://www.americanoversight.org/blog>; see, e.g., *DOJ Civil Division Response Noel Francisco Compliance*, AMERICAN OVERSIGHT, <https://www.americanoversight.org/document/doj-civil-division-response-noel-francisco>

Accordingly, in light of recent developments, American Oversight's requests satisfy the criteria for expedition.

In order to facilitate expedited review of these FOIA requests, American Oversight remains willing to engage in discussions with your agency regarding narrowing or clarifying its requests, for example, by working to identify with greater specificity offices, components, or custodians most likely to have documents of particular interest to the public. If there are other ways we can be of assistance in narrowing or clarifying the request to receive a response faster, please let us know.

Conclusion

We appreciate your attention to this request. If you have any questions or need additional clarification, please contact Hart Wood at foia@americanoversight.org or 202.873.1743.

Sincerely,



Austin R. Evers
Executive Director
American Oversight

[compliance](https://www.americanoversight.org/francisco-the-travel-ban-what-we-learned-from-the-doj-documents); *Francisco & the Travel Ban: What We Learned from the DOJ Documents*, AMERICAN OVERSIGHT, <https://www.americanoversight.org/francisco-the-travel-ban-what-we-learned-from-the-doj-documents>; *Audit the Wall*, AMERICAN OVERSIGHT, <https://www.americanoversight.org/investigation/audit-the-wall>; *Border Wall Investigation Report: No Plans, No Funding, No Timeline, No Wall*, AMERICAN OVERSIGHT, <https://www.americanoversight.org/border-wall-investigation-report-no-plans-no-funding-no-timeline-no-wall>; *Documents Reveal Ben Carson Jr.'s Attempts to Use His Influence at HUD to Help His Business*, AMERICAN OVERSIGHT, <https://www.americanoversight.org/documents-reveal-ben-carson-jr-s-attempts-to-use-his-influence-at-hud-to-help-his-business>; *Investigating the Trump Administration's Efforts to Sell Nuclear Technology to Saudi Arabia*, AMERICAN OVERSIGHT, <https://www.americanoversight.org/investigating-the-trump-administrations-efforts-to-sell-nuclear-technology-to-saudi-arabia>; *Sessions' Letter Shows DOJ Acted On Trump's Authoritarian Demand to Investigate Clinton*, AMERICAN OVERSIGHT, <https://www.americanoversight.org/sessions-letter>.