



December 1, 2017

FOIA Office, Office of the Inspector General
Department of Homeland Security
245 Murray Lane SW
Washington, D.C. 20528-0305

Re: Freedom of Information Act Request – DHS Inspector General Report on the Implementation of Executive Order 13769

To Whom It May Concern:

Pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552, I hereby request copies of the following records as a member of the news media:

The full 87-page report developed by the Office of the Inspector General on the implementation of Executive Order 13769, regarding the travel into the United States of individuals from seven countries.

Additional information: The final report, according to the former DHS Inspector General, was delivered to the leadership at the Department of Homeland Security on October 6th, 2017.

Expedited processing

I certify to be true and correct to the best of my knowledge and belief, that there is widespread and exceptional media interest and there exist possible questions about the government's integrity, which affect public confidence. OpenTheGovernment (OTG) and the Project On Government Oversight (POGO), on whose behalf I am filing this request, are primarily engaged in disseminating information to the public and, in this case, there is an urgent need to inform the public about the specific government activity that is the subject of this request. Specifically, as detailed in a November 20th letter sent to Congress, Inspector General John Roth stated that he was "very troubled" by agency actions regarding the process of publishing his report. The letter also states that the report concluded that CBP violated court orders on at least two occasions. This finding in the report, along with the unusual efforts taken by the agency to delay the report's publication lead to the existence of questions about the government's integrity which satisfy the criteria for expedited FOIA processing. The issues discussed in the report are matters of public interest, and there is an urgent need for the prompt disclosure of the full report (*see the*

November 20, 2017 letter: <https://www.oig.dhs.gov/sites/default/files/assets/pr/2017/oigpr-112117-dhs-oig-completes-review-implementation-travel-ban.pdf>).

POGO has a long history of educating the public on issues of oversight and Inspectors General, and advocating for the independence and authority of Inspectors General. Evidence of this is located here: <http://www.pogo.org/blog/index.html?bloglistrelatedcontenttags=inspector-general-oversight>.

OpenTheGovernment has been engaged with our public-interest coalition partners in efforts to increase transparency and accountability related to the implementation of EO 13769. For an example of past OTG publications on matters associated with Executive Order 13769, see: [*OTG, coalition express concern over data provisions in immigration Orders.*](#)

Accordingly, this request satisfies the criteria for expedited processing.

Fee Waiver Request

I request that you waive all fees in connection with this request as provided by 5 U.S.C. § 552(a)(4)(A)(iii) and 5 C.F.R. 1303.70. OTG and POGO are non-profit, public-interest news/media organizations with no commercial interest in obtaining the requested information. OTG and POGO intend to use the requested information to educate the public about the implementation of EO 13769, the conduct of Customs and Border Protection officers, and the impact that the “travel ban” has had on public safety and security.

Disclosure of the requested records will further the "public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest" of the requester. Specifically, the requested records relate to the ability of the government to properly oversee, investigate, and take disciplinary action against those who are found to be in violation of court orders, federal laws, rules, or regulations. The requested records are not currently posted online, and will contribute significantly to the public’s understanding of the implementation of the “travel ban.”

The public will unquestionably be the primary beneficiary of this requested information.

OpenTheGovernment has spent years educating the public and policymakers on important matters relating to government activities, while promoting laws and policies that enhance government transparency and accountability. OTG routinely receives fee waivers under FOIA, as a result of OTG’s capacity to disseminate the information we obtain through FOIA to large segments of the public by means of publications and reports, our website (www.openthegovernment.org), and media initiatives. OTG intends to use these means to educate the public concerning the information contained in the records requested in this FOIA request, and to disseminate the information at our own expense. OTG has no commercial interest in the requested disclosure, and the information would be used to educate the public about activities of the government, in satisfaction of 5 U.S.C. § 552 (a)(4)(A)(iii).

POGO investigates, exposes, and seeks to remedy systemic abuses of power and mismanagement in the federal government. Founded in 1981, POGO is a politically independent, nonprofit watchdog that promotes a government that is accountable to the citizenry. POGO disseminates information about its activities to the public, policymakers, and the media via email, direct mail, and its websites which receives nearly 70,000 unique views per month. POGO has no financial interest in the requested information and the records provided by your agency will be used for the following activities, which are publicly available: publication by email and on POGO websites; publication in reports and newsletters issued by POGO; publication in the newsletters of affiliated nonprofit organizations; efforts to educate Congress, the Executive Branch, and other policymakers; or in conjunction with other members of the news media.

Record Delivery

As provided in FOIA, I anticipate a reply within twenty working days, 5 U.S.C. § 552, (a)(6)(A)(i); 5 C.F.R. § 1303.10(c). We prefer that you provide as many of the requested records as possible in an electronic format compatible with readily available computer software. Please produce the requested records on a rolling basis if applicable. Please email copies of all requested records as soon as possible to: jfranzblau@openthegovernment.org. For records not available in electronic format, please mail to the address provided below.

If you find that this request is unclear in any way please do not hesitate to call me at (202) 332-6736 to see if I can clarify the request or otherwise expedite and simplify your efforts. You may also contact Daniel Van Schooten at dvanschooten@pogo.org or 202-347-1122.

Thank you for your consideration.

Sincerely,

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