



George W. Bush Presidential Library and Museum

2943 SMU Boulevard
Dallas, Texas 75205

August 10, 2018

Richard Blumenthal
706 Hart Senate Office Building
Washington, DC 20510

Dear Senator Blumenthal:

This letter is in response to your Freedom of Information Act (FOIA) request dated August 8, 2018 for access to George W. Bush Presidential records pertaining to Judge Kavanaugh.¹ Your request was received by the George W. Bush Library on August 8, 2018. FOIA requests for Bush Presidential records are processed and reviewed for access under provisions of the 1978 Presidential Records Act, as amended (PRA) (44 U.S.C. §§ 2201-2209), which incorporates the Freedom of Information Act (5 U.S.C. § 552) in substantial part.

This request has been piggy-backed onto a FOIA request previously submitted for similar records. The National Archives has expedited the processing of these requests and the staff of the George W. Bush Library is currently processing these materials.

FOIA requests are processed and reviewed for access under provisions of the PRA and FOIA and are subject to the provisions of NARA regulations at 36 C.F.R. § 1270.46, which require that we notify the representatives of the former President and the incumbent President prior to the release of any Presidential records. Also, it should be noted that documents processed in response to your request may be closed in whole or part in compliance with applicable PRA restrictions and FOIA exemptions.

When processing is complete and the notification period has passed, we will inform you of the availability of the requested records. Due to the high public interest in these requests, we will be posting responsive records on our website as they become available; accordingly, no fees are required.

With respect to your expedition request, the National Archives and Records Administration (NARA) has promulgated regulations providing for expedited processing of requests if the requester demonstrates a compelling need (as defined in statute) or in any case the agency deems appropriate under its regulations. NARA's regulations are published at 36 C.F.R. § 1250.28. The requester must demonstrate that the records sought are necessary for one of the following reasons:

1. A reasonable expectation of an imminent threat to an individual's life or physical safety;
2. A reasonable expectation of an imminent loss of a substantial due process right;
3. An urgent need to inform the public about an actual or alleged Federal Government activity (this criterion applies only to those requests made by a person primarily engaged in disseminating information to the public); or
4. A matter of widespread and exceptional media interest in which there exist possible questions that affect public confidence in the Government's integrity.

We consider your request for records related to Judge Kavanaugh's service in the George W. Bush Administration to meet the requirements for expedited processing.

¹ This letter supersedes my letter of August 9, 2018.

If you have any questions regarding the status of your FOIA request, please contact me directly at 214-346-1557. If you have any questions or concerns about NARA's handling of this expedited request, please feel free to contact NARA's FOIA Officer Joe Scanlon at (301) 837-0583. Your case log number is 2018-0263-F. Please have this number accessible for reference during any future contact concerning this FOIA request.

If you consider this response to be a denial of your FOIA request, you may appeal by writing to the Deputy Archivist of the United States, (ATTN: FOIA Appeal Staff), Room 4200, National Archives and Records Administration, 8601 Adelphi Road, College Park, Maryland 20740-6001. You should explain why you believe this response does not meet the requirements of the FOIA. Both the letter and the envelope should be clearly marked "FOIA Appeal." To be considered timely, your appeal must be postmarked or electronically submitted within 90 calendar days from the date of this letter.

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 our FOIA Public Liaison John Laster for assistance at: Presidential Materials Division, National Archives and Records Administration, 700 Pennsylvania Avenue, NW, Room G-7, Washington, DC 20408-0001; email at libraries.foia.liaison@nara.gov; telephone at 202-357-5200; or facsimile at 202-357-5941.

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; email at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

Sincerely,



Shannon Jarrett
Supervisory Archivist
George W. Bush Library and Museum

cc: Joe Scanlon
FOIA Officer, National Archives and Records Administration