CITIZENS AGAINST GOVERNMENT WASTE

May 12, 2009

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OTHER: 2 HOURS SEARCH FREE, 100 FREE PAGES

Alexander Morris, FOIA Officer
Department of Energy
1000 Independence Avenue, S.W.
Washington, D.C. 20585

Re: Freedom of Information Act Request

Dear Mr. Morris:

This is a request under the Freedom of Information Act for a copy of the following documents:

> All correspondence – and the agency's response – including letters, transcripts or summaries of telephone calls, as well as any e-mails or other electronic communications from Members of the House or Senate, officers of the House or Senate, committees of the House or Senate, or any staff members of the House or Senate to the agency regarding the expenditure of funds made available by the American Recovery and Reinvestment Act (PL 111-5) and transcripts, schedules, minutes and/or agendas of meetings between Members of the House or Senate, officers of the House or Senate, committees of the House or Senate or any staff member of the House or Senate with the agency regarding the expenditure of funds made available by the American Recovery and Reinvestment Act (PL 111-5).

On January 21, 2009, President Obama issued a memorandum announcing a new policy on responses to Freedom of Information Act (FOIA) requests and pledging a new level of transparency in the federal government.

The memorandum stated, "the Freedom of Information Act should be administered with a clear presumption: In the face of doubt, openness prevails. The Government should not keep information confidential merely because public officials might be embarrassed by disclosure" and that "nondisclosure should never be based on an effort to protect the personal interests of Government officials at the expense of those they are supposed to serve." The memorandum also instructed that "in responding to requests under the FOIA, executive branch agencies should act promptly and in a spirit of cooperation, recognizing that such agencies are servants of the public."

As I am sure you know, 5 U.S.C. 552 provides for expedited consideration of certain FOIA requests. The statute states that a "compelling need" to expedite a records request is defined as one where there is "urgency to inform the public concerning actual or alleged Federal

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FOIA-2009-000359

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Government activity." My request clearly meets this standard. The American Recovery and Reinvestment Act is the largest single spending bill in the history of the United States. Further, it was drafted in such a manner that expedited spending is required by the Act.

The President pledged to keep the bill earmark free when it was being drafted. Effective oversight of this Act requires that interested Members of Congress and the public understand whether significant expenditures are being awarded based on merit or political influence.

I request that the information I seek be provided in an electronic format, and I would like to receive it via email at FOIA@cagw.org. If the information can not be transmitted via email, I request that it be transmitted on a CD–ROM. Finally, if there is not a method to transmit it electronically, please provide a paper copy of the records.

Please contact David Williams at (202) 467-5300 or at FOIA@cagw.org to discuss any aspect of this request.

Thank you for your consideration of this request. I look forward to your prompt reply.

Sincerely,

Thomas Schatz