

# Congress of the United States

Washington, DC 20510

March 30, 2006

The Honorable Alberto R. Gonzales  
Attorney General  
Robert F. Kennedy Building, Room 5137  
Tenth Street and Constitution Avenue, NW  
Washington, D.C. 20530

The Honorable Joshua B. Bolten  
Director, Office of Management and Budget  
1650 Pennsylvania Avenue, NW  
Washington, D.C. 20503

Dear Attorney General Gonzales and Director Bolten:

We are the original co-sponsors of S.394 and H.R. 867, the OPEN Government Act of 2005. This legislation would require Federal agencies to respond more promptly to FOIA requests. Efficient processing and fulfillment of citizen FOIA requests is a vital component of open government, and we firmly believe that open government is synonymous with good government.

We write with regard to the President's December 14, 2005 Executive Order, titled "Improving Agency Disclosure of Information," which addresses some of the critical issues concerning citizen requests under the Freedom of Information Act (FOIA). We share the President's stated goal of improving and, where necessary, reforming the FOIA process within Federal agencies.

Pursuant to the Executive Order, the President directed each Federal agency to designate a Chief FOIA Officer and at least one FOIA Public Liaison. These officials must develop agency-specific plans to reduce request backlogs and streamline processing. Additionally, the Department of Justice and the Office of Management and Budget are authorized to issue guidance to agencies concerning implementation of the order's directives.

In the Executive Order, the President correctly states that FOIA requesters seek a "service" from their government. As service-providers, the President explains, Federal agencies must respond "courteously and appropriately." We believe that Federal agencies must also respond promptly. Unfortunately, as we approach the 40th anniversary of FOIA, the speed and urgency with which several Federal agencies treat FOIA requests is sorely lacking.

We urge you to aggressively use the guidance authority bestowed by the Executive Order. To that end, we ask that you inform us of your efforts to date to (1) standardize agency reporting of FOIA response times; (2) create core responsibilities and guidelines for Chief FOIA Officers and FOIA Public Liaisons, and (3) utilize technology to reduce response times.


Thank you for your prompt attention to this matter. We look forward to working with you to ensure that the Federal government promptly provides citizens with the information to which they are entitled.

Sincerely,



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JOHN CORNYN  
United States Senator



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PATRICK LEAHY  
United States Senator



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LAMAR SMITH  
Member of Congress



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BRAD SHERMAN  
Member of Congress