



**DEPARTMENT OF DEFENSE  
OFFICE OF FREEDOM OF INFORMATION  
1155 DEFENSE PENTAGON  
WASHINGTON, DC 20301-1155**

MAR 16 2007

Ref: 07-F-1235

Anupama Narayanswamy  
Investigative Writer  
Sunlight Foundation  
901 15<sup>th</sup> Street, NW, Suite 350  
Washington, DC 20005

Dear Anupama Narayanswamy:

This is the final response to your March 14, 2007, electronic Freedom of Information Act (FOIA) request for "[a]ny and all logs of correspondence between members of Congress and the Department of Defense between Jan. 1, 2007 to Feb. 28, 2007 including all replies from the agency," further noting "...this to be an agency-wide search of correspondence logs..." We received your request on that same date.

As you may not be aware, this Office is responsible for handling all Freedom of Information Act (FOIA) request for records maintained by the Office of the Secretary of Defense and the Joint Staff (OSD/JS). Several components of the Department of Defense (DoD), including the military departments and separate defense agencies, operate their own FOIA offices to respond to requests for agency records. The procedures followed by these components can be found in DoD Regulation 5400.7-R and on the Internet at: <http://www.defenselink.mil/pubs/foi/>. After reviewing your request carefully, we have determined that your request as presently written, since it would appear to apply to all 535 Members of Congress, is much too broad to enable this Office to conduct an adequate and effective search for responsive records. As a result, I have determined that the records that you seek are not reasonably described.

The FOIA requires federal agencies to search for and provide reasonably described records in response to a FOIA request. See 5 U.S.C. § 552(a) (3)(A)(i). The FOIA does not require agencies to explain records, answer questions, or conduct research. See NLRB v. Sears Roebuck & Co., 421 U.S. 132, 162 (1975); Zemansky v. EPA, 767 F.2d 569, 574 (9<sup>th</sup> Cir. 1985). A record is not reasonably described unless the description contains sufficient information to enable a professional agency employee familiar with the subject area to locate the records with a reasonable amount of effort. It is the requester's responsibility to reasonably describe the records sought under the FOIA. A requester may provide descriptive information in one or both of the following ways: (1) file-related information, such as, the type of record sought, the title, index citation, subject area, date the record was created, and the identity of the originator of the record; and/or

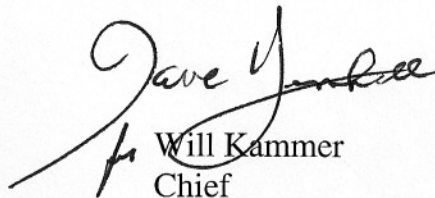
(2) event-related information, such as, the circumstances that resulted in the record being created and/or the date and circumstances surrounding the event that the records cover. See DoD Reg. 5400.7-R §§ C1.5.8.2.1 & C1.5.8.2.2. If you can provide a reasonable description of the specific records that you seek, we will conduct a search within the OSD/JS for responsive records.

Moreover, the FOIA provides for federal agencies to pass on some of the costs of processing FOIA requests to requesters. Consequently, DoD Regulation 5400.7-R requires requesters to commit to a willingness to pay processing fees in a certain dollar amount. Based on the information that you provided in this request, you would be placed in the "other" category for fee purposes, which affords you two hours of search time and 100 pages of duplication free of charge. Subsequent processing will be assessed at the established DoD fee rates of: clerical search time--\$20 per hour, professional search time--\$44 per hour, executive search time--\$75 per hour, and document reproduction at \$0.15 per page. In addition, search fees may be assessed even if no responsive records are located, and even if responsive records are located but subsequently determined to be exempt from release. Consequently, if you choose to submit a new FOIA request you must state your willingness to pay the fees associated with the processing of your request.

In light of the fact that you did not provide the specificity necessary to conduct an adequate search under the FOIA for reasonably described records, and you did not state a willingness to pay processing fees associated with your request, I am administratively closing your file in this Office. There are no fees associated with this response.

If you are not satisfied with this action, you may submit an administrative appeal to James Hogan, Chief, Policy, Appeals, and Litigation Branch, 1155 Defense Pentagon, Washington, DC 20301-1155. Your appeal should be postmarked within 60 days of the date of this letter, should cite case number 07-F-1235, and should be clearly marked "Freedom of Information Act Appeal."

Sincerely,

  
Will Kammer  
Chief