



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS
HUMPHREYS ENGINEER CENTER SUPPORT ACTIVITY
7701 TELEGRAPH ROAD
ALEXANDRIA, VA 22315-3860

July 24, 2015

Office of Counsel

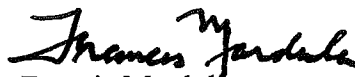
Mr. Stephen Ellis
Taxpayers for Common Sense
651 Pennsylvania Avenue, SE
Washington DC 20003

Dear Mr. Ellis,

This is in response to your Freedom of Information Act (FOIA) request for information dated February 6, 2012, for copies of electronic and written correspondence between the U.S. Army Corps of Engineers (USACE) Headquarters and all members of Congress, or their staff, between April 15, 2011 and February 8, 2012 concerning USACE projects or studies under the Civil Works Program. By email dated February 7, 2012, Ms. Alease Berry confirmed receipt of your request.

I have coordinated with the Civil Works Directorate and the Congressional Liaison Office at Headquarters USACE (HQUSACE) and learned that we do not have a Congressional correspondence tracking system which would permit a query for the time period specified (April 15, 2011-February 8, 2012), specifically for items dealing with the fiscal year 2012 Appropriations. Additionally, Congressional inquiries are received through multiple channels; there is no "single point" office whose records can be searched in order to find responsive information. Thus, in order to respond to your request, we would have to query a large number of HQUSACE employees to determine whether they received a Congressional inquiry during the relevant time period. Such efforts have been construed as unreasonably burdensome and not required by the FOIA. In light of the foregoing, it is my determination, that we do not readily maintain the information you have requested and that to search for such information would be "unreasonably burdensome." Schrecker v. DOJ, 217 F.Supp. 2d 29, 35 (D.D.C. 2002) (finding "that to require an agency to hand search through millions of documents is not reasonable and therefore not necessary. Therefore, please be advised of your right to appeal this determination to the Secretary of the Army (ATTN: General Counsel). You must send your appeal in sufficient time to reach the Secretary of the Army no later than 60 calendar days from the date of this letter. The envelope containing the appeal should bear the notation "Freedom of information Act Appeal" and should be sent to me at the address depicted on the above letterhead.

Sincerely,


Francis Mardula
Counsel