FOIA, Electronic

From:	FOIA, Electronic
Sent:	Friday, February 23, 2018 3:28 PM
To:	Arnold, Josephine (Federal); Boston, Louis; Brumby, Janet W.; Cheney, Stacy; Crawford, Ayana (Contractor); Curry, Vernon E; Fletcher, Catherine; Graff, Mark (Federal); Kong, Stephen (Federal); Main, Laura; Moulder, Pamela (Federal); Oliphant, Tashima (Federal); Parsons, Bobbie (Federal); Powers, Victor; Staunton, Dondi; Stith, Lola (Contractor); Strickland, Wayne; Toland, Michael (Federal); Agyekum, Grace; Khalid, Sulma (Contractor); Gitelman, Steve (Contractor)
Subject:	FW: FOIA Request & Expedited Processing Request: Agency Reform Plan submitted to the Office of Management and Budget

To All:

The FOIA request in the email below from Stephen Reilly was received by multiple Bureaus (b)(5) [redacted] Thanks. Harriette

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From: Reilly, Stephen [mailto:sreilly@usatoday.com]
Sent: Friday, February 23, 2018 11:21 AM
To: FOIA, Electronic <EFOIA@doc.gov>
Subject: FOIA Request & Expedited Processing Request: Agency Reform Plan submitted to the Office of Management and Budget

February 23, 2018

FOIA Contact
United States Department of Commerce
14th Street and Constitution Avenue, NW
Washington, DC 20230

VIA EMAIL: eFOIA@doc.gov

Re: Freedom of Information Act request & Expedited FOIA processing request.

To whom it may concern:

This is a request for records under the Freedom of Information Act (FOIA), 5 U.S.C. § 552, et seq., for which I also seek expedited processing.

I am seeking the following records:

- Copy of the Agency Reform Plan submitted to the Office of Management and Budget ("OMB") in approximately September 2017 in accordance with OMB Memorandum M-17-22 ("Comprehensive Plan for Reforming the Federal Government and Reducing the Federal Civilian Workforce").

I. Expedited Processing Request

I respectfully submit that this request meets the criteria for expedited processing under applicable regulations because, as established and set forth below, I am a person primarily engaged in disseminating information and there is a compelling and urgent need to inform the public about an actual or alleged federal government activity.

The submission of Agency Reform Plans to OMB is an integral and explicitly defined element of the Trump Administration's efforts to "reorganize the executive branch in order to improve the efficiency, effectiveness and accountability of agencies" as set forth in President Trump's Executive Order 13781 of March 13, 2017. Because these records are fundamental and explicitly defined elements of ongoing policymaking intended to reform the executive branch of the federal government, and because without timely public disclosure of these documents the American public will lack vital information needed to assess and understand the actions of policymakers as they reorganize the executive branch, there is currently an urgent need to inform the public about the actual government activity of reorganizing the executive branch. The expeditious public disclosure of records covered by this FOIA request will serve to address that critical need.

In OMB Memorandum M-17-22 dated April 12, 2017, OMB Director Mick Mulvaney provided guidance to heads of each executive departments and agencies on fulfilling E.O. 13781 by directing each agency and department head to submit an Agency Reform Plan to OMB by September 2017. As set forth in M-17-22, these Agency Reform Plans will be "part of the development of the President's FY 2019 Budget" (See M-17-22, page 4 and Figure 1 on page 5). A process has thus been established by which the Agency Response Plans will play a critical role in ongoing policymaking.

Both members of Congress and the public alike require the information in the Agency Reform Plans in order to evaluate policymaking decisions as the Fiscal Year 2019 budgeting process moves forward. In his written open statement for a September 13, 2017 hearing before the US. Senate Committee on Homeland Security & Governmental Affairs' Regulatory Affairs and Federal Management Subcommittee on the topic of OMB's ongoing government-wide reorganization, Senator James Lankford cited the need to "ensure this reorganization effort is transparent and ultimately successful." In a December 19, 2017 letter to OMB Director Mulvaney, Congressman Elijah E. Cummings requested disclosure of the agency reform plans because the reorganization of the federal government "should not occur in darkness."

Without expeditious disclosure of the requested records, members of the public and Members of Congress will lack an understanding of relevant facts and information while policymakers make decisions leading to the reorganization of the executive branch of the United States government. For the aforementioned reasons, public confidence in the United States government would be harmed if disclosure of the requested records is not expeditious, and there is an urgent need for the general public to access factual information about the actual government activity of reorganizing the executive branch. Upon belief, this factual information is contained within the requested records and through this request I seek to access this information to write one or more news articles for publication in one of the nation's largest general circulation newspapers. I hereby certify that the above is true and accurate to the best of my knowledge and ability.

II. Fee Waiver Request

Because this is a request by a member of the news media for information of significant public interest, I also ask that you waive any search fees in accordance with §552(a)(4)(A)(ii)(II).

For purposes of determining my status with respect to the expedited processing request and any fees that may be applicable to this request, please be advised that I am employed full-time as reporter based in McLean, Virginia for USA TODAY and its network of more than 100 partner daily newspapers owned and operated by Gannett Co. Inc., and that the purpose of this request is to gather information of potential interest to a segment of the public and use my editorial abilities to turn the raw materials into a distinct work with the intent to distribute that work to an audience of newspaper readers throughout the United States. Links to my most recently published material may be found here: http://www.usatoday.com/staff/30847/steve-reilly/. I hereby certify that the above is true and accurate to the best of my knowledge and ability.

III. Request for Response in Electronic Format

Where possible, please furnish the requested records in an electronic format pursuant to 5 U.S.C. § 552(a)(3)(B)-(C), preferably via email to sreilly@usatoday.com.

If for any reason any portion of this request is denied, please provide written notice of the specific records or portions of records that were withheld, and the specific statutory basis for the withholding. Please also provide the name and address of the officer or body to which my appeal may be directed.

As you are aware, the Act, in § 552(a)(6), grants an agency no more than twenty working days in which to respond to this request. See *Oglesby v. U.S. Dep't of Army*, 920 F.2d 57, 65 (D.C. Cir. 1990) ("Congress adopted the time limit provision in the FOIA in order to 'contribute to the fuller and faster release of information, which is the basic objective of the Act.'" (quoting H.R. Rep. No. 93-876, March 5, 1974., reprinted (1974) U.S. Code Cong. & Ad. News 6267 at 6271)).

I thank you sincerely for your prompt attention to this request and look forward to your timely reply.

Steve Reilly

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