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July 11, 2006

The Honorable Michael Chertoff  
Secretary  
U.S. Department of Homeland Security  
Mail Stop 3000  
Washington, DC 20528

RE: FREEDOM OF INFORMATION ACT APPEAL

Dear Secretary Chertoff:

This letter is a formal appeal to the decision by the Federal Emergency Management Agency (FEMA) to withhold the criteria and conditions related to President Bush's recent decision to extend a full federal reimbursement for debris removal to only six parishes in Louisiana.

As you know, the extension granted on June 29<sup>th</sup> failed to include a number of parishes in Southwest Louisiana that were devastated by Hurricane Rita, forcing many local governments in my district to foot a bill they do not have the resources to pay.

On June 30<sup>th</sup>, my staff inquired on my behalf about the criteria and conditions FEMA used to make this recommendation to the President. My staff was told that the information is exempt from release under the Freedom of Information Act (FOIA) Exemption 5, 5 U.S.C. § 552(b)(5), "in that it is a part of the deliberative process and is pre-decisional in nature." I do not believe the information I am requesting qualifies for this exemption.

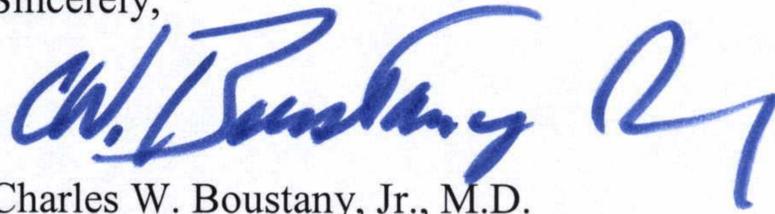
Exemption 5 of FOIA applies to internal government documents, specifically from one government department to another regarding a joint decision that has *not yet* been made. Protection for the decision-making process is appropriate only for the period while decisions are being made. Since the decision in question was made almost two weeks ago, this exemption does not apply.

Additionally, while Exemption 5 protects the policymaking process, it does not protect purely *factual* information related to it. Since the criteria and conditions for determining this debris removal extension are assumed to be factual in nature, the information should be disclosed under a FOIA request.

Therefore, I formally appeal the decision to withhold this information. The people of Southwest Louisiana who were left out of this extension have a right to know how and why their government came to this unfortunate and costly decision.

I look forward to your prompt reply.

Sincerely,

A handwritten signature in blue ink, reading "C.W. Boustany Jr." with a stylized flourish at the end.

Charles W. Boustany, Jr., M.D.  
Member of Congress