



April 3, 2003

Office of the General Counsel

Mr. Mitchell Daniels, Director
 Office of Management and Budget
 Eisenhower Executive Office Bldg.
 725 17th St., NW
 Washington, DC 20503

VIA FIRST CLASS MAIL

Re: Failure by the US Army Corps of Engineers to Implement the Data Quality Act

Dear Budget Director Daniels:

As you know, Section 515 of the Data Quality Act (PL 106-554) directs the Office of Management and Budget to "provide policy and procedural guidance to federal agencies for ensuring and maximizing the quality, objectivity, utility and integrity of information (including statistical information) disseminated by Federal agencies." By October 1, 2002 each federal agency was required to implement its own implementing guidelines that include "administrative mechanisms allowing affected persons to seek and obtain correction of information maintained and disseminated by the agency."

On February 13, 2003, Public Employees for Environmental Responsibility ("PEER") submitted a Freedom of Information Act request to the U.S. Army Corps of Engineers ("USACE") for its DQA guidelines. In a letter dated March 26, 2003, USACE Counsel Richard Frenette reported that the agency had no responsive documents:

I have been advised that the Corps has not prepared the Information Quality Guidelines that you are seeking. The Corps has been instructed not to proceed until it receives final guidance from the Department of Defense and from the Army, and that guidance has not yet been received.

See letter, attached.

According to Mr. Frenette's letter, the Corps appears to have taken no steps, nor does it intend to in any specified timeframe, to implement the Data Quality Act. I was writing to inquire whether your office is aware of this concerted refusal by the Corps of Engineers to comply with the Data Quality Act. If this is so, what actions will your office take to bring the Corps into compliance?

In the President's Budget for Fiscal Year 2004, your office offered a critical assessment of the quality and integrity of Corps planning studies. See pp. 256-7. I trust therefore that you share PEER's concern that the Army Corps of Engineers is among the federal agencies that could benefit from implementation of the Data Quality Act.

Sincerely,

Dan Meyer, General Counsel
PEER

Public Employees for Environmental Responsibility (PEER) is a national alliance of local, state and federal resource professionals, working to protect the environment.

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PEER



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

March 26, 2003

Office of Counsel

Mr. Dan Meyer
Public Employees for Environmental
Responsibility
2001 S Street, N.W.
Suite 570
Washington, D.C. 20009

Dear Mr. Meyer:

By letter dated March 11, 2003, I confirmed my receipt of your Freedom of Information Act (FOIA) request, dated February 13, 2003, that you sent to Ms. Linda Selinger of my staff. You are seeking documents relating to the "final information quality guidelines required to be established by each federal agency pursuant to The Data Quality Act . . . and the Office of Management and Budget's Guidelines for Ensuring and Maximizing the Quality, Objectivity, Utility, and Integrity of Information Disseminated by Federal Agencies"

In my letter, I explained to you that a document search would be conducted at the Corps' Headquarters for the agency records that you are seeking, and that upon its completion, I would make my final reply to you. The document search has now been completed but no records were located that satisfied your FOIA request. I have been advised that the Corps has not prepared the Information Quality Guidelines that you are seeking. The Corps has been instructed not to proceed until it receives final guidance from the Department of Defense and from the Army, and that guidance has not yet been received.

Therefore, please be advised of your right to appeal my "no records" 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 in the above letterhead.

Sincerely,

Richard L. Frenette
Counsel

