

United States Senate

WASHINGTON, DC 20510-2309

October 9, 2012

Melanie Ann Pustay
Director, Office of Information Policy
United States Department of Justice
1425 New York Avenue, N.W., Suite 11050
Washington, D.C. 20530

Dear Director Pustay,

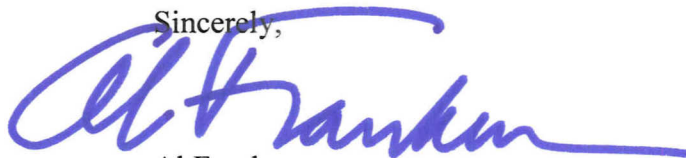
I recently met with members of the Minnesota Building and Construction Trades Council, a group that represents trade unions. They told me that they were dissatisfied with the timeliness and usefulness of documents they had been provided in response to certain Freedom of Information Act (FOIA) requests. I am writing to make you aware of those complaints.

Trade union representatives sometimes use FOIA to request federal documents – like payroll records and sign-in sheets – from which they can determine whether government contractors are complying with the Davis-Bacon Act and other wage and hour laws applicable to federally-funded projects. The unions' oversight activities complement those of the Labor Department's Wage and Hour Division, which has limited resources and capacity.

The Minnesota Building and Construction Trades Council's representatives informed me that they often experience long delays between the time they submit their FOIA requests and the time they receive documents. They also informed me that the documents they receive often are redacted extensively, making it impossible to assess the contractors' compliance with applicable laws. For example, instead of redacting only personally identifying information – like names, addresses, and Social Security numbers – the agencies sometimes also redact job titles, hours worked, and rates of pay.

Delayed and excessively redacted responses to FOIA requests may hinder the unions' ability to hold contractors' accountable when they violate the law. I encourage your office to take any appropriate steps that may be necessary to improve the promptness and completeness of agencies' FOIA responses in this regard. I appreciate the initial conversations that you have had with my staff about this issue, and I ask that you continue to keep them apprised of any actions being taken to address these concerns.

Sincerely,



Al Franken
United States Senator

cc: Nancy J. Leppink
Administrator, Wage and Hour Division
United States Department of Labor
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