

THE WHITE HOUSE

Washington

July 30, 2009

MEMORANDUM FOR ALL EXECUTIVE DEPARTMENT AND AGENCY HEADS

FROM: GREGORY CRAIG   
COUNSEL TO THE PRESIDENT

SUBJECT: CONGRESSIONAL REQUESTS FOR INFORMATION

This memorandum sets forth the overall policy of this Administration with respect to congressional information requests to departments and agencies and describes the procedures that should be followed when departments and agencies receive congressional requests for information concerning White House communications or deliberations.

This Administration will follow the longstanding policy of the Executive Branch, as set forth in the November 4, 1982 memorandum from President Reagan to the heads of departments and agencies (copy attached), to comply with congressional requests for information to the fullest extent consistent with the constitutional and statutory obligations of the Executive Branch.

Congressional requests to departments and agencies for information reflecting deliberations within the White House or communications to or from the White House should be handled according to the procedures set forth below. These procedures are designed to ensure that this Administration acts responsibly and consistently with respect to White House confidentiality interests, with due regard for the responsibilities and prerogatives of Congress:

First, a department or agency receiving a request for any document created in the White House (including a White House policy council) or any document created in a department or agency that reflects the deliberations of, or communications to or from, White House officials, should promptly notify the Office of the Counsel to the President. In addition, that department or agency should notify the White House Office of Legislative Affairs of the congressional request.

Second, the Office of the Counsel to the President, together with the department or agency (and, where appropriate, the Department of Justice), will work with appropriate congressional representatives to determine whether a mutually satisfactory accommodation is available.

Third, if efforts to reach a mutually satisfactory accommodation are unsuccessful, and if release of the document would pose a substantial question of executive privilege, the Counsel to the President will consult with the Attorney General and the affected departments and agencies to determine whether to recommend that the President invoke the privilege.

We believe that these procedures will facilitate the resolution of issues relating to disclosures to Congress and will maximize the opportunity for reaching mutually satisfactory accommodations with Congress. We will try to cooperate with reasonable congressional requests for information in ways that preserve the President's ability to discharge his constitutional responsibilities.