

**Hammond Unanswered 12.9.2021 FOIA Advisory Committee Comments & Questions  
Resubmitted to Chief FOIA Officers Council for February 2, 2022 Meeting**

Comment	CH	YT	#
Consider these questions & comments & my other Public Comments as reports received by the Council. “Detailed minutes of each meeting of the Council shall be kept and shall contain a record of the ...			
persons present, a complete and accurate description of matters discussed and conclusions reached, and copies of all reports received, issued, or approved by the Council.” 5 USC § 552(k)(6)(E)			
On topic, <i>see</i> my Public Comments: DOJ OIP Improper and Unlawful Standard Glomar Responses with Implicit (b)(1) & (b)(7). <a href="#">Public Comments Submitted to the FOIA Advisory Committee   National Archives</a>	x	x	1.
Mr. Talebian was thoughtful in getting this presentation posted quickly, even though it suggests needed changes at DOJ. Thank you, Bobby.	x	x	2.
My comments and questions conform to the Chat 200-character limit, so each is brief.	x	x	3.
<b>OGIS:</b> Pls consider my public comments and questions today as “Records presented to the Committee” per the Federal Advisory Committee Act or FACA, preserved with contemporaneous availability	x	x	4.
<b>OGIS.</b> Include a copy of these comments in meeting minutes as a report or other material received by the Committee in meeting minutes.	x	x	5.
I am excited to participate today and will be pressing #2 on my phone to be recognized for oral public comments. Time permitting, I will call back in if there are no other callers in the queue.	x	x	6.
Merry Christmas, Happy Hanukkah, Happy, Happy Kwanzaa, Festivus for the rest of us if you are a Jerry Seinfeld fan, just Happy Holidays. Let the celebration begin!	x	x	7.
Greetings! Like The Honorable Mr. Ferriero, I am coming to you today from the ancestral lands of proud, free, unified, inclusive American citizens. We The People of the <b>United</b> States of America.	x	x	8.
To be exact Magical Disney World, to be Happiest place on earth! In the great free state of Florida!	x	x	9.

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I am taking time with you today to make one more pitch for adequate funding for OGIS and DOJ's Office of Information Policy and address other important questions and issues.	x	x	10.
Extraordinary people at OGIS and OIP but critically underfunded and not enough of them fir their statutory FOIA complaince oversite missions and OGIS's extra statutory mediation mission.	x	x	11.
I would like to say this Committee is co-chaired by two incredibly talented people with equally impressive leadership.	x	x	12.
<ul style="list-style-type: none"> <li>Alina Semo: Georgetown University Law Center, Phi Beta Kappa from the University of Maryland, College Park graduated with high honors.</li> </ul>	x	x	13.
<ul style="list-style-type: none"> <li>Bobby Talebian: University of Tennessee College of Law where he served on Law Review. Go Vols!</li> </ul>	x	x	14.
<ul style="list-style-type: none"> <li>Davis S. Ferriero: From a Navy Corpsman, saving lives (God bless you. Thank you for your service.) to a Presidential appointment by Barack Obama as 10th Archivist of the United States of America.</li> </ul>	x	x	15.
<ul style="list-style-type: none"> <li>Associate Attorney General Vanita Gupta: graduated magna cum laude from Yale University and received her law degree from New York University School of Law. Also, DOJ Chief FOIA Officer.</li> </ul>	x	x	16.
Mr. Ferriero established this Committee, and it reports to him.	x	x	17.
So, I am working with Congress and others to determine the funding need and obtain it. Absent adequate funding, just a "finger in the dyke."	x	x	18.
Congress intended for OGIS to be powerful and independent, but Congress did not allocate additional resources for OGIS or DOJ OIP in the FOIA Improvement Act of 2016.	x	x	19.
Unless Congress removes OGIS from NARA with direct funding and reporting, as some are advocating, NARA will need to seek it directly and/or reallocate funds internally.	x	x	20.
Bobby doesn't complain in public about OIP's funding shortfalls, but he shared that they are crippling. I should give you a call, as I did to the Deputy Archivist, NARA Records Officer & others.	x	x	21.
I am going to do that, Bobby. Perhaps Lindsay too. Go Vols!	x	x	22.

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I submit many thoughtful and constructive comments with practical, achievable recommendations for improving FOIA. I hope you consider and adopt some in your recommendations to the Archivist.	x	x	23.
OGIS did not post some of my comments, all of which are professional in in line with Posting Guidelines.	x	x	24.
I may touch on a few. For the audience, I encourage you to review my recent public comments and ask OGIS to provide you those that OGIS has not been posted, which OGIS is required to do (as free PDF)	x	x	25.
My email address is in the tile pages of my recent public comments. FOIA advocates and members of the media have already contacted me. I will reply and make time for you. <a href="mailto:FOIAcompliance@gmail.com">FOIAcompliance@gmail.com</a>	x	x	26.
<b>So, my FOIA requests to NARA and the processing of them are <u>fascinating</u>.</b> Go to FOIAonline.gov; search Hammond; Select Agency = NARA. 159 requests and appeals, which may double soon.	x	x	27.
So, by law and my FOIA NARA-NGC-2022-000313 form and format, NARA must open the FOIAonline portal to all my processing records. If they do not immediately, I will ask the Archivist to look into it.	x	x	28.
So, I can email you a summary download to pique your interest. <a href="mailto:FOIAcompliance@gmail.gov">FOIAcompliance@gmail.gov</a>	x	x	29.
<b>? OGIS:</b> What do dire funding shortfalls look line for OGIS, even with the best of people? In my view, mission failure with window dressing. <b><u>Magical Mickey</u></b> says, “Let’s do this ...”	x	x	30.
<b>By-laws: DFO will prepare minutes. The Chairperson will certify the accuracy of the minutes within <u>90 calendar days</u>. Copies of the minutes will be published on the Committee’s web page once certified.</b>	x	x	31.
<b>? OGIS:</b> So, certified meeting minutes for September 9, 2021 Advisory Committee meeting were not posted within 90 days in violation of By-laws. Why? Resource issue?	x	x	32.
<b>? OGIS:</b> Similarly, it took 6 months to post Chief FOIA Officer meeting minutes for April. Again, resource issue? Why not certified and dated?	x	x	33.
<b>The minutes will include ... copies of all reports, recommendations, or other materials received, issued or approved by the Committee.</b>	x	x	34.

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<b>? OGIS:</b> So, why are my past written comments and other materials not included in the minutes?	x	x	35.
<b>? OGIS:</b> Relatedly, Hammond You Tube Comments to Chief FOIA Officer Council Nov 17th meeting deleted except those praising leadership deleted. Statutory or other basis is what?	x	x	36.
<b>OGIS.</b> Once again, include a copy of these comments in meeting minutes as a report or other material received by the Committee in meeting minutes.	x	x	37.
<b>Any member of the Committee may submit agenda items to the Chairperson or DFO. Non-members, including members of the public may also suggest agenda items to the Chairperson or DFO.</b>	x	x	38.
<b>? OGIS:</b> Are all Committee members consulted on Agenda topics generally? What of my Agenda recommendations and requests to present?	x	x	39.
\$\$ So, \$1.629M in 2013 for compliance & mediation a caseload of 300 – 400 cases per year. That grew to 4,600+ cases in 2019 with only \$1.2M by 2020, despite inflation and mandatory pay raises.	x	x	40.
\$\$ All the while, NARA got every dime that they asked for in 2019: \$377.8M.	x	x	41.
<b>? OGIS:</b> So, funding decreased while workload exploded. Why? Pls address in a future meeting OGIS efforts within NARA and in turn with OMB to seek or reallocate funding.	x	x	42.
So, while seeking from this Committee help with recommendations to Congress to increase OGIS funding, OGIS has refused to release its top-secret FY 2020 to FY 2022 budget submissions to NARA.	x	x	43.
<b>? OGIS:</b> Will you release your budget submissions to this Committee, so members can see wat you are asking for?	x	x	44.
Deep respect: Mediation Team: Carrie McGuire, Dwaine Bacon, Jessie Hartman. Compliance: Christa Lemelin & Kirsten Mitchell (+ full-time Committee Designated Federal Officer (DRO). <b>Kirstin, how both?</b> )	x	x	45.
<b>? OGIS:</b> During OGIS's first two years, no cases resulted in formal mediation. What has changed ... what has changed ...what has changed?	x	x	46.

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<b>? OGIS:</b> Mediation status for many of mine state “Complex” due to need to contact Agency. All mediation requests require contacting Agency? FY 2020, how many complex? Simple? Pls make case logs public.	x	x	47.
So, if OGIS responds, OGIS only does fact finding with agency FPL, then closes cases without mediation, refusing to do so. FPL is a separate, non-exclusive additional right, thus no OGIS value.	x	x	48.
<b>? OGIS.</b> Why are you refusing mediation? Resources? Any cases in FY 2020 go to mediation? How many? FY 2021? ...	x	x	49.
<b>? OGIS.</b> By law, OGIS must report to Congress and President # number of times OGIS <b>engaged</b> in mediation & # times FPL <b>engaged</b> . Why instead reporting # times <b>sought</b> ? Contrary to Public Law No. 114-185?	x	x	50.
<b>? OGIS</b> So, OGIS mediation was sought 4,649 times. OGIS engaged in mediation <b>zero</b> times? Reporting both sought and engaged figures would inform and shock Congress and the American citizens.	x	x	51.
<b>? OGIS.</b> In FY 2019 OGIS reported closing 4,649 ADR cases with 3 mediators. How is that possible? Accurate? \$1.629M in 2013 for compliance & mediation a caseload of 300 – 400 cases per year. \$1.2M by 2020.	x	x	52.
<b>David Cuillier:</b> facts gathered by Michael Morisy and others ... OGIS 4,600, 4,600. So, it's crazy! I mean Pennsylvania has a population of 12 million. OGIS is serving 330 million. We've got to fix that!	x	x	53.
... Pennsylvania's Office of Open Records, for example, has 20 people ... population of 12 million.	x	x	54.
<b>? OGIS.</b> In FY 2019 OGIS reported closing 4,649 ADR cases with 3 mediators. How is that possible??			
<b>? OGIS.</b> For years NARA, DOJ & virtually all Federal agencies state contact Agency FOIA Public Liaison before OGIS. Contrary to law? Disappearing OGIS workload due to resources? Started by OGIS? When?	x	x	55.
<b>? OGIS.</b> Director's FY 2020/21 SES Base Pay = \$199, 300 plus 5% to 20% mandatory bonus. Bonus is what? How much of \$1.2M for Carrie + Dwaine + Jessie? Christa + Kirsten?	x	x	56.

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So, NARA says no public interest in Director’s pay & how much for staff. Inquiring minds want to know. Let’s all ask NARA again. How can we help with budget/funding?	x	x	57.
FOIA Advisory Committee By-laws ...	x	x	58.
<b>“Records presented to the Committee by any method at any time, including those distributed during the course of a meeting, are part of the official Committee files, ... within the meaning of the FOIA,</b>	x	x	59.
<b>Committee records shall be available for public inspection and copying in accordance with Section 10(b) of the FACA, which “provide[s] for the contemporaneous availability of advisory committee records ...</b>	x	x	60.
<b>that, when taken in conjunction with the ability to attend advisory committee meetings, provide a meaningful opportunity to comprehend fully the work undertaken by the advisory committee.”</b>	x	x	61.
<b>Committee members should preserve records, including correspondence exchanged between Committee members, stakeholders, and/or agency committee staff</b>	x	x	62.
<b>NARA will post ... to the Committee’s webpage or subpages at <a href="https://ogis.archives.gov/foia-advisory-committee.htm">https://ogis.archives.gov/foia-advisory-committee.htm</a>.” [By-laws]</b>	x	x	63.
<b>? OGIS.</b> Not posted: my Public Comment Records presented to the Committee per FACA, which “provide[s] for the contemporaneous availability of advisory committee records. <u>Contemporaneous availability?</u>	x	x	64.
So, seek my public comments from OGIS.. I was shocked when the Director told Chief FOIA Officers that OGIS jokes about its statutory compliance missions and does not do it.	x	x	65.
So, further shocked at OGIS 2021 Report to Congress and the President overriding Committee and Archivist Recommendation for oversight hearings and audits, saying they would do more harm than good.	x	x	66.
? OGIS. Oversight hearings & audits are essential & are coming. Act now and be ready. Will OGIS today renounce your 2021 Report and submit a Supplemental? Committee and Archivist positions are what?	x	x	67.
Thank you considering my oral comments and written public comments.	x	x	68.

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I would like to close with words of proud American citizens: Gouverneur Morris, Abraham Lincoln, Martin Luther King and Senator Bobby Kennedy.			
In the land of the free, home of the brave & proud, free, unified, inclusive American citizens.	x	x	69.
“I have a dream.” (King). “Some men see things as they are and ask why. I dream of things that never were and say why not.” (Kennedy). Our best days are ahead of us.	x	x	70.
We The People, enshrined in Our Declaration of Independence and Our Constitution, will not again be a house divided against ourselves no matter the rhetoric	x	x	71.
In 1865, 166 years ago, we fought and won a bloody war to advance equality of opportunity, not guaranteed equity of outcomes as we are all unique in our pursuit of our dreams.	x	x	72.
Messy as it sometimes is, that is Our history. The greatest nation in the history of the world	x	x	73.
Let us all be judged by the content of our character.	x	x	74.
God bless the <u>United</u> States of America!	x	x	75.