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NARA/OGIS arrogates FOIA duties not yet enacted as amendments to 5 USC 552 under H.R. 1211 and S.2520!

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Posted in group: FOIA Advisory Committee

Dear agents of the United States, Referring to the un-codified/fugitive procedures of the NARA/OGIS published at <https://ogis.archives.gov/about-ogis/ogis-procedures.htm>, it appears that the NARA/OGIS is arrogating the following FOIA duties before they have been enacted as amendments to 5 USC 552: (1) submitting an annual report to the Congress and the President based on additional information obtained through (a) analyzing Federal agencies' FOIA Annual Reports and Chief FOIA Officer Reports; (b) gathering relevant data through OGIS' role as FOIA Ombudsman; (c) conducting studies, surveys, and other research related to agencies' FOIA practices as necessary; (2) acting as an Executive agency DEPENDENT ON and COLLABORATING WITH THE DEPARTMENT OF JUSTICE (DOJ) via its OFFICE OF INFORMATION POLICY (OIP) to: (i) improve compliance with the FOIA and develop best practices and policies in FOIA administration; (ii) coordinate, support and participate in training and informational programs to promote best practices in the FOIA process among Federal agencies and requesters; and (iii) promote openness and transparency in government. Under the FOIA amendments proposed under H.R. 1211 by Representatives Issa, Cummings and Quigley and under S.2520 by Senators Leahy, Grassely, Cornyn, Markey and Hirono, it is made clear that the OGIS shall function administratively INDEPENDENT of and WITHOUT COLLABORATING with not only the DOJ and OIP but also the head of the NARA. Sincerely, Brady Eames