

Illegal transfer of my FOIA request for records of the Administrative Committee of the Federal Register!!!

Brady Eames <ibuncle@yahoo.com>

Jan 5, 2015 3:13 PM

Posted in group: FOIA Advisory Committee

Dear agents of the United States, The **Administrative Committee of the Federal Register (ACFR)** has **NOT codified** that FOIA requests with respect to records of the ACFR shall be transferred to NARA for adjudication and determination and **NARA** has **NOT codified** that it shall receive, adjudicate and determine such FOIA requests. In response to this email notification from the **Acting Director of the Office of the Federal Register** named **Amy Bunk**, I consider such **Acting Director** to be engaged in an arbitrary and illegal transfer of a Federal FOIA record. Under *44 USC 1506* and *1 CFR 2.2(d)*, I shall hold the **ACFR** exclusively accountable for any adjudication and determination made with respect to my FOIA request for certain records of the ACFR. By the way, today upon calling **DOJ/OLC-Special Counsel/ACFR-member Rosemary Hart** (202-514-2027) for confirmation that **Amy Bunk** is the **acting Secretary of the ACFR**, she insisted that I "put it in writing" and then hung up on me. Sincerely, Brady Eames

On Monday, January 5, 2015 11:34 AM, Amy Bunk <amy.bunk@nara.gov> wrote:

Mr. Eames,

We received your FOIA request regarding the Administrative Committee of the Federal Register.

Some of the records are at the Office of the Federal Register and some have been accessioned to our parent agency the National Archives and Records Administration. Thus, we have provided your request to the National Archives and Records Administration's Special Access and FOIA office for processing the portion of your request involving accessioned records.

On Wed, Dec 31, 2014 at 4:13 AM, Brady Eames <ibuncle@yahoo.com> wrote:

FREEDOM OF INFORMATION ACT REQUEST

Date: Wednesday-December 31, 2014

To: **Administrative Committee of the Federal Register (ACFR)**

Attn: **Amy Bunk-Acting Director of the Federal Register**

(see "OFR Blog" at <https://www.federalregister.gov/blog/2014/10/ofr-director-charley-barth-stepping-down>)

Method of Submission:

Electronic mail (Email) address amy.bunk@nara.gov

Authorities:

5 USC § 552(a)(3)

1 CFR § 2.2(d)

DESCRIPTION OF RECORDS SOUGHT:

(1) The name and title of each and every officer of the Department of Justice (DOJ) who has been designated by the Attorney General of the United States (Attorney General) as a member of the ACFR (DOJ-Member) since the establishment of the ACFR under 44 USC § 1506.

(2) The final votes of the Archivist of the United States or Acting Archivist (Archivist), of the DOJ-Member and of the Public Printer or Acting Public Printer which have been cast in every proceeding of the ACFR including, but not limited to, in the following proceedings and which have been mandated under 5 USC § 552(a)(5) to be made available for public inspection in a reading room:

(a) Disposition that would inform the public the **ACFR** has, in accordance with 1 CFR § 2.1(a) and *Executive Order 10530* of May 11, 1954, as amended, and with the approval of the **Archivist** and the **Attorney General**, the responsibility for and actually carries out the promulgation of regulations of general applicability and legal effect with respect to the FEDERAL REGISTER and the CODE OF FEDERAL REGULATIONS if and when such regulations are approved by the **Archivist** and by the **Attorney General**.

(b) Disposition that would inform the public the ACFR's rules of general applicability and legal effect under the following laws shall NOT be promulgated and published in the FEDERAL REGISTER and shall NOT be codified in or keyed to the CODE OF FEDERAL REGULATIONS:

(i) *5 USC § 552-Public Information, agency rules, opinions, orders, records, and proceedings.*

(ii) *Title 44 of the USC § Chapter 31-Records Management by Federal Agencies.*

(iii) *Title 44 of the USC § Chapter 35-Coordination of Federal Information Policy.*

(iv) *Title 44 of the USC § Chapter 36-Management and Promotion of Electronic Government.*

(v) *Pub. L. 107-347, commonly cited as the "E-Government Act of 2002".*

(vi) *5 USC § 552a-Records Maintained on Individuals.*

(vii) *5 USC § 553-Rule Making.*

(viii) *Pub. L. 111-352, commonly cited as the "Government Performance Results Act (GPRA) Modernization Act of 2010".*

(ix) *Title 5 of the USC § Appendix-Federal Advisory Committee Act.*

(c) Disposition that would inform the public the ACFR shall NOT designate the following Officers within the organization of the ACFR:

(i) Chief Information Officer (see 44 USC § 3506(a)(2)),

(ii) Chief Freedom of Information Act Officer (see 5 USC § 552(k)),

(iii) Senior Procurement Executive (41 USC § 1702(c))

(iv) Chief Operating Officer (see 31 USC § 1123),

(v) Performance Improvement Officer (see 31 USC § 1124(a)),

(vi) Records Management Officer (see 44 USC 3101 and 3102, 36 CFR § 1220.34(a)),

(vii) Advisory Committee Management Officer (see *5 USC, Appendix-Federal Advisory Committee Act § 8(a)* and *41 CFR 102-3.105(c)*).

(d) Disposition that would inform the public the ACFR authorizes, with the approval of the Archivist and the **Attorney General**, the following Federal agencies, or any other Federal agency, to publish their administrative rules having general applicability and legal effect on their respective internet website-page address **BEFORE or** WITHOUT such rules being published in the FEDERAL REGISTER or codified in and keyed to the CODE OF FEDERAL REGULATIONS:

- (i) National Archives and Records Administration
- (ii) National Labor Relations Board
- (iii) Office of Management and Budget
- (iv) General Services Administration
- (v) Office of Personnel Management

(e) Disposition that would inform the public the **ACFR** mandates, in accordance with the *Executive Order 13403* of May 21, 2006 and with the approval of the **Archivist** and the **Attorney General**, that proposed Executive orders shall be approved exclusively by the **Attorney General** and shall **NOT** be transmitted to the **Director of the Office of the FEDERAL REGISTER** (Director-OFR) for a determination that such proposed Executive orders conform to *1 CFR § 19.1* and are free from typographical and clerical errors before they are transmitted to the President of the United States for execution and to the **OFR** for publication in the FEDERAL REGISTER.

(f) Disposition that would inform the public the **ACFR** authorizes, with the approval of the **Archivist** and the **Attorney General**, any and all Executive Orders executed by President Obama to be published on "whitehouse.gov" BEFORE being published in the FEDERAL REGISTER.

(g) Disposition that would inform the public that the ACFR shall **NOT** make available on a public website a **4-year agency strategic plan** of the ACFR mandated under *5 USC § 306*.

(h) Disposition that would inform the public the **ACFR** shall **NOT** make available on a public website an **agency performance plan** of the **ACFR** mandated under *31 USC § 1115*.

(i) Disposition that would inform the public the **ACFR** shall **NOT** make available on a website's "reading room" the index mandated under *5 USC § 552(a)(2)* to provide identifying information for the public as to any matter issued, adopted or promulgated by the ACFR after July 4, 1967 under *5 USC 552(a)(2)(A)-(C)*.

(j) Disposition that would inform the public the ACFR has, with the approval of the **Archivist** and the **Attorney General**, revoked *1 CFR § 6.2* and does NOT mandate that the **analytical subject index covering the contents of the FEDERAL REGISTER** shall be cumulatively and separately published at least once each calendar year.

(3) **Listing of each and every electronic website-page address of the ACFR that has been established on the internet and at which the public may find information with respect to or obtain the decisions of the ACFR.**

(4) **With respect to the administration of President Barack Obama (President) from January 20, 2009 until present:**

(a) Descriptions of each and every electronic mail server within the ACFR that sends to, and receives and stores Email from, the public;

(b) Every Email address of the **Director-OFR** at which the public may file material or

send a correspondence, an inquiry or other material intended for the ACFR.

(c) Identities and titles of each officer within the **ACFR** accountable for opening, reading and responding to the ACFR's Email from the public, for determining the status of such Email as a legal Federal record and for deleting, purging or disposing such Email if it's determined to **not** be Federal records.

Format of Records Sought: electronic, **but NOT internet website-page addresses**, or paper if not available electronically.

Request for Waiver of Fees (see 5 USC § 552(a)(4)(A)(iii)):

Explanation of Request: The information requested and described above most certainly concerns the operations and activities of the Federal government and will likely contribute significantly to the public's knowledge and understanding of the following:

- (1) name and title of every DOJ-Member ;
- (2) voting of each member of the ACFR;
- (3) website-pages of the ACFR where the public may find information with respect to or obtain the decisions of the ACFR;
- (4) ACFR's administration of Email from the public.

Requester:

BRADY EAMES

Physical address: 478 E. 700 N.-Apt. #2

Logan, UT 84321

E-mail address: ibuncl@yaho.com

Phone number: 435-881-1022

Thank you

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Amy Bunk
Acting Director
Office of the Federal Register
National Archives and Records Administration
(o) 202-741-6025
(b) 202-271-8041
amy.bunk@nara.gov
abunk@gpo.gov

Issues re: phone # of Administrative Committee of the Federal Register!!!

Brady Eames <ibuncle@yahoo.com>

Jan 5, 2015 3:39 PM

Posted in group: FOIA Advisory Committee

Dear agents of the United States, Today upon calling the phone number 202-741-6100 listed in the Congressional Directory as the phone number for the Administrative **Committee of the Federal Register** (ACFR), an automated answering service stated "You've reached Charley Barth, Director of the Office of the Federal Register" and alerted "**this extension is not accepting messages**". Is the public now cut off from contacting the **ACFR** for information regarding their records and their obligations and the rights of the public under the FOIA?! Please explain. Thank you, Brady Eames

ACFR's dereliction of duty under the FOIA!!!

Brady Eames <ibuncle@yahoo.com>

Jan 5, 2015 4:42 PM

Posted in group: FOIA Advisory Committee

Dear agents of the United States, In an apparent manifestation of egregious malfeasance, the **Administrative Committee of the Federal Register (ACFR)**, namely **Archivist David Ferriero**, **Public Printer Davita-Vance Cooks** and **DOJ/OLC Special Counsel Rosemary Hart**, are collectively guilty of dereliction of their duty to publish in the FEDERAL REGISTER and codify under the CODE OF FEDERAL REGULATIONS any FOIA regulations of the **ACFR** under *5 USC 552*. Ironic indeed considering the ACFR is entrusted to "**ensure that the legislative mandates of the Federal public information statutes, including the FRA, the Administrative Procedure Act, and the *Freedom of Information Act* are carried out by maintaining a uniform system for filing and publishing regulatory material and Presidential documents, and by ensuring that the public has ready access to the essential regulatory and organizational information of the United States Government.** (see *44 USC 1505, 1506 and 1510* and <http://www.archives.gov/federal-register/acfr/background.html>) Please explain. Thank you, Brady Eames