



# Freedom of Information Act Federal Advisory Committee



## **INTRODUCTION TO THE COMMITTEE:**

### **RESPONSIBILITIES, BY-LAWS, AND OPERATING AND VOTING PROCEDURES**

Committee Term: 2016-2018



# Welcome



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**Thank you for your participation in the Freedom of Information Act (FOIA) Federal Advisory Committee.**

- **The Committee is established in accordance with the NAP and the directive in the Freedom of Information Act, 5 U.S.C. § 552(h)(1)(C), that the Office of Government Information Services (OGIS) “recommend policy changes ... to improve” the Freedom of Information Act (FOIA) administration. The Committee is governed by the provisions of the Federal Advisory Committee Act, as amended, 5 U.S.C. App.**
- **This advisory committee shall serve as a deliberative body to advise on improvements to FOIA administration. The Committee will study the current FOIA landscape across the Executive Branch and may recommend legislative action, policy changes or executive action, among other matters.**



# Committee Structure



- The Archivist of the United States (AOTUS) appointed 19 members of the Committee for the 2016-2018 term.
  - Committee membership is ten members from within government, nine non-government members.

Government Members	Non-Government Members
<p>Required:</p> <ul style="list-style-type: none"> <li>• Three FOIA professionals from Cabinet-level Departments</li> <li>• Three FOIA professionals from non-Cabinet agencies</li> <li>• One representative from the Department of Justice, Office of Information Policy</li> <li>• One representative from NARA</li> </ul>	<p>Required:</p> <ul style="list-style-type: none"> <li>• Two individuals representing the interests of non-governmental organizations that advocate on FOIA matters</li> <li>• One individual representing the interests of FOIA requesters who qualify for the “all other” FOIA requester fee category</li> <li>• One individual representing the interests of requesters who qualify for the “news media” FOIA requester fee category</li> <li>• One individual representing the interests of requesters who qualify for the “commercial” FOIA requester fee category</li> <li>• One individual representing the interests of historians and history-related organizations</li> <li>• One individual representing the interests of academia.</li> </ul>



# Committee Structure



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- **Nikki Gramian, Acting Director of the Office of Government Information Services (OGIS), serves as the committee chair. The chair serves as the committee's 19<sup>th</sup> member and will decide any tie votes.**
- **A vice chair will be selected from the existing non-government members on the committee.**



# Committee Administration



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- Patrice Little Murray, from the National Archives and Records Administration's Office of Strategy and Communications Partnership Division, serves as the Committee Management Officer.
- Kate Gastner, from OGIS, serves as the Designated Federal Officer (DFO).
- All committee communications **must** include the DFO at the following address for records-keeping purposes, [Foia-advisory-committee@nara.gov](mailto:Foia-advisory-committee@nara.gov).

- **Chair**

- Provide leadership and adhere to the Charter and such other rules of order and operating procedures as the Committee may adopt, maintain order, and conduct each meeting in accordance with FACA and the prescribed rules and procedures
- Call meetings of the Committee to order
- Set the meeting agenda
- Determine a quorum
- Open and preside over the meetings
- Certify the meeting minutes

- **Vice Chair**

- Shall assume and perform the duties of the Chairperson in the event the Chairperson is absent or unavailable



# Responsibilities



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- **Committee Members**
  - Attend meetings of the Committee and Subcommittee(s)
  - Submit items for the Committee and Subcommittee agendas
  - Deliberate and offer advice to AOTUS on FOIA related matters
  - **\*Federal members\*** - submit financial disclosure forms annually for an ethics review



# Responsibilities



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- **Designated Federal Officer**
  - Notify NARA's ethics officer of the appointment of new Federal employee members and ensure that financial disclosure requirements have been satisfied by new members prior to their first participation in Committee meetings
  - Schedule the meetings of the Committee or Subcommittee(s)
  - Approve the agendas for all meetings
  - Attend the meetings of the Committee and Subcommittee(s)
  - Adjourn the meeting of the Committee or Subcommittee(s)
  - Chair any meeting when so directed by the AOTUS
  - Maintain records of Committee activities

- The Chairperson, in consultation with the full Committee and with DFO approval, may convene Subcommittees to support the Committee's functions.
- Each Subcommittee will have two chairs, one government member and one non-government representative member of from the Committee membership.
- Subcommittees shall report their work and findings to the Committee for deliberation.
- Past Subcommittees from the 2014-2016 term included:
  - Fees
  - Oversight and Accountability
  - Proactive Disclosure

- **Subcommittee Co-chairs**
  - Work with DFO to schedule Subcommittee meetings
  - Call Subcommittee meetings to order
  - Set the meeting agenda
  - Open and preside over the meeting
  - Copy the DFO on all Subcommittee correspondence
  - Adjourn the Subcommittee meetings

- **Committee Meetings- General**
  - Meet at a minimum of four times per year, as called by the DFO
  - Only held when a quorum is present (2/3 membership, 12 members)
  - Open Meetings: minutes and proceedings open to public
  - Closed Meeting: only under limited circumstances and in accordance with the FACA and the Government in the Sunshine Act
  - Notice of all meetings will be published in the Federal Register 15 days prior to the meeting



# By-Laws



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- **Meetings- Deliverables**

- Agenda: created by DFO, approved by Chairperson. Committee members and members of the public may submit agenda items
- Minutes: DFO prepares minutes (record of persons present, description of matters discussed and conclusions reached, copies of all reports and recommendations, and other materials received, issued, or approved by the Committee)
- Public Comment: The public may comment at open meetings and submit written statements to the committee at any time
- All meeting material is posted on the Committee's website-  
<https://ogis.archives.gov/foia-advisory-committee/2016-2018-term/Meetings.htm>

- **Meetings- Conduct**

- Chairperson will call the meeting to order
- Committee Members will state their presence
- Chairperson will read or reference certified minutes of previous meeting
- Chairperson will make announcements, ask for reports from subcommittees or individual members, open discussion for unfinished business, introduce new business, and invite members to comment
- Chairperson will invite public to make oral comments, written comments can also be submitted to the Committee at any time
- Chair will adjourn the meeting



# Operating Procedures



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- **The FOIA Advisory Committee follows these operating procedures in all meetings:**
  - Members may raise hands to obtain the floor
  - Members may remain seated while making motions or speaking
  - Motions do not need to be seconded
  - There is no limit to the number of times a member can speak to a debatable question
  - Motions are still in order to close or limit debate, including limiting times one can speak on motion
  - Appeals are debatable under the regular rules



# Voting Procedures



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- **The FOIA Advisory Committee follows these operating procedures in all meetings:**
  - Informal discussion of a subject is permitted while no motion is pending. A vote can be taken without a motion if everyone is perfectly clear
  - Unless there is unanimous consent, all actions must be approved by vote
  - Chair must restate motion before voting
  - Chair does not need to rise while putting the question (calling for the vote)
  - Chair can speak in informal discussion and in debate
  - Chair can vote on all questions



# Voting Procedures



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- In accordance with Article 5 of the FOIA Advisory Committee By-laws, when a decision or recommendation of the Committee is required, the Chairperson shall request a motion to vote.
  - Any Committee member may move that the Committee vote
  - No second after a proper motion shall be required to bring any issue to vote
  - Only the Chairperson and members may vote on an issue

# Voting Procedures

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- There are two types of votes the FOIA Advisory Committee can take (Article 5b):

- Voice Vote
- Show of Hands

- There are three types of decisions (Article 5c):

- Unanimous Decision- every member (except those absent)
- General Consensus- at least two-thirds of total votes cast
- General Majority- majority of the total votes cast



# Contacts



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## **Chair**

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## **DFO**

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## **Committee Org Box**

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