

*log in
12/7/10*

Dyndia

Tangredi, Joseph

From: Dan Jenkins [jenkins.daniel]
Sent: Monday, November 22, 2010 4:26 PM
To: Tangredi, Joseph
Subject: FOIA request re-send
Attachments: Letter1.PDF

Ind.

Dear Mr. Tangredi,

Here's the operative section of the FOIA request 20100952DOA001 transmitted to your agency:

All documents related to "the several specific steps" that White House Chief of Staff Rahm Emanuel and White House Counsel to the President Bob Bauer instructed your agency to take in a 16 March 2010 memo to all agency and department heads. The memo is available at http://www.whitehouse.gov/sites/default/files/rss_viewer/foia_memo_3-16-10.pdf

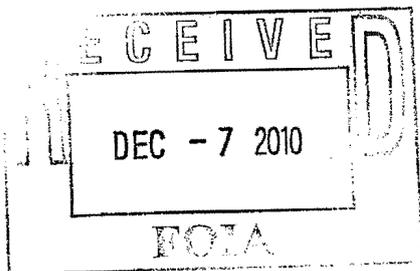
The "specific steps" that the memo instructed your office to implement include:

- 1) "update[ing] all FOIA guidance and training materials to include the principles articulated in the President's memorandum" and
- 2) "assess[ing] whether you are devoting adequate resources to responding to FOIA requests promptly and cooperatively."

I have also attached the full FOIA request as it was sent. Thank you for your help with this request. I will be sure to discuss your recommendations for our FOIA process with our FOIA Coordinator.

Happy Thanksgiving,

Dan Jenkins
Research Assistant
The National Security Archive



JAN - 7 2011

The National Security Archive

The George Washington University
Gelman Library, Suite 701
2130 H Street, N.W.
Washington, D.C. 20037

Phone: 202/994-7000
Fax: 202/994-7005
nsarchiv@gwu.edu
www.nsarchive.org

Wednesday, September 29, 2010

Andrea E. Fowler
Freedom of Information Act Officer
Office of Communications
Room 536-A Whitten Bldg., Ag Stop 1310
1400 Independence Avenue, S.W.
Washington, DC 202501300

Re: Request under the FOIA, in reply refer to Archive# 20100952DOA001

Dear Ms. Fowler :

Pursuant to the Freedom of Information Act (FOIA), I hereby request the following:

All documents related to "the several specific steps" that White House Chief of Staff Rahm Emanuel and White House Counsel to the President Bob Bauer instructed your agency to take in a 16 March 2010 memo to all agency and department heads. The memo is available at http://www.whitehouse.gov/sites/default/files/rss_viewer/foia_memo_3-16-10.pdf

The "specific steps" that the memo instructed your office to implement include:

- 1) "update[ing] all FOIA guidance and training materials to include the principles articulated in the President's memorandum" and*
- 2) "assess[ing] whether you are devoting adequate resources to responding to FOIA requests promptly and cooperatively."*

If you regard any of these documents as potentially exempt from the FOIA's disclosure requirements, I request that you nonetheless exercise your discretion to disclose them. As the FOIA requires, please release all reasonably segregable non exempt portions of documents. To permit me to reach an intelligent and informed decision whether or not to file an administrative appeal of any denied material, please describe any withheld records (or portions thereof) and explain the basis for your exemption claims.

As a representative of the news media, the National Security Archive qualifies for "representative of the news media" status under 5 U.S.C. Sec. 552(a)(4)(A)(ii)(II) and, therefore, may not be charged search and review fees. (See *National Security Archive v. U.S. Department of Defense*, 880 F.2d 1381 (D.C. Cir. 1989), *cert denied*, 110 S Ct. 1478 (1990)). This request is made as part of a scholarly and news research project that is intended for publication and is not for commercial use. For details on the Archive's research and extensive publication activities please see our website at www.nsarchive.org.

To expedite the release of the requested documents, please disclose them on an interim basis as they become available to you, without waiting until all the documents have been processed. Please notify me before incurring any photocopying costs over \$100. If you have any questions regarding the identity of the records, their location, the scope of the request or any other matters, please call me at (202) 994-7000 or email me at foiamail@gwu.edu. I look forward to receiving your response within the twenty day statutory time period.

Sincerely yours,

Nate Jones



Tonya G
Woods/MD/APHIS/USDA
12/07/2010 12:59 PM

To: FOIA Officer/MD/APHIS/USDA@USDA
cc
bcc
Subject: NEW FOIA REQUEST - Fw: FOIA REFERRAL - FW: New
FOIA Request from the GWU National Security Archive
(OSEC-11-029)

Tonya G. Woods, Director
U.S. Department of Agriculture
Animal & Plant Health Inspection Service
Legislative and Public Affairs - FOIA & Privacy Acts Office
Telephone: (301) 734-8296
Fax: (301) 734-5941

----- Forwarded by Tonya G Woods/MD/APHIS/USDA on 12/07/2010 12:59 PM -----

From: "Tangredi, Joseph" <Joseph.Tangredi@ocio.usda.gov>
To: "Tangredi, Joseph" <Joseph.Tangredi@ocio.usda.gov>, "Joanne.C.Peterson@gipsa.usda.gov" <Joanne.C.Peterson@gipsa.usda.gov>, "Hutchison, Stasia" <Stasia.Hutchison@ars.usda.gov>, "STEWART, ALBERT" <ALBERT.STEWART@dig.usda.gov>, "Tonya.G.Woods@aphis.usda.gov" <Tonya.G.Woods@aphis.usda.gov>, "George Vargas" <gvargas@fs.fed.us>, "Walker, Beverly" <Beverly.Walker@fsis.usda.gov>, "Carpenter, Janice" <Janice.Carpenter@fsis.usda.gov>, "Jennifer.Weatherly@fns.usda.gov" <Jennifer.Weatherly@fns.usda.gov>, "Noland, Henry (FAS)" <Henry.Noland@fas.usda.gov>, "Holmes, Phyllis" <Phyllis.Holmes@dm.usda.gov>, "Emmer, Valerie" <Valerie.Emmer@ams.usda.gov>, "Sloca, Sueellen - Washington, DC" <Sueellen.Sloca@wdc.usda.gov>, "RA.DCWashing2.FSA-FOIA" <FSA.FOIA@wdc.usda.gov>, "Alston, Mary - Washington, DC" <Mary.Alston@wdc.usda.gov>, "Hetrick, Julie" <jmh@obpa.usda.gov>, "Ciampa, Richard" <Richard.Ciampa@ocio.usda.gov>, "Saalfeld, Richard" <Richard.Saalfeld@cfo.usda.gov>, "Sullivan, Sara - Washington, DC" <Sara.Sullivan@wdc.usda.gov>, "Ellis, Lolita -USDA" <Lolita.Ellis@ascr.usda.gov>
Cc: "Wilkerson, Courtney" <Courtney.Wilkerson@ocio.usda.gov>
Date: 12/06/2010 02:51 PM
Subject: RE: FOIA REFERRAL - FW: New FOIA Request from the GWU National Security Archive (OSEC-11-029)

In response to questions from several FOIA offices, who asked for clarification of this FOIA request, **specifically Part 2, the request may have been expressed a little oddly**, but here is the proper interpretation to use:

1. Please look at the second paragraph of the request (the first paragraph bolded and in italics), which begins: ***"All documents related to the 'several specific steps' that White House Chief of Staff Rahm Emanuel and White House Counsel to the President Bob Bauer instructed your agency to take in a 16 March 2010 memo to all agency and department heads..."***
2. Note that the request is clearly asking for "All documents", so it definitely is a request for documents.
3. To determine what the "several specific steps" are, you should do either one or the other of the following: Either look at the Memo the requester is referring to (for which there is a link provided later in that second paragraph of the request which is bolded and italicized), or just look at the third, fourth and fifth paragraphs in the request itself (which are also bolded and in italics). You will see something labeled "1" and something labeled "2". Those are the "several specific steps" referred to in the Memo and in the FOIA request.

4. So, you have to determine if your agency, since Memo, dated March 16, 2010 (and up until the date of your search), took any steps to do either of those things, in "1" or "2". Then you should determine whether any of those actions were recorded anywhere in documents. The documents you identify as referring to either of those "specific steps" – either about "updating all FOIA guidance and training materials to include the principles articulated in the President's memorandum (the President's Memorandum is referred to in the White House Memorandum from Mr. Emanuel, referenced above), and/or "assessing whether you are devoting adequate resources to responding to FOIA requests promptly and cooperatively."

5. In other words, if your agency conducted a discussion of either of those two "specific steps" via email or in any other format, or drafted any memos, reports, guidances, rules, etc., then all of that would be fair game as "responsive" to this FOIA request.

6. In some instances, some of the responsive records may have originated with your respective Information Management Branches/Divisions, Open Government groups or committees, or other offices or programs whose work impacts FOIA. I would advise you to inquire with those offices/programs to be sure.

It's really much simpler a request than it looks. The only odd thing about it is that it has some internal, self-referential references which distract you and force you to look back and forth between the Memo (actually they refer to one Memo and that Memo references another Memo!) and the request itself.

If anyone has any further questions on this, don't hesitate to call me (202-720-8164) or email me and ask. I will be glad to walk you through it. The main thing about this is that **we all need to respond to this FOIA request as soon as possible!**

Thanks, everyone!

From: Tangredi, Joseph

Sent: Wednesday, November 24, 2010 10:16 AM

To: 'Joanne.C.Peterson@gipsa.usda.gov'; 'Hutchison, Stasia'; STEWART, ALBERT; 'Tonya.G.Woods@aphis.usda.gov'; 'George Vargas'; 'Walker, Beverly'; 'Carpenter, Janice'; 'Jennifer.Weatherly@fns.usda.gov'; 'Noland, Henry (FAS)'; Holmes, Phyllis; 'Emmer, Valerie'; 'Sloca, Sueellen - Washington, DC'; RA.DCWashing2.FSA-FOIA; 'Alston, Mary - Washington, DC'; Hetrick, Julie; Ciampa, Richard; Saalfeld, Richard; 'Sullivan, Sara - Washington, DC'; Ellis, Lolita -USDA

Subject: FOIA REFERRAL - FW: New FOIA Request from the GWU National Security Archive (OSEC-11-029)

Importance: High

Dear FOIA officers and staff:

This FOIA request (please see attached) was just received, from the George Washington University National Security Archive. (Despite the fact that the request is dated 9/29/2010, it was mailed to the wrong address at USDA and faxed to the wrong fax number; therefore it did not arrive here when originally sent. The requester sent a copy of the original request again on 11/22/2010.) I am referring it to all USDA FOIA offices for independent processing and response to the requester. The request has to do with agencies' compliance with or attention to a White House memorandum on FOIA, as explained in the request. It also asks specifically about any training materials that agencies might have created or updated giving attention to that memo.

Thanks for your attention, and Happy Thanksgiving!

Joe Tangredi
USDA FOIA Service Center

From: Tangredi, Joseph
Sent: Tuesday, November 23, 2010 11:05 AM
To: Ollila, Betty; Wilkerson, Courtney
Subject: New FOIA Request from the GWU National Security Archive (OSEC-11-029)
Importance: High

Hello Courtney and Betty –

This request (attached) was received for the first time here yesterday. The requester called asking about it, and says on 10/1/2010, he mailed it to Andrea Fowler in the Office of Communications, Room 536-A Whitten Bldg., and faxed it to 202-720-8098 (which is an incorrect fax number, hasn't been correct in years, and now dials into a fax machine at 0038-S in the Basement of the South Bldg, according to Voice Services.) Their incorrect mailing address and fax number caused it not to get to me, so he emailed a copy yesterday, 11/22/2010. Furthermore I notified the GWU National Security Archive back in February, in writing, that that fax number they had on file was wrong, and that the address was wrong, and they should update their files and use the proper contact information on our website. Nate Jones of the Archive emailed me back and said they would do so. That was back in February, on another request from them. Now again on 10/1/2010, they used the wrong information.

In any event, I think we can take care of this fairly promptly because for each point on here (1 and 2), it's basically either a "yes" or "no" (as far as the "specific steps" it refers to), and if it's a "yes", we can send them the appropriate documents.

Let me know what you think.... Since this is the GWU Natl Security Archive, and they do yearly "audits" of FOIA which they publicize, I think we should attend to this as quickly as possible.

Thanks...

Joe