

# EXHIBIT

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# Preview Appeal

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★ indicates a required field.

## Agency Selection

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**Agency** U.S. Department of Commerce

## Request Type

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**Request Type** FOIA

## Contact Information

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**Salutation** Mr.  
**First Name** Jared  
**Middle Initial**  
**Last Name** Pettinato  
**Created on Behalf Of**  
**Organization** The Pettinato Firm  
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**City** Washington  
**State/Province**  
**Zip Code/Postal Code** 20010

## Request Information

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**Tracking Number** DOC-IOS-2021-001781  
**Full Name** Under Agency Review  
**Date Submitted** 07/12/2021  
**Request Phase** Processing  
**Request Track** Simple  
**Final Disposition**

## Basis for Appeal

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**Basis for Appeal**

Dear Sir or Madam, We hereby appeal from the Department of Commerce's failure to produce the report the Commerce Department sends to the President under 13 U.S.C. § 141(b). I filed this request on May 10, 2021, with the Census Bureau. The Census Bureau transferred it to the Office of the Secretary on July 12, 2021. Even counting since the Office of the Secretary received the request, 435 days have passed, which is far more than the 20 days by which FOIA requires production. See 5 U.S.C. 552(a)(6)(a)(i); 15 C.F.R. 4.6(b). This is a simple-track request for a single document. The Department has not explained that other documents on the simple track queue have prevented this production, or by when it expects to produce the document. It has not explained that any unusual circumstances exist. Upon my email requests for updates, it referred me to a contractor, who asked another contractor for an update, and we waited patiently. Ultimately, it obtained no prediction on when the Department would produce the document, and no prediction on when it could obtain a prediction on when it would produce the document. I am attaching that email string. Please produce that single document requested within twenty business days of this appeal, by October 18, 2022. See 5 U.S.C. 552(a)(6)(a)(ii); 15 C.F.R. 4.6(b). Sincerely, Jared Pettinato The Pettinato Firm 3416 13th St. NW, Unit 1 Washington, DC 20010 (406) 314-3247 Jared@JaredPettinato.com

**Based on Fee Waiver**

**Based on Expedited Processing**

## Attach Supporting Files

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Attached File Name	Size (MB)	File Type
RE_ FOIA Request DOC-IOS-2021-001781.pdf	0.1326	Adobe PDF document

**I Agree.**

**I have read the Privacy and Security Notice and agree to the terms set forth.**

**I Agree.**

**Affirmation. Pursuant to 28 USC § 1746, I declare and affirm that under penalty of perjury under the laws of the United States of America that all of the foregoing information, statements, and signatures submitted in connection with this request and in any supporting documents are true and correct to the best of my knowledge.**

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