

U. S. DEPARTMENT OF AGRICULTURE

Freedom of Information Act Annual Report FY 2006

I. Basic Information Regarding Report

Responsibility for preparing the U.S. Department of Agriculture's Freedom of Information Act Annual Report for fiscal year 2006 rests with USDA's Office of the Assistant Secretary for Administration. The report can be accessed from the World Wide Web at:

<http://www.usda.gov/da/foia.htm>.

A paper copy of the report may be obtained by requesting it. For additional information, contact:

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II. How to Make a FOIA Request

Anyone may request USDA records under the FOIA by letter, fax or e-mail. A requester who sends USDA a FOIA request that is understandable and specific about the time frame of the records sought and who has addressed the request to the USDA agency with responsibility for the records has the greatest likelihood of receiving a response within 20 working days of the agency's receipt of the request. Any request that fails to identify the records sought or is sent to the wrong agency must be clarified before an agency can begin a search; in such case, USDA will try to contact the requester for additional information.

The url (universal resource locator) for the U.S. Department of Agriculture's FOIA home page is <http://www.usda.gov/da/foia.htm>. All USDA agencies are linked to the USDA home page. A significant portion of USDA records are maintained in agency files and are described on agency web pages, which are linked to the USDA home page. Potential requesters may want to review agency web pages in order to identify the USDA agency likely to have possession of the records sought.

USDA employs a number of Freedom of Information Act specialists who make every effort to comply with the requirements of the Freedom of Information Act as amended. A list of USDA agency employees responsible for handling FOIA requests can be found at <http://www.usda.gov/da/foia.htm>.

III. Definitions of Terms and Acronyms Used in the Report

A. Agency-specific acronyms are as follows:

AMS - Agricultural Marketing Service;
APHIS - Animal and Plant Health Inspection Service;
CCC - Commodity Credit Corporation;
DA - Departmental Administration;
FAS - Foreign Agricultural Service;
FNCS - Food, Nutrition and Consumer Service;
FSA - Farm Service Agency;
FSIS - Food Safety and Inspection Service;
FS - Forest Service;
GIPSA - Grain Inspection, Packers and Stockyards
Administration;
NAD - National Appeals Division;
NFC - National Finance Center;
NRCS - Natural Resources Conservation Service;
OBPA - Office of Budget and Program Analysis;
OCFO - Office of the Chief Financial Officer;
OCIO - Office of the Chief Information Officer;
OCR - Office of Civil Rights;
OGC - Office of General Counsel;
OIG - Office of the Inspector General;
OSEC - Office of the Secretary;
RD - Rural Development;
REE - Research, Education and Economics; and
RMA - Risk Management Agency

B. Basic terms are as follows:

FOIA/PA request - a Freedom of Information Act/Privacy Act request. A FOIA request is generally a request for access to records concerning a third party, an organization or a particular topic of interest. A Privacy Act request is a request for records concerning oneself. Requests filed under either law are treated as FOIA requests and are processed as expeditiously as possible.

Initial request - a request to a Federal agency for access to records under the Freedom of Information Act.

Appeal - a request to a Federal agency asking that it review at a higher level of administrative authority any full or partial denial of access to records under the Freedom of Information Act or Privacy Act or any other FOIA determination, such as a proposed fee for access to records.

Processed request - a request or appeal for which an agency has made its final determination or taken its final action.

Multi-track processing - a system in which simple requests requiring relatively minimal review are placed in one processing track and more voluminous, complex requests are placed in one or more other tracks. Requests in each track are processed on a first-in/first out basis. A requester who has an urgent need for records may request expedited processing.

Expedited processing - an agency will process a FOIA request on an expedited basis when the requester has shown a compelling need for a specific record. A compelling need is a threat to life or physical safety for an individual or, in the case of the media, urgency to inform the public concerning actual or alleged Federal Government activity.

Simple request - a FOIA request that an agency using multi-track processing places in its fastest, nonexpedited track based on the volume and/or simplicity of records requested.

Complex request - a FOIA request that an agency using multi-track processing places in a slower track based on the volume and/or complexity of records requested.

Grant - an agency decision to disclose all records in full in response to a FOIA request.

Partial grant - an agency decision to disclose part of a record in response to a FOIA request, deleting information determined to be exempt under one or more of the FOIA's exemptions, or a decision to disclose some records in their entirety but withhold others in whole or in part.

Denial - an agency decision not to release a record or records in response to a FOIA request because all the information in the requested records is determined by the agency to be exempt under one or more of the FOIA's exemptions or because of a procedural reason, such as no record was located.

Time limits - the time period authorized in the FOIA for an agency to respond to a FOIA request is 20 working days from proper receipt of a perfected FOIA request.

Perfected request - a FOIA request for records which adequately describes the records sought, which has been received by the FOIA office of the agency component in possession of the records, and for which there is no remaining question about the payment of applicable fees.

Exemption 3 statute - a separate Federal statute prohibiting the disclosure of certain types of records and authorizing their withholding under FOIA subsection (b) (3).

Median number - the middle, not average, number. For example, of 3, 7 and 14, the median number is 7.

Average number - the number obtained by dividing the sum of a group of numbers by the quantity of numbers in the group. For example, of 3, 7 and 14, the average number is 8.

IV. Exemption 3 Statutes

Statute/Rule	Type of Information Withheld	Case Citation
7 USC § 4901-4916 Watermelon Research and Promotion Act	List of watermelon growers and handlers	None
7 USC § 608(d)(2) Agricultural Marketing Act	Olive Handlers Information	None
7 USC § 499 (b) Perishable Agricultural Commodities Act	Names of individuals filing violations of the PACA	None
7 U.S.C. § 136 et seq. FIFRA (Federal Insecticide, Fungicide & Rodenticide Act	Information that would reveal location where restructured pesticides are applied and/or identity of producers	None
Rule 6(e) Federal Rules of Criminal Prcoedures – Grand Jury Material	Grand Jury-related information	Iglesias vs. CIA 525F. Supp 547.566 (DDC 1981)
35 USC § 209 Licensing of Patents	Detailed patent information	None
41 USC § 253(b) Technical Proposals of Contracts	Business/financial information	Hornbostel vs. Department of Interior 305F Supp 2d 21 (DDC 2003)
7 CFR § 272.1© Section 11(e)(8) – Food Stamp Act	Information obtained concerning administration or enforcement of the Food Stamp Act.	None
7 CFR § 2018(c)	Contents of applications or other information furnished by vendors in the Food Stamp Act business	None
16 USC § 470aa-mm Archaeological Resources Protection Act (1979)	Archaeological and Historic sites	None
Public Law 104-106, February 10, 1996: National Defense Authorization Act 1996	Technical Proposals submitted by unsuccessful contractors	None
16 USC § 470bb. National Historic Preservation Act of 1966	Location and nature of historic sites	None
7 U.S.C. 1502(c). FCIC Crop Insurance Act Section 502©	Personal information provided by the producer(policy info, yield data, etc.)	None

V. INITIAL FOIA/PA ACCESS REQUESTS

A. NUMBER OF INITIAL REQUESTS

	Number of Requests Pending As Of End of Preceding Year	Number of Requests Received in Current Year	Number of Requests Processed in Current Year	Number of Requests Pending as of End of Current Year
AMS	24	143	121	46
APHIS	1040	1111	1197	954
DA	27	58	56	29
FAS	0	54	51	3
FNCS	4	125	123	6
FSA	116*	51546	51499	163
FS	366**	3279	3350	295
FSIS	117	449	326	240
GIPSA	10	112	119	3
NAD	0	42	42	0
NRCS	7	358	351	14
OBPA	0	18	18	0
OCFO	0	22	22	0
OCIO	0	9	9	0
OCR	12***	51	52	11
OGC	7	15	15	7
OIG	61	206	226	41
OSEC ****	11	278	286	3
REE	13	215	220	8
RMA	0	88	88	0
RD	47	892	894	45
TOTAL	1862	59071	59065	1868

* Number of pending requests from FY 05 Report was erroneously reported as 220. The actual number was 116.

** Number from FY 2005 report was 367, but was incorrect. 366 is the correct number.

*** Number of requests from FY 05 Report was 10, but 2 additional cases that were pending were located so the actual number is 12.

****OSEC (Office of the Secretary) formerly reported as OC (Office of Communications)

V. INITIAL FOIA/PA ACCESS REQUESTS

B. DISPOSITION OF INITIAL REQUESTS

	Number of Total Grants	Number of Partial Grants	Number of Denials	No Records	Referrals	Request Withdrawn	Fee-related Reason	Records Not Reasonably Described	Not a Proper FOIA Request for Other Reason	Not an Agency Record	Duplicate Request	Other
AMS	43	44	4	15	0	7	6	0	2	0	0	0
APHIS	125	791	55	105	27	94	0	0	0	0	0	0
DA	18	3	2	18	5	10	0	0	0	0	0	0
FAS	32	5	1	7	5	0	0	0	0	1	0	0
FNCS	53	26	12	16	8	7	0	0	0	0	0	1
FSA	49806	462	519	175	11	49	3	8	4	301	38	123
FS	2034	512	280	302	25	39	60	15	17	15	8	43
FSIS	130	93	12	36	13	26	0	0	4	2	10	0
GIPSA	85	21	5	7	0	1	0	0	0	0	0	0
NAD	25	2	0	11	3	0	0	0	0	1	0	0
NRCS	226	29	32	35	14	6	2	5	0	2	0	0
OBPA	17	0	1	0	0	0	0	0	0	0	0	0
OCFO	16	1	2	1	1	1	0	0	0	0	0	0
OCIO	9	0	0	0	0	0	0	0	0	0	0	0
OCR	2	11	14	9	13	1	0	0	1	0	1	0
OGC	6	3	1	5	0	0	0	0	0	0	0	0
OIG	48	83	21	36	6	13	0	1	3	2	6	7
OSEC	33	8	0	17	228	0	0	0	0	0	0	0
REE	107	31	4	21	22	5	4	14	5	5	2	0
RMA	34	24	3	7	4	14	0	1	1	0	0	0
RD	623	76	66	78	1	5	20	11	6	6	2	0
TOTAL	53472	2225	1034	901	386	278	95	55	43	335	67	174

B. DISPOSITION OF INITIAL REQUESTS (Continued)

EXPLANATION OF DISPOSITION OF FOIA/PA INITIAL REQUESTS: OTHER REASONS FOR NONDISCLOSURE (COLUMN MARKED "OTHER")
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Component	Number of Times	Reason(s)
AMS	0	
APHIS	0	
DA	0	
FAS	0	
FNCS	1	Stored under Administrative Review for Food Stamp Trafficking.
FSA	123	Sent to FSA Field Offices that controlled the records.
FS	43	Referred to other FOIA offices within Forest Service
FSIS	0	
GIPSA	0	
NAD	0	
NRCS	0	
OBPA	0	
OCFO	0	
OCIO	0	
OCR	0	
OGC		
OIG	7	No authorization letter to release the information; no written consent given
OSEC	0	
RD	0	
REE	0	
RMA	0	

**B. DISPOSITION OF INITIAL REQUESTS (Continued)
EXEMPTIONS CLAIMED UNDER THE FREEDOM OF
INFORMATION ACT**

	(1)	(2)	(3)	(4)	(5)	(6)	(7) (A)	(7) (B)	(7) (C)	(7) (D)	(7) (E)	(7) (F)	(8)	(9)
AMS	0	5	3	25	11	25	6	0	6	0	0	0	0	0
APHIS	0	19	15	38	77	681	55	0	572	0	0	1	0	0
DA	0	0	0	2	1	2	0	0	0	0	0	1	0	0
FAS	0	0	0	5	3	0	0	0	0	0	0	0	0	0
FNCS	0	1	2	8	4	10	0	2	13	10	10	4	0	0
FSA	0	20	0	14	26	574	4	0	1	1	0	0	0	0
FS	0	6	14	42	141	123	16	1	70	0	0	0	0	0
FSIS	0	25	0	42	12	66	7	0	44	0	0	0	0	0
GIPSA	0	0	0	11	10	7	4	2	5	1	0	0	0	0
NAD	0	0	0	0	0	2	0	0	0	0	0	0	0	0
NRCS	0	0	0	8	6	37	2	1	0	0	0	0	0	0
OBPA	0	0	0	0	0	0	0	0	0	0	0	0	0	0
OCFO	0	0	0	0	2	0	0	0	0	0	0	0	0	0
OCIO	0	0	0	0	0	0	0	0	0	0	0	0	0	0
OCR	0	0	0	0	11	15	14	0	11	0	0	0	0	0
OGC	0	1	0	0	3	1	0	0	0	0	0	0	0	0
OIG	0	28	1	10	42	74	18	1	66	1	0	0	0	0
OSEC	0	0	0	0	0	8	0	0	0	0	0	0	0	0
REE	0	4	5	12	8	24	0	0	0	0	0	0	0	0
RMA	0	3	9	11	3	16	3	0	4	0	2	0	0	0
RD	0	8	0	52	40	57	2	0	4	0	0	0	0	0
TOTAL	0	120	49	280	400	1722	131	7	796	13	12	6	0	0

VI. APPEALS OF INITIAL DENIALS

	Appeals Received FY 2006	Appeals Processed FY 2006	Appeals Upheld	Appeals Partly Reversed	Appeals Completely reversed	(b)(1) Upheld on Appeal	(b)(2) Upheld on Appeal	(b)(3) Upheld on appeal	(b)(4) Upheld on Appeal
AMS	15	9	3	2	1	0	0	1	2
APHIS	22	6	6	0	0	0	0	0	0
DA	0	0	0	0	0	0	0	0	0
FAS	6	0	0	0	0	0	0	0	0
FNCS	5	1	1	0	0	0	0	0	0
FSA	41	49	1	20	16	0	0	0	0
FS	64	37	13	1	7	0	0	0	1
FSIS	8	4	0	1	0	0	0	0	0
GIPSA	2	3	2	1	0	0	1	0	1
NAD	0	0	0	0	0	0	0	0	0
NRCS	8	13	1	4	0	0	0	0	3
OBPA	0	0	0	0	0	0	0	0	0
OCFO	0	0	0	0	0	0	0	0	0
OCIO	0	0	0	0	0	0	0	0	0
OCR	8	10	2	3	0	0	0	0	0
OGC	1	2	2	0	0	0	0	0	0
OIG	11	18	9	5	3	0	1	0	0
OSEC	4	5	3	0	0	0	0	0	0
REE	1	2	1	0	0	0	0	0	0
RMA	1	1	1	0	0	0	0	0	1
RD	16	5	0	0	2	0	0	0	0
TOTAL	213	165	45	37	29	0	2	1	8

VI. APPEALS OF INITIAL DENIALS, CONTINUED

	(b)(5) Upheld on Appeal	(b)(6) Upheld on Appeal	(b)(7)(A) Upheld on appeal	(b)(7)(B) Upheld on Appeal	(b)(7)(C) Upheld on Appeal	(b)(7)(D) Upheld on Appeal	(b)(7)(E) Upheld on appeal	(b)(7)(F) Upheld on Appeal	(b)(8) Upheld on Appeal	(b)(9) Upheld on Appeal
AMS	1	2	0	0	0	0	0	0	0	0
APHIS	0	6	0	0	6	0	0	0	0	0
DA	0	0	0	0	0	0	0	0	0	0
FAS	0	0	0	0	0	0	0	0	0	0
FNCS	0	1	1	0	0	0	0	0	0	0
FSA	0	20	0	0	1	1	0	0	0	0
FS	4	6	1	0	2	0	0	0	0	0
FSIS	0	1	0	0	0	0	0	0	0	0
GIPSA	0	1	0	0	0	0	0	0	0	0
NAD	0	0	0	0	0	0	0	0	0	0
NRCS	0	3	1	0	0	0	0	0	0	0
OBPA	0	0	0	0	0	0	0	0	0	0
OCFO	0	0	0	0	0	0	0	0	0	0
OCIO	0	0	0	0	0	0	0	0	0	0
OCR	1	1	2	0	1	0	0	0	0	0
OGC	2	0	0	0	0	0	0	0	0	0
OIG	0	2	1	0	1	0	0	0	0	0
OSEC	0	0	0	0	0	0	0	0	0	0
REE	0	0	0	0	0	0	0	0	0	0
RMA	0	0	0	0	0	0	0	0	0	0
RD	0	0	0	0	0	0	0	0	0	0
TOTAL	8	43	6	0	11	1	0	0	0	0

VII. APPEALS OF INITIAL DENIALS, CONTINUED

	Other Reasons for non-disclosure	No records	Referred elsewhere	Request withdrawn	Fee-related reason	Records not reasonably described	Not a proper FOIA request	Not an agency record	Duplicate request	Other
AMS	3	1	0	0	0	2	0	0	0	0
APHIS	0	0	0	0	0	0	0	0	0	0
DA	0	0	0	0	0	0	0	0	0	0
FAS	0	0	0	0	0	0	0	0	0	0
FNCS	0	0	0	0	0	0	0	0	0	0
FSA	12	0	0	3	3	3	0	0	0	3
FS	16	3	0	3	6	0	0	0	0	4
FSIS	3	0	0	3	0	0	0	0	0	0
GIPSA	0	0	0	0	0	0	0	0	0	0
NAD	0	0	0	0	0	0	0	0	0	0
NRCS	8	1	0	7	0	0	0	0	0	0
OBPA	0	0	0	0	0	0	0	0	0	0
OCFO	0	0	0	0	0	0	0	0	0	0
OCIO	0	0	0	0	0	0	0	0	0	0
OCR	5	3	0	1	1	0	0	0	0	0
OGC	0	0	0	0	0	0	0	0	0	0
OIG	1	0	0	0	0	0	0	0	0	1
OSEC	2	2	0	0	0	0	0	0	0	0
REE	1	1	0	0	0	0	0	0	0	0
RMA	0	0	0	0	0	0	0	0	0	0
RD	3	2	0	1	0	0	0	0	0	0
TOTAL	54	13	0	18	10	5	0	0	0	8

Other – Appeals received after appeal deadline

VII. COMPLIANCE WITH TIME LIMITS/STATUS OF PENDING REQUESTS

A. Median Processing Time for Requests Processed During the Year

	Simple Requests		Complex Requests		Requests Accorded Expedited Processing	
	Number of Requests Processed	Median Number of days to Process	Number of Requests Processed	Median Number of days to Process	Number of Requests Processed	Median Number of days to Process
AMS	121	22	0	0	0	0
APHIS	980	60	217	912	0	0
DA	56	17	0	0	0	0
FAS	51	13	0	0	0	0
FNCS	123	6	0	0	0	0
FSA	50441	2	815	8	243	7
FS	1529	16	1816	17	5	15
FSIS	325	29	1	133	0	0
GIPSA	119	13	0	0	0	0
NAD	42	5	0	0	0	0
NRCS	334	16	15	19	2	6
OBPA	18	2	0	0	0	0
OCFO	0	0	22	16	0	0
OCIO	9	100	0	0	0	0
OCR	0	0	52	28	0	0
OGC	15	23	0	0	0	0
OIG	186	5	35	102	5	2
OSEC	286	26	0	0	0	0
REE	0	0	220	15	0	0
RMA	58	20	30	45	0	0
RD	0	0	894	13.25	0	0
TOTAL	54,693		4,117		255	

B. STATUS OF PENDING REQUESTS

Component	Number Of Requests Pending As Of the End of the Fiscal Year	Median Number of Days Pending
AMS	46	35
APHIS	954	170
DA	29	60
FAS	3	76
FNCS	6	14
FSA	163	10
FS	295	14
FSIS	240	150
GIPSA	3	14
NAD	0	0
NRCS	14	10
OBPA	0	0
OCFO	0	0
OCIO	0	0
OCR	11	40
OGC	7	20
OIG	41	114
OSEC	3	10
RD	45	14.25
REE	8	10
RMA	0	0
TOTAL	1868	

VIII. Comparisons with Previous Years

Improve Timeliness

Agencies are continuing to provide public information and frequently requested information through their agency FOIA websites.

Referrals are made as soon as a FOIA is received to improve ability to meet timeframes.

New webpages have been created adding on-line requests and more proactive disclosure of information on the websites.

Additional efforts to perfecting requests.

Clerical assistance was provided to the FOIA Officer to assist in processing.

Purchase of an automated tracking and automated redaction system.

Reduce Backlog

New tracking procedures according to the complexity of the request.

New tracking system and automated redaction system will help with the backlog.

Provide Training

Personnel attended all available training and conferences and provided field office personnel with updated FOIA instructions.

Provides training and daily guidance to state FOIA Officers.

Internal training is provided within the FOIA community.

Periodic FOIA meetings of all FOIA officers allow for discussion and sharing of knowledge on current issues and questions..

Expedited Processing:

USDA did not collect data on expedited processing this year, but will do so next year.

IX. COSTS/FOIA STAFFING

	Staffing Levels			Total Costs (Including Staff and All Resources)		
	Number of Full Time Personnel	Number of Personnel with Part-time or occasional FOIA duties (in total workyears)	Total Number of Personnel (in workyears)	FOIA Processing (Including appeals) (Estimated)	Litigation-related Activities (Estimated)	Total
AMS	1.0	2.5	3.5	\$300,518.00	\$0	\$300,518.00
APHIS	18.0	0	18.0	\$2,139,738.00	0	\$2,139,738.00
DA	0	0.25	0.25	\$27,500.00	0	\$27,500.00
FAS	0	2.0	2.0	\$160,000.00	0	\$160,000.00
FNCS	1	4.375	5.375	\$183,254.00	\$6,720.76	\$189,974.76
FSA	11	19.5	30.5	\$2,838,825.00	\$22,173.00	\$2,860,998.00
FS	21	76	97.0	\$2,660,565.72	\$3,500.00	\$2,664,065.72
FSIS	6	0.99	6.99	\$531,552.00	0	\$531,552.00
GIPSA	0	0.45	0.45	\$56,500.00	0	\$56,500.00
NAD	0	0.33	0.33	\$5,108.00	0	\$5,108.00
NRCS	1	18.0	19.0	\$141,776.00	0	\$141,776.00
OBPA	0	0.1	0.1	\$9,000.00	0	\$9,000.00
OCFO	0	0.5	0.5	\$20,000.00	0	\$20,000.00
OCIO	0	0.1	0.1	\$11,000.00	0	\$11,000.00
OCR	1	0.1	1.1	\$93,423.00	0	\$93,423.00
OGC	0	5.5	5.5	\$600,000.00	\$300,000.00	\$900,000.00
OIG	2	1.67	3.67	\$340,035.00	\$2,977.00	\$343,012.00
OSEC	1	0	1.0	\$132,000.00	0	\$132,000.00
REE	1	0.5	1.5	\$143,697.00	0	\$143,697.00
RMA	1	0.42	1.42	\$96,531.95	0	\$96,531.95
RD	3	4.67	7.67	\$499,174.56	0	\$499,174.56
TOTAL	68	137.955	205.955	\$10,990,198.23	\$335,370.76	\$11,325,568.99

X. FEES

	Total Fees Collected	Percentage of Total Costs
TOTAL	\$104,989.12	0.95%

XI. FOIA Regulations

USDA's FOIA regulations implementing the Electronic Freedom of Information Act Amendments of 1996 were published in the Federal Register on July 28, 2000, and are available on the world Wide web at:

<http://www.usda.gov/da/foia.htm>

USDA's current fee schedule was published in the Federal Register on December 31, 1997.

USDA's FOIA home page is located at <http://www.usda.gov/da/foia.htm>. The web sites of USDA's agencies are linked to this home page. Each agency's website contains explanatory information about FOIA processing.

XII. REPORT ON FOIA EXECUTIVE ORDER 13392 IMPLEMENTATION

In accordance with Executive Order 13392 of December 14, 2005, the United States Department of Agriculture (USDA) conducted a thorough review of its FOIA operations. As a result, a detailed plan was generated to establish interim and long-term milestones to improve the administration of the FOIA in USDA. Each year, in the Annual FOIA Report, USDA will report on the achievement status of our program against these milestones and this plan.

A. Description of supplementation/modification of agency improvement plan.

USDA submitted a revised plan on October 26, 2006. The format was modified to conform to standard. Additionally, items that had been completed between June 14 and October 26 were shown as complete. Forest Service added more specific dates as milestones.

The OGC did not submit a plan because of the small number of FOIA requests received. OGC determined that the burden of imposing an improvement plan would outweigh any potential benefit. However, their report is included.

D. Additional narrative statements regarding other executive order related activities (optional).

Not applicable.

E. Concise descriptions of FOIA exemptions.

The nine exemptions to the FOIA authorize federal agencies to withhold information covering: (1) classified national defense and foreign relations information; (2) internal agency rules and practices; (3) information that is prohibited from disclosure by another federal law; (4) trade secrets and other confidential business information; (5) inter-agency or intra-agency communications that are protected by legal privileges; (6) information involving matters of personal privacy; (7) records or information compiled for law enforcement purposes, to the extent that the production of those records (A) could reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of a confidential source, (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions, or (F) could reasonably be expected to endanger the life or physical safety of any individual; (8) information relating to the supervision of financial institutions; and (9) geological information on wells.

G. Attachment: Agency improvement plan (in current form).

The FOIA Improvement Plan for the Department of Agriculture.

www.usda.gov/da/foia/Agency_Planning_Doc_Full_Text.pdf

USDA's FOIA program is de-centralized. There are 21 separate FOIA offices at the headquarters level. Below, each agency reports on its progress against its specific agency or office plan in the following sections:

- B. Report on agency implementation of its plan, including its performance in meeting milestones, with respect to each improvement area.
- C. Identification and discussion of any deficiency in meeting planned milestones (if applicable).

and F. Additional statistics.

XII. AGRICULTURAL MARKETING SERVICE (AMS)

B. Report on agency implementation of its plan including its performance in meeting milestones, with respect to each improvement area.

Due to the departure of our FOIA officer and the position not being filled until January 22, 2007, we are slightly behind in meeting our goals.

C. Identification and discussion of any deficiency in meeting plan milestones (if applicable).

1. Backlog reduction

Due to the departure of our FOIA officer and the position not being filled until January 22, 2007, we are slightly behind in meeting our goals. Communication with the program areas and a monthly review has not taken place. A new FOIA Officer has now been hired. Our backlog of 4 requests (the oldest being August 10, 2006) will be completed by April 1, 2007, which will meet our goal to reduce the backlog by 10% each year.

2. FOIA Training

Due to the departure of our FOIA officer and the position not being filled until January 22, 2007, we are slightly behind in meeting our goals. The notice of training opportunities was not sent to the FOIA contacts by January, 2007. A notice will be sent to FOIA contacts informing them of the FOIA training provided by the DOJ and the USDA Graduate School, by February 26, 2007. Links to their websites will also be included.

F. Additional statistics:

1. Time range of requests pending, by date of request (or, where applicable, by date of referral from another agency).

July 25, 2006 to January 29, 2007.

2. Time range of consultations pending with other agencies, by date of initial interagency communication.

Not applicable.

XII. ANIMAL AND PLANT HEALTH INSPECTION SERVICE (APHIS)

B. Report on agency implementation of its plan including its performance in meeting milestones, with respect to each improvement area.

APHIS reviewed the following potential areas for improvement:

- 1) Proactive disclosure of information
- 2) Automated tracking capabilities

- 3) Backlog reduction/elimination
- 4) Records search process (cooperation from agency personnel)

With respect to item numbered 1 above, APHIS FOIA continues to post information to its Website, specifically, the Facility Annual Reports. These reports number thousand of pages and are frequently requested documents. Additionally, APHIS FOIA continues to place Inspection Reports on the Web. Inspection Reports are the most commonly requested APHIS document.

Regarding item numbered 4 above, APHIS FOIA management conducts training sessions for other APHIS components in an effort to stress the importance of agency cooperation. APHIS FOIA also provides training on the overall requirements of the FOIA, with special attention made to the 20-day statutory response timeframe, thus, the need for components to respond to search requests in a timely fashion.

With respect to item numbered 2 above, APHIS FOIA is in the process of purchasing a database that will allow for better tracking of all incoming FOIA requests.

Finally, with respect to item numbered 3 above, APHIS FOIA continues to work diligently toward reducing and, consequently, deleting its backlog. APHIS FOIA Backlog Reduction is one of 20 initiatives that the APHIS Administrator sought to address during fiscal year '06. The APHIS FOIA Backlog Reduction remains a priority for the APHIS Administrator for fiscal year '07. Our goal was to process the amount of requests received, plus an additional 20%. We did not meet that goal; however, our case closure rate continued to increase over the previous year from 1,135 requests closed in Fiscal Year '05 to 1,197 requests closed in Fiscal Year '06.

C. Identification and discussion of any deficiency in meeting plan milestones (if applicable).

Although APHIS FOIA did not meet its case closure goal in fiscal year '06, we continue to work toward meeting the same goal for fiscal year '07. APHIS has had significant staff turnover. The amount of incoming requests continue to increase; however, the number of staff remain the same, or less, due to the amount of time it takes to hire new staff when staff members leave for other positions. APHIS has been faced with two major lawsuits: Humane Society of the United States and People for the Ethical Treatment of Animals. The litigation related tasks have been significant. Accordingly, APHIS FOIA was unable to meet its case closure goal. The following remedial steps will be taken to aid in meeting the goal: Add one FTE, by March 31, 2007, for clerical duties to assist Specialist in administrative tasks associated with case processing. Roll-out of a FOIA database, by September 30, 2007, that will aid in case tracking and, thus, case closure.

F. Additional statistics:

1. Time range of requests pending, by date of request (or, where applicable, by date of referral from another agency). December 10, 1999 to January 31, 2007.

2. Time range of consultations pending with other agencies, by date of initial interagency communication. Not applicable.

XII. DEPARTMENTAL ADMINISTRATION (DA)

B. Report on agency implementation of its plan including its performance in meeting milestones, with respect to each improvement area.

1. Backlog reduction

Goal: The actual backlog (number of actual backlog requests) will be reduced by 20% by June 1, 2007, and by 40% by June 1, 2008. (Actual backlog requests existing on those dates.) In addition, no request will be greater than 3 months old by June 1, 2008.

A new and improved approach to handling FOIAs within Departmental Administration (DA) has been implemented, which has already begun to reduce backlog. Each area within DA has a single point of contact that has oversight of the FOIA process from cradle to grave. This enables the DA FOIA Officer to maintain better control of the process, and reduces lag times in the processing of FOIAs. In addition, the DA FOIA Officer has used the single points of contact to research old FOIA requests, and to get them moving again. Backlog has been reduced by as much as 20% in some areas.

2. FOIA Website Improvement

Goal: DA will develop a new FOIA website, which will include FOIA submission, Reading Rooms, and contact information.

DA has developed a website, including e-FOIA ability through the use of email requests. There is an online downloadable FOIA request form, with complete instructions. DA has begun an enhanced set of information in the Reading Rooms, to make repetitive FOIA requests more efficient and responses timelier.

4. Acknowledgement Letters

Goal: DA will increase communication with the requestors, using follow-up letters, emails or telephone calls, to keep the requestor better informed. Communication with DA FOIA requestors (acknowledgement, follow-up, and Final letters, emails, and telephone calls, will all contain reference to the various means of communication available to all requestors.

Acknowledgement letters and a checklist have been developed and are being used. DA communication with customers has improved and continues to improve with the acquisition of an automated tracking system (Privasoft) which also includes an automated redaction system. Acknowledgement letter templates are one of the many standardized communication forms in

the new system, which will enable the DA FOIA Officer to keep the customer better informed throughout the FOIA request process.

C. Identification and discussion of any deficiency in meeting plan milestones (if applicable).

3. Improvement of agency's FOIA Guide

Goal: DA will develop a DA FOIA Instruction/Manual to implement the USDA Departmental Regulation, and will make it part of the standard operating procedures to include a reference to the online Guide in all acknowledgement letters.

DA FOIA Officer has reviewed FOIA guides from across the other agencies in USDA, as well as across the Federal Government, in preparation for the development of an improved FOIA Guide. Due to the retirement of the USDA FOIA Officer, the DA FOIA Officer assumed responsibility for the compilation of the USDA Annual FOIA Report and the draft guide was not completed. Since then the DA FOIA Officer has departed. Until a permanent FOIA Officer can be hired for DA this project will be on hold. Revised milestones follow.

Steps:

Develop a Draft DA FOIA Guide. **(To be completed by 5-30-07)**

Distribute the Draft FA FOIA guide for review and comments by DA Office heads and the USDA FOIA Officer. **(To be completed 7-30-07)**

Finalize the DA FOIA Reference Guide and obtain signature of the Assistant Secretary for Administration. **(To be completed 9-30-07)**

F. Additional statistics:

1. Time range of requests pending, by date of request (or, where applicable, by date of referral from another agency).

March 4, 2004 to January 23, 2007.

2. Time range of consultations pending with other agencies, by date of initial interagency communication.

Not applicable—no consultations.

XII. FOREIGN AGRICULTURAL SERVICE (FAS)

B. Report on agency implementation of its plan including its performance in meeting milestones, with respect to each improvement area.

FAS selected three areas for improvement: proactive disclosure of information; forms of communications with requesters; and process by which necessary

cooperation is obtained from agency personnel. FAS met its milestones in all three areas.

C. Identification and discussion of any deficiency in meeting plan milestones (if applicable).

Not applicable.

F. Additional statistics:

1. Time range of requests pending, by date of request (or, where applicable, by date of referral from another agency). Jan. 4, 2006 to Sept. 18, 2006

2. Time range of consultations pending with other agencies, by date of initial interagency communication. Not applicable.

XII. FOOD, NUTRITION AND CONSUMER SERVICES (FNCS)

B. Report on agency implementation of its plan including its performance in meeting milestones, with respect to each improvement area.

The FNS FOIA website has been reviewed and updated to ensure ease of use by the public to initiate FOIA requests by providing contacts for the Headquarters office and all Regional FOIA Coordinators' names and telephone and fax numbers. Links to other websites found to be beneficial to our program have been added and all other materials updated. The FNS FOIA website has been updated 100% and is now current and will be updated as needed. Additionally, the web site contains an address for receipt of electronic requests.

Backlog: Backlog is currently at 0% for the agency.

C. Identification and discussion of any deficiency in meeting plan milestones (if applicable).

Not applicable.

F. Additional statistics:

1. Time range of requests pending, by date of request (or, where applicable, by date of referral from another agency).

August 9, 2006 to January 16, 2007

2. Time range of consultations pending with other agencies, by date of initial interagency communication.

Not applicable.

XII. FARM SERVICE AGENCY (FSA)

B. Report on agency implementation of its plan including its performance in meeting milestones, with respect to each improvement area.

1. Agency FOIA Officer identified all newly appointed STO FOIA Officers; discussed FSA FOIA policy (located in Handbook 2-INFO), USDA FOIA regulations (located in 7 CFR) and Department of Justice FOIA Guide (located at <http://www.usdoj.gov/oip/foi-act.htm>); each was assigned a mentor (a more experienced STO FOIA Officer) with which they could discuss FOIA requests and processing issues if an agency Officer was unavailable, each received a revised FSA FOIA Contact list to inform public.

2. Newly hired KCAO (Kansas City Administrative Office) FOIA Officer traveled to the National Office to receive in-depth FSA FOIA training from agency FOIA Officer, program policy managers located in the National Office and attorneys in the Office of General Counsel.

3. FSA FOIA webpage revised to ensure ease of use by the public and to reflect similar content in accordance with USDA FOIA webpage. The webpage provides an address for receipt of electronic FOIA requests for every State, administrative, and National FOIA Office. The improvement of the webpage is an ongoing effort, scheduled to be completed in December 2007.

4. Agency FOIA Officer forwarded software information provided by PrivaSoft and other companies that offer FOIA tracking and redacting systems to management for consideration. Agency discussions are still ongoing regarding use of a commercial software package or modifying the MS Access Database for an agency-wide FOIA tracking system.

5. Agency submitted memorandum requesting guidance from Office of General Counsel in regard to placing certain County and State Committee decisions on the internet as subsection (a)(2) material to decrease number of FOIA requests.

6. The addition of one National FOIA Office employee will ease the workload in the National Office. Job announcement currently being prepared. Discussions regarding the centralization and reorganization of the Agency (National, State, and County FOIA operations) is under consideration by Agency Executive Management.

7. Currently the FSA National FOIA Office is preparing a basic FOIA/Privacy Act PowerPoint that is to be posted as public information on the FSA website.

C. Identification and discussion of any deficiency in meeting plan milestones (if applicable).

Not applicable.

F. Additional statistics:

1. Time range of requests pending, by date of request (or, where applicable, by date of referral from another agency).

Range of dates for pending requests:

December 6, 2005 to January 31, 2007.

2. Time range of consultations pending with other agencies, by date of initial interagency communication.

Not applicable.

XII. FOREST SERVICE (FS)

B. Report on agency implementation of its plan including its performance in meeting milestones, with respect to each improvement area.

The Forest Service has met its plan to revise initially the FOIA Reference Guide. We have secured funding for a new automated, web-based tracking system and have developed and are using “prompt responses” for acknowledgements and for determinations related to expedited processing. We have exceeded our milestone of reducing the backlog existing on December 31, 2005, by 75%; we reduced the backlog by 88% as of September 31, 2006.

We reviewed and updated the FOIA website for the headquarters in August 2006. And, we have regularly set aside an agenda item and time in regularly scheduled conference call to discuss processing issues. For example, we have discussed the use of acknowledgement letters and weighed whether it is always necessary to send one. We have also refined the language in the appeal paragraph to clarify that the appeal must be received within the regulatory time period. And, we have reviewed and discussed the fee waiver criteria.

Finally, we have expanded the participants in the bimonthly conference calls to include the Forest level FOIA coordinators as a way to provide informal training. FOIA training for two Regions, including the Forest level FOIA coordinators, and for headquarters staff FOIA coordinators occurred in fiscal year 2006.

C. Identification and discussion of any deficiency in meeting plan milestones (if applicable).

Providing criteria for documents suitable for web posting has proved elusive. The Forest Service produces many unique records. Thus, defining the criteria is complicated. Nonetheless, we continue to examine possible criteria and plan to have criteria identified and disseminated by July 1, 2007.

F. Additional statistics:

1. Time range of requests pending, by date of request (or, where applicable, by date of referral from another agency).

March 21, 2005 to January 29, 2007.

2. Time range of consultations pending with other agencies, by date of initial interagency communication.

The Forest Service has no pending consultations.

XII. FOOD SAFETY INSPECTION SERVICE (FSIS)

B. Report on agency implementation of its plan including its performance in meeting milestones, with respect to each improvement area.

The Agency's FOIA improvement plan revised in September 2006 anticipated the following:

AREAS CHOSEN AS IMPROVEMENT AREAS FOR FSIS' PLAN

- Improvement of Agency's FOIA Reference Guide
- Automated tracking capabilities
- Backlog reduction/elimination
- Recycling of improvement information gleaned from FOIA Requester Service Centers

The following provides a status report on the Agency's accomplishments to date:

IMPROVEMENT AREA PLANS

2. Automated Tracking Capabilities

Goal: To enhance FSIS' existing automated system (E-FOIA) to produce various staff reports to improve case tracking; to assist with the Agency's submission of the Annual FOIA Report; and generate meaningful reports in compliance with Agency FOIA program requirements.

Target Completion: June 30, 2007

Steps:

- Assigned Project Manager will review software (E-FOIA) to determine what upgrades can be performed by the Agency and/or contractor.
- On-going contact with the Program Manager to monitor completion.

Status:

Although the Agency has identified a replacement system and is working with its procurement department and responsible management officials to explore the prospect of purchasing a new system, FY 07 budgetary concerns and limited staff may require that we revise the target implementation date.

3. Backlog Reduction/Elimination

Goal: To reduce/eliminate FSIS' current backlog of 147 cases on a monthly basis by 10 cases and quarterly by 15 cases.

Target Completion: December 2006 and December 2007 (continuing thereafter).

Steps:

- Every month the goal will be to reduce the "submitter's rights" cases by 10. Thirty-nine of the backlog cases at present are requests under the submitter's rights; we expect to reduce/eliminate this number on or before December 30, 2006.
- We have a quarterly goal to reduce the backlog by 15 cases. The staff will process backlog cases on Thursday and Friday of each week. Reduction of backlog to 49 cases by December 30, 2007. Continuing this process will reduce the backlog after December 2007 to a number of 10 or below.

Status:

The chart below shows that the Agency has surpassed its goals in the number of backlog cases closed by December 31, 2006, and we expect to achieve our goals set for December 30, 2007.

USDA FOIA Backlog Status				
Agency Name: Food Safety and Inspection Service				
Date	Backlogs completed since last month	New backlogs added since last month	Current Backlog	Comments
June 14, 2006			147	
Sept 30, 2006	40	133	240	
Oct 31, 2006	27	12	225	
Nov 30, 2006	15		210	
Dec. 7, 2006	13	17	214	
Dec. 31, 2006	34	11	188	

USDA FOIAs from Media				
Agency Name: Food Safety and Inspection Service				
Date	Media Requests completed since last month	New Media Requests since last month	Number of Active Media FOIAs	Comments
June 14, 2006			9	
Sept 30, 2006	-1	0	8	
Oct 31, 2006	-1	0	7	
Nov 30, 2006	-2	0	5	
Dec 31, 2006				

C. Identification and discussion of any deficiency in meeting plan milestones (if applicable).

1. Improvement of Agency's FOIA Reference Guide

Goal: FSIS will revise the FSIS FOIA Directive to align it with EO 13392. The Directive will outline the role and responsibility of the ECIMS Director/FOIA Public Liaison Officer, Deputy Director, and FOIA staff and be posted on the Agency's Web site along with other FOIA reference guides.

Target Completion: November 2006

Steps:

- Revised based upon review and comparison with EO 13392.
- Clearance through appropriate FSIS offices prior to posting.
- Will request FSIS Web Services Staff to track FOIA Web site activities and provide reports on the FOIA Web page activities to monitor areas of highest interest (on-going).

Status:

The Agency's FOIA Directive has been revised to bring FSIS in line with the requirements of EO 13392. The Directive was published on February 8, 2007. The publication date was delayed due to the time required to address questions and suggestions for improvement from the Agency's internal clearance process. Although the final implementation date was beyond the date projected, any deficiency caused by the additional time required was far

outweighed by the benefits gained from addressing the clearance officials' comments and recommendations.

4. Recycling of Improvement Information Gleaned from FOIA Requester Service Centers

Goal: FSIS will provide a customer-feedback feature on its Web site.

Target Completion: November 2006

Steps:

- FSIS will design a customer-feedback feature and provide to the FSIS Web Services Staff for posting onto the FOIA Web page.
- Will request FSIS Web Services Staff to track and provide reports on the FOIA Web site activities (on-going).
- Review all customer-feedback comments and adjust FOIA program/operations, when appropriate.

Status:

The Agency completed this goal on January 10, 2007. The additional time was required to implement this initiative due to recent reductions in staff. Efforts are presently under way to address this deficiency because we have been authorized to recruit candidates to fill two critical staff vacancies.

The Food Safety and Inspection Service (FSIS) FOIA backlog progress reported in section B above shows that despite the significant efforts made to decrease the number of backlog cases within the Agency, the number of cases on our backlog list has actually increased by approximately 28%. This increase is due in part to the fact that backlogged cases (FOIA cases that have been within the Agency for over 20 days) as of June 14, 2006, represented approximately 72% of the Agency's total caseload at the time. Many of the 28% of open, non-backlogged cases, some of which are voluminous, were not closed within 20 days after June 14. Additionally, a number of new cases received by the Agency were voluminous and consequently added to the Agency's backlog. Combine that situation with a significant decrease in the number of staff that could not be replenished due to budget limitations, it is understandable how the Agency arrived at this increase in the Agency FOIA backlog.

Despite these unavoidable setbacks, FSIS remains confident in its FOIA improvement plan as well as its backlog reduction plan. During FY 2006, the Agency completed over 325 cases. Since the implementation of the backlog reduction plan, FSIS has closed out 132 backlogged cases during the period of June 14, 2006, to January 7, 2007, a figure that represents approximately 88% of the backlogged cases pending within the Agency on June 14, 2006.

FSIS will continue to improve the rate at which backlog cases are reduced. We will also persevere in our efforts to accomplish all the goals set out in the Agency's FOIA improvement plan with available resources.

F. Additional statistics:

1. Time range of requests pending, by date of request (or, where applicable, by date of referral from another agency).

July 23, 2002 to January 30, 2007.

2. Time range of consultations pending with other agencies, by date of initial interagency communication.

Not applicable.

XII. GRAIN INSPECTION, PACKERS AND STOCKYARDS AGENCY (GIPSA)

B. Report on agency implementation of its plan including its performance in meeting milestones, with respect to each improvement area.

- **Improvement of Agency's FOIA Reference Guide and Directive** – GIPSA has identified revisions that need to be made to its reference guide and directive. We believe this goal will be completed by the estimated target date of June 2007.
- **Proactive Disclosure of Information** – GIPSA has identified a record that is frequently requested which could be posted to GIPSA's FOIA website; however, senior management will make the final decision. We believe this goal will be completed by the estimated target date of September 2007.

GIPSA headquarters' was reorganized October 1, 2006, with the establishment of the Management Support Staff (MSS) which is comprised of a wide array of support services that were handled in various offices throughout the D.C. complex. FOIA processing and operations, which had been a collateral duty for one person from each of the two Agency program areas, is now the responsibility of one individual in MSS who already is knowledgeable and proficient in FOIA laws, guidelines, and processing.

C. Identification and discussion of any deficiency in meeting plan milestones (if applicable).

Not applicable.

F. Additional statistics:

1. Time range of requests pending, by date of request (or, where applicable, by date of referral from another agency).

October 2, 2006 to January 30, 2007

2. Time range of consultations pending with other agencies, by date of initial interagency communication. None

XII. NATIONAL APPEALS DIVISION (NAD)

B. Report on agency implementation of its plan including its performance in meeting milestones, with respect to each improvement area.

Not applicable

C. Identification and discussion of any deficiency in meeting plan milestones (if applicable).

Not applicable

F. Additional statistics:

1. Time range of requests pending, by date of request (or, where applicable, by date of referral from another agency). Not applicable

2. Time range of consultations pending with other agencies, by date of initial interagency communication. Not applicable

XII. NATURAL RESOURCES CONSERVATION SERVICE (NRCS)

B. Report on agency implementation of its plan including its performance in meeting milestones, with respect to each improvement area.

Training is ongoing within NRCS to decrease backlog, to process more accurate disclosure of information, to improve customer service, and to improve communication with requesters. We have maintained constant communication with our state offices through conference calls to ensure that these areas are being maintained. In March 2007, NRCS is planning a national training session on FOIA. Our goal is to bring together all state personnel who process FOIA to train them on FOIA and to address any concerns or questions that may arise.

C. Identification and discussion of any deficiency in meeting plan milestones (if applicable).

Automated tracking capabilities - NRCS has met a significant portion of this October 2006 improvement area. NRCS is deficient in this improvement area because NRCS spent a significant amount of time concentrating on backlog reduction/elimination and focused on making plans for a national training session on FOIA. The National Office has consulted with several state offices to gather information about the most efficient means to track requests. NRCS plans to: (1) continue gathering information from state offices by July 2007 to determine the characteristics necessary for the system; (2) coordinate with state offices by July 2007 to finalize details of automated system; and (3) NRCS expects to have this improvement area completed by August 2007.

Troubleshooting of any existing problems with existing request tracking - NRCS seeks to address this improvement area by continuing to monitor any problems that arise with request tracking. NRCS is deficient in this improvement

area because NRCS did not consider this to be a high priority area and did not allocate sufficient time to address this improvement area. NRCS will promptly address any problems as they arise. NRCS plans to: (1) obtain state input by July 2007 as to how existing problems are currently resolved; (2) develop standards for addressing or eliminating problems by August 2007; and (3) have standards reviewed by states by August 2007. NRCS expects to have this improvement area completed by September 2007.

Expedited processing - NRCS has not met this October 2006 improvement area because agency efforts were concentrated on backlog reduction. NRCS plans to: (1) provide additional training or handout materials on expedited processing by July 2007; (2) develop a uniform tracking system by September 2007; (3) coordinate with state and field offices to determine need by July 2007; and (4) conduct yearly reviews beginning in January 2008 of system and update as necessary. NRCS expects this improvement area to be completed by September 2007.

Backlog reduction/elimination - NRCS has met a significant portion of this October 2006 improvement area by providing training and daily guidance to state offices. NRCS is deficient in this improvement area because NRCS focused too much time on preparation for a national training session on FOIA and failed to have monthly regional teleconferences. NRCS plans to: (1) provide regional agency training on FOIA by August 2007; (2) have monthly regional teleconferences to discuss requests, concerns, or address problems beginning June 2007; (3) continue to improve and monitor our website every three months; and (4) consider automated processing software or develop a national spreadsheet to make tracking requests easier by August 2007. NRCS also plans to: (1) conduct training seminars to be completed by December 2007; (2) have monthly regional meetings beginning spring 2007 and will continue through 2007; (3) conduct a monthly review of website which will continue throughout 2007 and will update accordingly throughout 2007; and (4) conduct quarterly reviews of agency general manual on FOIA and update as necessary. Finally, NRCS expects to have backlog of responses to complex requests reduced by 60% by December 2007 and reduced by 70-100% by December 2008.

Recycling of improvement information gleaned from FOIA Requester Service Centers - NRCS is still seeking to meet this October 2006 improvement area. NRCS is deficient in this improvement area because NRCS focused more time on responding to FOIA appeals and assisting the states with complex FOIA requests. NRCS has initiated discussions with state offices about customer feedback, but has not developed a policy on how feedback should be obtained. NRCS will continue to develop standards regarding customer feedback until this milestone is met. NRCS will review by August 2007: (1) length of time in responding to requests; (2) each states method of responding to requests; and (3) current customer responses to requests from each state. Furthermore, NRCS will contact other agencies to gather ideas about how improvement information may best be obtained by July 2007. NRCS expects this improvement area to be completed by September 2007.

Automated tracking capabilities - NRCS has met a significant portion of this October 2006 improvement area. The National Office has consulted with several state offices to gather information about the most efficient means to track requests. NRCS plans to: (1) continue gathering information from state offices by July 2007

to determine the characteristics necessary for the system; (2) coordinate with state offices by July 2007 to finalize details of automated system; and (3) NRCS expects to have this improvement area completed by August 2007.

F. Additional statistics:

1. Time range of requests pending, by date of request (or, where applicable, by date of referral from another agency).

September 18, 2006 to September 26, 2006

2. Time range of consultations pending with other agencies, by date of initial interagency communication.

Not applicable

XII. OFFICE OF BUDGET AND PLANNING ANALYSIS (OBPA)

B. Report on agency implementation of its plan including its performance in meeting milestones, with respect to each improvement area.

OBPA receives a small amount of FOIA requests each year and therefore we only had a few performance milestones.

IMPROVEMENT AREA PLANS

1. Electronic FOIA-Automated processing.

Goal: To set up an electronic tracking document that can be reviewed at any time by the FOIA Service Center and the Public Liaison.

Target completion: 12-31-06 (Completed)

Steps

- Created a table in Microsoft Excel and our IT staff created a public FOIA folder for the document. I also went back and was able to add the requests from FY 2002 through the present.

2. Politeness/Courtesy

Goal: OBPA's goal is to have our FOIA office be thought of as efficient, helpful and friendly by all requestors.

Target completion: 12-31-06 (Completed)

Steps

- Have updated USDA's contact information on our website to include specific FOIA contact information and have created a FOIA e-mail address for OBPA.
- The FOIA Officer will leave additional contact information for a back-up if they will be out of the office for more than a day.
- Respond to every request efficiently and friendly. All letters include the phrase, "If we can be of further assistance, please do not hesitate to contact us".

C. Identification and discussion of any deficiency in meeting plan milestones (if applicable).

Not applicable.

F. Additional statistics:

1. Time range of requests pending, by date of request (or, where applicable, by date of referral from another agency).

January 3, 2007

2. Time range of consultations pending with other agencies, by date of initial interagency communication.

January 9, 2007

XII. OFFICE OF THE CHIEF FINANCIAL OFFICER (OCFO)

B. Report on agency implementation of its plan including its performance in meeting milestones, with respect to each improvement area.

Not applicable.

C. Identification and discussion of any deficiency in meeting plan milestones (if applicable).

Not applicable.

F. Additional statistics:

1. Time range of requests pending, by date of request (or, where applicable, by date of referral from another agency).

Not applicable

2. Time range of consultations pending with other agencies, by date of initial interagency communication.

Not applicable

XII. OFFICE OF THE CHIEF INFORMATION OFFICER (OCIO)

B. Report on agency implementation of its plan including its performance in meeting milestones, with respect to each improvement area.

OCIO Cyber Security Administrative staff has received training in an automated document tracking tool but specific FOIA-related requirements have not been drafted.

C. Identification and discussion of any deficiency in meeting plan milestones (if applicable).

Not applicable

F. Additional statistics:

1. Time range of requests pending, by date of request (or, where applicable, by date of referral from another agency). Not applicable.

2. Time range of consultations pending with other agencies, by date of initial interagency communication. Not applicable.

XII. OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS (ASCR)

B. Report on agency implementation of its plan including its performance in meeting milestones, with respect to each improvement area.

1. **Improvement of Agency's FOIA Reference Guide.** The goal was for ASCR to review the contents of the FOIA Reference Guide posted on the website to ensure that the information is current. **Target completion: 12-31-06**

Steps:

- Review and update the contents of the FOIA reference guide.
Target Completion: 11-30-06 Completed: 11-30-06

- Post revised guide to ASCR FOIA website.
Target Completion: 12-31-06 Completed: 11-30-06

2. **Electronic FOIA—Automated Tracking and Processing** The goal was for ASCR to research the available electronic FOIA tracking systems and redaction tools. **Target Completion: 02-28-07**

Steps:

- Review available FOIA systems.

Target Completion: 12-30-06 Completed: 10-01-2006

- 3. Overall FOIA Website Improvement.** The goal was for ASCR to review the contents of the FOIA website and make changes as necessary. **Target completion: 12-31-06**

Steps:

- Review the contents of the ASCR FOIA website.

Target Completion: 12-31-06 Completed: 11-30-06

- Work with ASCR Webmaster to make necessary revisions, if any.

Target Completion: 12-31-06 Completed: 11-30-06

- 4. Increased Staffing.** The goal was for ASCR to provide assistance to FOIA Specialist for clerical duties and redaction assistance when available. **Target completion: 12-31-06 (and continuing thereafter).**

Steps:

- Review staff to find available personnel to provide assistance to FOIA Specialist. **Target Completion 11-30-06 Completed: 07-01-2006**

- Provide general instruction to assistant(s) in the processing of FOIA cases. **Target Completion 12-31-06 Completed: 07-01-2006**

- FOIA Specialist to begin utilizing the assistant(s) provided by ASCR. **Target Completion 12-31-06 Completed: 07-01-2006**

- 5. Purchase of New Equipment.** The goal was for ASCR to look into the feasibility of acquiring a scanner or color copier to assist the FOIA specialist in the redaction process. **Target completion: 12-31-06**

Steps:

- Work with the Office of Operations to obtain improved copier equipment. **Target Completion 9-30-06 Completed: 9-30-06**

- Receive approval to purchase new copier equipment. **Target Completion 9-30-06 Completed: 9-30-06**

C. Identification and discussion of any deficiency in meeting plan milestones (if applicable).

2. **Electronic FOIA—Automated Tracking and Processing** The goal was for ASCR to research the available electronic FOIA tracking systems and redaction tools. **Target Completion: 02-28-07** This item was not complete because new responsibilities were assigned to the FOIA specialist.

Steps:

- a. Continue to research available electronic systems.

NEW Target Completion: 9-30-2007

- b. Provide information to the ASCR FOIA Officer for review.

NEW Target Completion: 12-31-07

- c. If a system meets ASCR program requirements and budget requirements, forward to ASCR for approval to purchase.

NEW Target completion: 3-31-2008

5. **Purchase of New Equipment.** *The goal was for ASCR to look into the feasibility of acquiring a scanner or color copier to assist the FOIA specialist in the redaction process. Target completion: 12-31-06 This item was not complete due to a delay in the delivery and installation of the new equipment. Installation is complicated by the need for new electrical outlets in the room that can handle the larger copier. The building managers must find contractors to replace the outlets. According to the Office of Operations equipment may be delayed until late 2007.*

Steps:

- FOIA Specialist will follow up with Building Management regarding the status of the electrical outlet replacements on a monthly basis until the necessary work has been completed. If no action by July 30, 2007, FOIA Specialist will elevate to the FOIA Officer for additional follow up.
- Receive and implement new copier equipment

NEW Target Completion: 9-30-07

F. Additional statistics:

1. Time range of requests pending, by date of request (or, where applicable, by date of referral from another agency).

August 4, 2005 – September 26, 2006

2. Time range of consultations pending with other agencies, by date of initial interagency communication.

No consultations

XII. OFFICE OF GENERAL COUNSEL (OGC)

B. Report on agency implementation of its plan including its performance in meeting milestones, with respect to each improvement area.

Not applicable

C. Identification and discussion of any deficiency in meeting plan milestones (if applicable).

Not applicable

F. Additional statistics:

1. Time range of requests pending, by date of request (or, where applicable, by date of referral from another agency). Not applicable.

2. Time range of consultations pending with other agencies, by date of initial interagency communication. Not applicable.

XII. OFFICE OF THE INSPECTOR GENERAL (OIG)

B. Report on agency implementation of its plan including its performance in meeting milestones, with respect to each improvement area.

We reduced the backlog of initial requests at calendar year end to 27. As our goal number was 55, we met this goal.

C. Identification and discussion of any deficiency in meeting plan milestones (if applicable).

Not applicable.

F. Additional Statistics:

1. Time range of request pending, by date of request (or, where applicable, by date of referral from another agency).

As of 12/29/06, our oldest request was received 09/06/05. Our newest request was received 12/28/06.

2. Time range of consultations pending with other agencies, by date of initial interagency communication.

Not applicable

XII. RESEARCH, EDUCATION AND ECONOMICS (REE)

B. Report on agency implementation of its plan including its performance in meeting milestones, with respect to each improvement area:

Improvements were listed for REE Website; Customer Relations; Acknowledge Requests and Increase Communication; FOIA Request Form, and FOIA Requester Service Center. All milestones have been met.

C. Identification and discussion of any deficiency in meeting plan milestones (if applicable).

All milestones have been met.

F. Additional statistics:

1. Time range of requests pending, by date of request (or, where applicable, by date of referral from another agency):

September 5, 2006, to January 22, 2007

2. Time range of consultations pending with other agencies, by date of initial interagency communication: Not applicable

XII. RISK MANAGEMENT AGENCY (RMA)

B. Report on agency implementation of its plan including its performance in meeting milestones, with respect to each improvement area.

IMPROVEMENT AREA PLANS

1. Proactive disclosure of information

Goal: Establish a link from the RMA Reading Room on the Internet site to the Summary of Business that give aggregate data on producers, crops, insurance policies, and other information commonly requested under FOIA. The number of requests for producer and crop insurance related requests will decrease.

Target completion: 12-31-06.

Goal accomplished. Requests for aggregate data on producers, crops, insurance, policies, and other information appear to be minimal. However, it is too early to determine whether requests have decreased.

2. Forms of communication for the requester.

Goal: RMA FOIA Officer will inform all FOIA requestors that they can contact the FOIA Officer through several communication procedures: postal mail, couriers (e.g. FEDEX, UPS, etc), telephone, facsimile, email, and through the website. The forms of communication for requesting information will be posted on the website. Requests will be received in a variety of forms most conducive to the requester's needs.

Target completion: 9-30-06

Goal accomplished. RMA FOIA Officer immediately incorporated language into acknowledgement and correspondence. The RMA FOIA website has been updated to include FOIA requestors contacting the FOIA Officer through several communication procedures: postal mail, couriers (e.g. FEDEX, UPS, etc), telephone, facsimile, and email. Additionally, we have developed an on-line FOIA submission form for e-mail requests.

3. Automated tracking capabilities

Goal: RMA will enhance its existing automated tracking system; parts will be accessible to RMA Staff Office Personnel.

Target completion: 6-30-07

Working to achieve this goal. RMA FOIA Office is currently developing automated tracking systems.

4. Politeness/courtesy

Goal: Inculcate courteous service throughout the FOIA process. No complaints pertaining to poor or discourteous service to the USDA FOIA Officer and/or the Agency Public Liaison should be received.

Goal accomplished. RMA FOIA Office continues to provide courteous service to FOIA requestors. As evidence, no complaints pertaining to poor or discourteous service have been reported. All FOIA Coordinators have been provided a copy of the Executive Order: Improving Agency Disclosure of Information and are responsive to requests in a timely manner. All questions pertaining to Executive Order – results-oriented approach have been discussed.

Target completion: Immediate

5. Electronic FOIA— receiving/responding to requests electronically.

Goal: RMA will establish a request template on the website to accept e-mail requests. RMA will emphasize to requesters that electronic communications is the most efficient and fastest means for processing their requests. The number and percentage of e-FOIA transactions should increase yearly and allow requesters to make better choices on how they want to respond.

Goal accomplished. RMA has developed a template to accept e-mail requests. RMA is now one of only two agencies to have developed an on-line FOIA request form. The FOIA website is more accommodating to requesters and provides them the opportunity to submit their request while visiting the RMA website.

6. Acknowledgement letters

Goal: To ensure that acknowledgement letters and interim responses are timely and provide any clarifications that is needed.

Goal accomplished. RMA has updated FOIA Coordinator Responsive Document Log Sheet and the FOIA Tracking System to track responses and included explanations to adequately describe the records sought. As a result, all acknowledgement letter and responses were timely.

7. Improvement of agency's FOIA guide

Goal: RMA will develop a RMA FOIA Guide to implement the USDA Departmental Regulation, and will make it part of the standard operating procedures.

Target completion: 5-30-07.

Working to complete goal. A draft guide is currently under development. RMA is revising the original target dates.

Steps:

- Review other USDA agency-level FOIA reference guides. **(To be completed by 12-30-06). Completed**
- Develop a draft RMA FOIA Guide. **(To be completed by 3-30-07)**
- Distribute the draft RMA FOIA guide for review and comments to Office heads and the USDA FOIA Officer. **(To be completed by 5-30-07).**
- Finalize the RMA FOIA Reference Guide and obtain signature of the RMA Administrator **(To be completed by 7-30-07).**

C. Identification and discussion of any deficiency in meeting plan milestones (if applicable).

Not applicable.

F. Additional statistics:

1. Time range of requests pending, by date of request (or, where applicable, by date of referral from another agency).

Not applicable

2. Time range of consultations pending with other agencies, by date of initial interagency communication.

Not applicable

XII. RURAL DEVELOPMENT (RD)

B. Report on agency implementation of its plan, including its performance in meeting milestones, with respect to each improvement area.

1. Backlog reduction/elimination. Reduce the number of days requests are pending. The FOIA office follows up with a fax within 18 days from the receipt of the FOIA request to a particular Agency program area that has not furnished the Responsive records to the FOIA office – Will be completed by the end of the 2007.

2. Politeness/courtesy. No complaints at this time – Will be completed by the first month in 2007.

3. Form of communication with requesters. Established a FOIA e-mail box for enhanced communication with FOIA Coordinators – Completed by the ninth month in Calendar Year 2006.

4. Acknowledgement letters. Issue acknowledgement letters within 2-3 business days upon receipt of the request – Will be completed by the end of 2007.

5. Additional training needed (formal and/or on-the-job). For Calendar Year 2006, the Agency's FOIA office has held 5 FOIA telephone conferences explaining the FOIA processes, procedures, and exemptions to the FOIA Coordinators in our field offices – Completed September 14, 2006, teleconferences to continue.

6. System of handling referrals. Issuing notification letters to requester within 2-3 days of receipt of the request – Will be completed by the end of 2007.

C. Identification and discussion of any deficiency in meeting plan milestones (if applicable).

Not applicable.

F. Additional statistics:

1. Time range of requests pending, by date of request (or, where applicable, by date of referral from another agency).

Oldest Request Date: 10/2/06

Latest Request Date: 1/31/07

2. Time range of consultations pending with other agencies, by date of initial interagency communication. NOT APPLICABLE

XII. OFFICE OF THE SECRETARY (OSEC)

B. Report on agency implementation of its plan including its performance in meeting milestones, with respect to each improvement area.

1. Electronic Tracking System

Vendors have been contacted and a tracking system was put under contract.

2. Revise USDA FOIA Regulations

USDA FOIA Officers have been contacted for input, and the Regulation will be revised this year.

3. Our review of Federal web pages disclosed that many do not use electronic forms for requests. Discussion and consideration of that fact led to the conclusion that a form is unnecessary. Thus, OSEC determined not to include a specific form for electronic requests. Rather, the public may submit the request in any form.

C. Identification and discussion of any deficiency in meeting plan milestones (if applicable).

Because the USDA FOIA officer has retired, OSEC is behind on getting links to component agency web pages. OSEC has reconsidered the idea of putting links to all USDA components on its web page because of the number of components. By April 30, 2007, OSEC will review the links currently on the web page to determine whether those should remain or be deleted and will decide whether to link all components or only certain components. By May 31, 2007, new links will be established.

F. Additional statistics:

1. Time range of requests pending, by date of request (or, where applicable, by date of referral from another agency). 8/30/06 – 9/26/06

2. Time range of consultations pending with other agencies, by date of initial interagency communication. NOT APPLICABLE

