

**UNITED STATES COAST GUARD (USCG)  
SUBMISSION FOR DEPARTMENT OF TRANSPORTATION  
FREEDOM OF INFORMATION ACT (FOIA)  
REPORT TO CONGRESS  
FISCAL YEAR 2003**

I. Basic Information Regarding Report

Person to be contacted with questions about the report: Cecelia Odum, Office of Information Management, CG-611/6106, United States Coast Guard, 2100 2<sup>nd</sup> Street, SW, Washington, DC 20593, (202) 267-2300.

II. How to Make a FOIA Request

A. Name, address, and telephone number of component that receives FOIA requests:

Commandant (CG-611)  
United States Coast Guard  
2100 Second Street, SW  
Washington, DC 20593

Email: [acraig@comdt.uscg.mil](mailto:acraig@comdt.uscg.mil)  
Phone: (202) 267-6929  
Fax: (202) 267-4814

B. Brief description of the agency's response-time ranges.

The USCG administers a decentralized FOIA program. FOIA coordinators and responding program offices acknowledge receipt of FOIA requests promptly. Response time for a request varies according to the clarity and complexity of the request, the volume of documents requested, the number of record holders assigned to respond to the request, and the units' respective FOIA backlogs. Response time is facilitated when requesters are specific about the records they seek, and include the organization(s) where the records may be located.

C. Brief description of why some requests are not granted.

Some requests are not granted when the USCG does not possess responsive records; records are not reasonably described; the request is inadvertently sent to an inappropriate component for processing; the requester declines to pay fees assessed pursuant to the FOIA; or the responsive records are withheld pursuant to one or more of the FOIA exemptions.

### III. Definitions of Terms and Acronyms Used in the Report

#### A. Agency-specific acronyms or other terms.

1. USCG: United States Coast Guard
2. Remanded Appeal: An appeal returned to the original responder or forwarded to another office for continued processing at the initial response phase. The appeal is provisionally closed. The requester retains the right to appeal if he/she disagrees with the second response. Upon request, the Coast Guard places any new appeal in its processing queue commensurate with the date of the initial request.
3. MISLE: Marine Information for Safety and Law Enforcement system. An information system that replaced MSIS to capture data on marine safety and environmental protection program activities plus data on law enforcement and response activities.
4. PSIX: Port State Information Exchange. An Internet based information system that provides information on vessels and USCG activities associated with those vessels to the public.

### IV. Exemption 3 Statutes

#### A. List of Exemption 3 statutes relied on by agency during current fiscal year.

1. Brief description of type(s) of information withheld under each statute.
  - a. 41 U.S.C. 253b(m): Prohibits release of contract proposal not incorporated in contract.
  - b. 46 U.S.C. 7319: Prohibits release of all information contained in files maintained on each merchant mariner document issued.
2. Statement of whether a court has upheld the use of each statute.

There are no instances where a court has reviewed an exemption 3 statute applied by the USCG.

### V. Initial FOIA/PA Access Requests

#### A. Numbers of Initial Requests.

1. Number of requests pending as of end of preceding fiscal year: 920
2. Number of requests received during current fiscal year: 8,642
3. Number of requests processed during current fiscal year: 8,467
4. Number of requests pending as of end of current fiscal year: 1,095

#### B. Disposition of initial requests.

1. Number of total grants: 5,762
2. Number of partial grants: 500
3. Number of denials: 69

Number of times each FOIA exemption used (counting each exemption once per request).

(1)	Exemption 1	24
(2)	Exemption 2	24
(3)	Exemption 3	25
(4)	Exemption 4	74
(5)	Exemption 5	154
(6)	Exemption 6	375
(7)	Exemption 7(A)	87
(8)	Exemption 7(B)	0
(9)	Exemption 7(C)	93
(10)	Exemption 7(D)	20
(11)	Exemption 7(E)	9
(12)	Exemption 7(F)	4

4. Other reasons for nondisclosure (total): 2,136

a.	No records	585
b.	Referrals	762
c.	Request withdrawn	215
d.	Fee-related reason	21
e.	Records not reasonably described	62
f.	Not a proper FOIA request for some other reason	46
g.	Not an agency record	67
h.	Duplicate request	358
i.	Available from other source	20

## VI. Appeals of Initial Denials of FOIA/PA Requests

### A. Number of appeals.

1. Number of appeals received during fiscal year: 45
2. Number of appeals processed during fiscal year: 107

### B. Disposition of appeals.

1. Number completely upheld: 18
2. Number partially reversed: 5
3. Number completely reversed: 1

Number of times each FOIA exemption used:

(1)	Exemption 1	0
(2)	Exemption 2	0
(3)	Exemption 3	0
(4)	Exemption 4	1
(5)	Exemption 5	5
(6)	Exemption 6	8
(7)	Exemption 7(A)	1
(8)	Exemption 7(B)	0
(9)	Exemption 7(C)	6
(10)	Exemption 7(D)	0
(11)	Exemption 7(E)	0
(12)	Exemption 7(F)	0

4. Other reasons for nondisclosure (total): 83

a.	Remanded appeals	17
b.	Withdrawn	66
c.	Litigation	0

## VII. Compliance with Time Limits/Status of Pending Requests

### A. Median processing time for requests processed during the year.

1. Simple requests (if multiple tracks used).
  - a. number of requests processed: 3,318
  - b. median number of days to process: 15
2. Complex requests (specify for any and all tracks used).
  - a. number of requests processed: 237
  - b. median number of days to process: 22
3. Requests accorded expedited processing.
  - a. number of requests processed: 85
  - b. median number of days to process: 11

### B. Status of pending requests.

1. Number of requests pending as of end of current fiscal year: 1,327
2. Median number of days that such requests were pending as of that date: 22

## VIII. Comparisons with Previous Year(s)

- A. Comparison of numbers of requests received: FY 2002: 7,084; FY 2003: 8642
- B. Comparison of numbers of requests processed: FY 2002: 6,821; FY 2003: 8467
- C. Comparison of median number of days requests were pending at the end of fiscal year: FY 2002: 33; FY2003: 22
- D. Other statistics significant to agency: None.
- E. Other narrative statements describing agency efforts to improve timeliness of FOIA performance and to make records available to the public (e.g., backlog-reduction efforts; specification of average number of hours per processed request; training activities; public availability of new categories of records).

The USCG has implemented a FOIA Imaging System (FIS). While the system is centralized in the FOIA office, it has been expanded to program offices. Our goal is to expand the system throughout Coast Guard Headquarters. We are currently providing individual training to persons in the offices to ensure maximum use of the system. FIS is an image-enabled workflow system that scans FOIA requests and responses, and automates the workflow management process associated with these functions.

The central FOIA office remands appeals to the original processor for reconsideration when it determines that the original processor failed to follow procedures. This improves the quality and timeliness of responses, while preserving requesters' appeal rights.

The USCG made more records available to the public via Internet or other electronic media. Examples include: Port State Information Exchange (PSIX), Marine Board Reports, licensing and documentation forms, policy documents, and the Oil Spill Compendium. We also distribute data via the National Technical Information Service on CD-ROM, including the Merchant Vessels of the U.S. data file and the Marine Casualty and Pollution database. Additionally, all unclassified Coast USCG policy directives and forms are available via the Internet/CD-ROM in Adobe Acrobat format. We are in the process of developing a new information system, Marine Information for Safety and Law Enforcement that will also facilitate distribution of data to the public by centralizing most Marine Safety and environmental protection records in a single information system.

Timeliness of FOIA performance and making records available to the public electronically is in concert with E-government initiatives, by responding via email, and posting frequently requested documents on the Internet. With the purchase of scanners, records which were previously collected on paper can now be collected electronically and posted on line.

IX. Costs/FOIA Staffing

- A. Staffing levels (in work years)
1. Number of full-time FOIA personnel: 31
  2. Number of personnel with part-time or occasional FOIA duties: 727.91
  3. Total number of personnel: 758.91
- B. Total costs (including staff and all resources).
1. FOIA processing (including appeals): \$698,464
  2. Litigation-related activities (estimated): \$8,000
  3. Total costs: \$706,464
  4. Comparison with previous year(s) (including percentage of change):  
Costs increased from FY 2002 to FY2003 by \$706,464(10%).
- C. Statement of additional resources needed for FOIA compliance/comments.

Congress does not appropriate funds for the Coast Guard and the other executive branch agencies to comply with the mandates of the FOIA. Funds diverted for FOIA compliance must be derived from those which were appropriated to the agency for other purposes, and this continuing drain inevitably negatively impacts agency mission performance. As evidenced in this report, the fees the agency collects for processing these requests only represent a fractional portion of its true costs for FOIA compliance. In any event, the agency is not permitted by law to retain the collected fees, but must forward them to the U.S. Treasury.

Like many other agencies, the Coast Guard has a considerable backlog of unanswered FOIA initial requests and appeals, and often cannot meet the statutory response deadlines imposed by the FOIA. Consequently, the agency frequently is not in compliance with the FOIA and requesters often become despondent because of delays in receiving responses. This despondency manifests itself in appeals and lawsuits against executive branch agencies, which require additional agency funds to resolve.

We do not expect this situation to improve. Agencies have little control over the number of requests they receive, but the trend, especially with the advent of e-mail, is for the number of FOIA requests to increase.

The surest method for Congress to assist agencies in increasing FOIA compliance is to appropriate funds commensurate with agency FOIA expenses.

X. Fees

- A. Total amount of fees collected by agency for processing requests: \$16,858.
- B. Percentage of total costs: 5%