

**UNITED STATES COAST GUARD (USCG)  
SUBMISSION FOR DEPARTMENT OF HOMELAND SECURITY  
FREEDOM OF INFORMATION ACT (FOIA)  
REPORT TO CONGRESS  
FISCAL YEAR 2005**

I. Basic Information Regarding Report.

Person to be contacted with questions about the report: Cecelia Odum, Office of Information Management, CG-611, United States Coast Guard, 2100 2<sup>nd</sup> Street, SW, Washington, DC 20593, (202) 475-3521.

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) 475-3528

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 requests varies according to the clarity and complexity of the requests, the volume of documents requested, the number of record holders assigned to respond to the requests, and the units' respective FOIA backlogs. Response time is facilitated when requesters are specific about the records they seek and identify the organization(s) where the records may be located.

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

Some requests are not granted because 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 USCG places any subsequent appeal in its processing queue commensurate with the date of the original appeal.
3. MISLE: Marine Information for Safety and Law Enforcement system. A computerized information system that captures data on marine safety, environmental protection/response, and law enforcement activities.
4. PSIX: Port State Information Exchange. An Internet-based information system that provides data on vessels and USCG port activities.
5. MSIS: Marine Safety Information System. An information system formerly used to capture data on marine safety and environmental protection program activities. Replaced by MISLE.
6. CGMIX: Coast Guard Maritime Information Exchange. An Internet based information system that provides Coast Guard information on vessels and USCG activities associated with those vessels to the public. CGMIX includes several data subsets, such as Approved Equipment List (EQList) and Internet Investigation Reports (IIR).

### 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.
  - c. **46 U.S.C. 70103**: Prohibits release of all information contained in maritime security plans.
  - d. **49 U.S.C. 1114(s)**: Prohibits release of all information contained in maritime industry vulnerability assessments.
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: 1,271
2. Number of requests received during current fiscal year: 7,020
3. Number of requests processed during current fiscal year: 6,654
4. Number of requests pending as of end of current fiscal year: 1,637

B. Disposition of initial requests.

1. Number of total grants: 4,346
2. Number of partial grants: 494
3. Number of denials: 50

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

(1)	Exemption 1	0
(2)	Exemption 2	4
(3)	Exemption 3	12
(4)	Exemption 4	49
(5)	Exemption 5	92
(6)	Exemption 6	269
(7)	Exemption 7(A)	59
(8)	Exemption 7(B)	4
(9)	Exemption 7(C)	148
(10)	Exemption 7(D)	8
(11)	Exemption 7(E)	13
(12)	Exemption 7(F)	3

4. Other reasons for nondisclosure (total): 1,764

a.	No records	506
b.	Referrals	638
c.	Request withdrawn	220
d.	Fee-related reason	20
e.	Records not reasonably described	59
f.	Not a proper FOIA request for some other reason	12
g.	Not an agency record	25
h.	Duplicate request	264
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: 51
2. Number of appeals processed during fiscal year: 51

B. Disposition of appeals.

1. Number completely upheld: 7
2. Number partially reversed: 0
3. Number completely reversed: 0

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

4. Other reasons for nondisclosure (total): 44.

a.	Remanded	30
b.	Withdrawn	14
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: 6,035
  - b. median number of days to process: 16
2. Complex requests (specify for any and all tracks used).
  - a. number of requests processed: 608
  - b. median number of days to process: 21
3. Requests accorded expedited processing.

- a. number of requests processed: 11
- b. median number of days to process: 2

B. Status of pending requests.

- 1. Number of requests pending as of end of current fiscal year: 1,637
- 2. Median number of days that such requests were pending as of that date: 24

VIII. Comparisons with Previous Year(s).

A. Comparison of numbers of requests received: FY 2003: 8,642; FY 2004: 7,579, FY 2005: 7,020

B. Comparison of numbers of requests processed: FY 2003: 8,467; FY 2004: 7,403, FY 2005: 6,654

C. Comparison of median number of days requests were pending at the end of fiscal year: FY 2003: 22; FY 2004: 24, FY 2005: 24

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 Marine Safety, Security, and Environmental Protection Directorate (G-M) continues to scan a number of records into MISLE facilitating the search and retrieval of those documents. G-M scanned additional enclosures to its marine casualty investigations this year and made these records available electronically, thereby significantly reducing the time required to find and obtain such documents. The use of the Coast Guard Intranet portal (CG Central) by G-M continues to store redacted files for easy retrieval in the event of future requests for that material. This reduces rework in redacting a file a second time because of the limited file space available within the office to store previously redacted paper files. The majority of its investigation files have been scanned into MISLE. G-M continues to make records available to the public via the Internet through the Coast Guard Maritime Information Exchange (CGMIX) and other Internet sites. The PSIX Internet site continues to provide summary-information on vessels to the public. This year G-M made publicly releasable versions of the marine casualty investigation reports available on the CGMIX Internet site. The availability of this information on the Internet may have helped reduce the number of FOIA requests received. G-M also continues to make available the "Merchant Vessels of the U.S. Data File" to the public on CD-ROM via the National Technical Information Service (NTIS) and via the Internet on the National Marine Fisheries Service site. Marine casualty and pollution data are made available to the public on the Internet via the TRANSTATS database run by the Bureau of

Transportation Statistics, and on CD-ROM via the NTIS.

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.

USCG Personnel Center will implement a study in fiscal year 2006 to consider purchasing a document imaging and management system that will include FOIA requests to improve timeliness.

USCG conducts annual FOIA training to educate personnel on FOIA processing, denial, automation, records, and privacy.

Additionally, many unclassified USCG policy directives and forms are available via the Internet/CD-ROM in Adobe Acrobat format.

Making records available to the public electronically is in concert with E-government initiatives and the 1996 Electronic FOIA Amendment. With the recent purchase of scanners, records which were previously distributed only by paper can now be collected and distributed electronically and posted on line. As more scanners are acquired, we will continue to enhance our ability to collect data electronically and post it online.

#### IX. Costs/FOIA Staffing.

- A. Staffing levels (in work years).
  - 1. Number of full-time FOIA personnel: 17
  - 2. Number of personnel with part-time or occasional FOIA duties: 131.23
  - 3. Total number of personnel: 148.23
- B. Total costs (including staff and all resources).
  - 1. FOIA processing (including appeals): \$507,825
  - 2. Litigation-related activities (estimated): 0
  - 3. Total costs: \$507,825
  - 4. Comparison with previous year(s) (including percentage of change):  
Costs increased from FY 2004 to FY 2005 by \$15,712 (3.2%).
- C. Statement of additional resources needed for FOIA compliance/comments.

Congress does not appropriate funds for the USCG 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:  
\$22,491.55.
- B. Percentage of total costs: 4.4 %