U.S. DEPARTMENT OF AGRICULTURE

Freedom of Information Act Annual Report FY 2004

I.   Basic Information Regarding Report

Responsibility for preparing the U.S. Department of Agriculture's Freedom of Information Act Annual Report for fiscal year 2003 rests with USDA's Office of Communications.

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

> Andrea E. Fowler
> Freedom of Information Act Officer
> Departmental Administration
> U.S. Department of Agriculture
> Room 342-W, Whitten Bldg.
> Washington, DC 20250
> andrea.fowler@usda.gov
> Tel. (202) 720-8164
> Fax. (202) 720-7808

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 locater) for the U.S. Department of Agriculture's home page is http://www.usda.gov. 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/news/foia/contacts.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;
        OC - Office of Communications;
        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;
        RD - Rural Development;
        REE - Research, Education and Economics; and
        RMA - Risk Management Agency

    B.   Basic terms are as follows:

        <u>FOIA/PA request</u> - 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.

        <u>Initial request</u> - 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 U.S.C. § 201(c)	Store records for food stamp applications	None
7 U.S.C. § 608(2)	Membership list of the Northwest Dairy Assc.	None
7 U.S.C. § 1373(c)	Quantity of burley tobacco sold by producer	None
7 U.S.C. § 2018(c)	Electronic Benefit Transactions	None
7 U.S.C. § 2276	Unaggregated Farm Statistics	None
7 U.S.C. § 4608(f)	List of Honey handlers	None
7 U.S.C § 8401	Agents & Toxins which could be used as weapons of mass destruction	None
16 U.S.C. § 470hh	Archaeological site maps, cultural resource survey maps	None
16 U.S.C. § 470w-3	Nature & location of historic resources	None
16 U.S.C. § 3844(b)	Administrative requirements for conservation programs	None
41 U.S.C. § 253(b)	Unsuccessful contract bid proposals	Hornbostel v. US Dept. of Interior, 305 F.Supp. 2d (DDC 2003)
F.R.Cr.P. 6(e)	Grand jury information	Iglesias v. CIA, 525 F. Supp. 547, 556 (D.C. Cir. 1987)

V. INITIAL FOIA/PA ACCESS REQUESTS.

A. NUMBERS 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	13	142	139	16
APHIS	940	864	531	1273
DA	14	62	47	29
FAS	4	32	32	4
FNCS	3	190	190	3
FSA	38	53463	53283	218
FS	378	3703	3658	423
FSIS	189	506	535	160
GIPSA	2	51	52	1
NAD	0	23	23	0
NRCS	8	339	330	17
OBPA	0	4	4	0
OC	56	298	339	15
OCFO	1	36	36	1
OCIO	0	2	2	0
OCR	3	85	82	6
OGC	6	13	12	7
OIG	82	221	185	118
REE	9	162	164	7
RMA	0	88	81	7
RD	32	1519	1484	67
TOTALS	1778	61803	61209	2372

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 SOME OTHER REASON	NOT AN AGENCY RECORD	DUPLICATE REQUEST	OTHER
AMS	60	40	10	16	3	3	5	0	0	0	0	2
APHIS	85	154	39	60	25	78	0	0	44	0	7	39
DA	23	3	1	13	2	4	0	0	0	0	0	1
FAS	22	4	1	4	0	1	0	0	0	0	0	0
FNCS	136	43	3	4	2	1	1	0	0	0	0	0
FSA	51176	492	1131	107	55	62	11	10	15	19	15	190
FS	2234	730	300	277	19	27	10	7	15	8	4	27
FSIS	158	142	28	85	15	36	5	11	12	8	35	0
GIPSA	25	20	2	4	1	0	0	0	0	0	0	0
NAD	7	2	14	0	0	0	0	0	0	0	0	0
NRCS	145	57	65	32	10	5	0	6	3	7	0	0
OBPA	4	0	0	0	0	0	0	0	0	0	0	0
OC	15	60	22	15	226	1	0	0	0	0	0	0
OCFO	25	2	0	4	2	2	0	0	0	1	0	0
OCIO	0	0	0	0	0	2	0	0	0	0	0	0
OCR	12	24	10	11	3	0	13	2	4	2	1	0
OGC	3	4	3	1	0	0	0	1	0	0	0	0
OIG	46	39	13	22	13	21	1	0	9	1	2	18
REE	86	25	6	12	9	4	16	4	1	0	1	0
RMA	27	13	20	6	5	3	0	0	0	0	0	7
RD	1186	99	106	35	0	14	15	9	13	7	0	0
TOTALS	55475	1953	1774	708	390	264	77	50	116	53	65	284

B. DISPOSITION OF INITIAL REQUESTS (Continued)

EXPLANATION OF DISPOSITION OF FOIA/PA INITIAL REQUESTS:
OTHER REASONS FOR NONDISCLOSURE
(COLUMN MARKED "OTHER")

Component	Number of Times	Reason(s)
AMS	2	Records not available to the public
APHIS	39	Refer to regional offices
DA	1	On the website
FAS	0	
FNCS	0	
FSA	190	Transferred to field offices
FS	27	Nonresponse to clarification request Unable to contact requester
FSIS	0	
GIPSA	0	
NAD	0	
NRCS	0	
OBPA	0	
OC	0	
OCFO	0	
OCIO	0	
OCR	0	
OGC	0	
OIG	18	No authorization letter Requesters referred to Website On-going audit
REE	0	
RMA	7	Requesters did not clarify request
RD	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	1	7	23	8	19	11	0	4	0	0	0	0	0
APHIS	0	19	0	46	33	146	37	0	54	1	3	0	0	0
DA	0	0	0	1	0	2	0	0	1	0	0	0	0	0
FAS	1	0	0	2	1	2	0	0	0	0	0	0	0	0
FNCS	0	0	4	15	3	32	7	8	23	17	15	1	0	0
FSA	8	92	18	20	19	921	40	739	12	0	0	0	0	0
FS	0	8	14	67	154	226	31	1	98	0	0	0	0	0
FSIS	0	50	1	91	37	137	7	0	38	0	0	0	0	0
GIPSA	0	2	0	10	5	12	3	0	0	1	0	0	0	0
NAD	0	0	0	0	0	5	0	0	0	0	0	0	0	0
NRCS	0	2	25	15	9	67	2	2	0	0	0	0	0	0
OBPA	0	0	0	0	0	0	0	0	0	0	0	0	0	0
OC	0	0	0	0	0	82	0	0	0	0	0	0	0	0
OCFO	0	0	0	0	0	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	13	0	0	3	5	10	0	19	0	0	0	0	0
OGC	0	0	0	1	6	1	0	0	1	0	0	0	0	0
OIG	0	6	3	8	9	27	13	0	33	5	3	0	0	0
REE	0	2	1	14	2	17	0	0	0	0	0	0	0	0
RMA	0	0	0	4	21	13	0	0	1	0	2	0	0	0
RD	0	3	0	47	53	76	12	0	14	0	0	0	0	0
Total	9	198	73	364	363	1790	173	750	298	24	23	1	0	0

VI. Appeals of Initial Denials

	Appeals Received FY 2004	Appeals Processed FY 2004	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	9	3	0	1	0	0	0	0	0
APHIS	22	3	1	2	0	0	0	0	1
DA	0	0	0	0	0	0	0	0	0
FAS	1	0	0	0	0	0	0	0	0
FNCS	6	3	3	0	0	0	0	0	2
FSA	59	46	2	16	17	0	0	0	1
FS	56	63	21	20	10	0	1	0	1
FSIS	8	2	0	0	0	0	0	0	0
GIPSA	3	2	1	0	0	0	0	0	0
NAD	1	0	0	0	0	0	0	0	0
NRCS	10	6	2	1	2	0	0	0	1
OBPA	0	0	0	0	0	0	0	0	0
OC	2	0	0	0	0	0	0	0	0
OCFO	1	2	1	1	0	0	0	0	0
OCIO	0	0	0	0	0	0	0	0	0
OCR	13	7	5	1	1	0	2	0	0
OGC	2	1	1	0	0	0	0	0	0
OIG	5	4	0	1	0	0	0	0	0
REE	3	0	0	0	0	0	0	0	0
RMA	4	2	1	0	1	0	0	0	1
RD	41	16	3	4	5	0	1	0	1
Total	246	160	41	47	36	0	4	0	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	0	0	0	0	1	0	0	0	0	0
APHIS	0	2	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	2	1	0	3	2	3	1	0	0
FSA	4	3	0	0	2	0	0	0	0	0
FS	21	21	0	0	0	6	0	1	0	0
FSIS	0	0	0	0	0	0	0	0	0	0
GIPSA	0	0	1	0	0	1	0	0	0	0
NAD	0	0	0	0	0	0	0	0	0	0
NRCS	0	4	0	0	0	0	0	0	0	0
OBPA	0	0	0	0	0	0	0	0	0	0
OC	0	0	0	0	0	0	0	0	0	0
OCFO	0	2	0	0	0	0	0	0	0	0
OCIO	0	0	0	0	0	0	0	0	0	0
OCR	1	0	2	0	3	0	0	0	0	0
OGC	1	0	0	0	0	0	0	0	0	0
OIG	0	0	0	0	1	0	0	0	0	0
REE	0	0	0	0	0	0	0	0	0	0
RMA	1	0	0	0	1	0	1	0	0	0
RD	3	6	0	0	2	0	0	0	0	0
Total	31	40	4	0	13	9	4	2	0	0

VI. 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	2	0	0	2	0	0	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	11	1	0	8	1	0	0	0	0	1
FS	12	4	4	2	0	0	2	0	0	0
FSIS	2	0	0	1	0	0	1	0	0	0
GIPSA	1	1	0	0	0	0	0	0	0	0
NAD	0	0	0	0	0	0	0	0	0	0
NRCS	1	1	0	0	0	0	0	0	0	0
OBPA	0	0	0	0	0	0	0	0	0	0
OC	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	0	0	0	0	0	0	0	0	0	0
OGC	0	0	0	0	0	0	0	0	0	0
OIG	3	0	0	1	0	0	0	1	0	1
REE	0	0	0	0	0	0	0	0	0	0
RMA	0	0	0	0	0	0	0	0	0	0
RD	4	1	0	3	0	0	0	0	0	0
Total	36	8	4	17	1	0	3	1	0	2

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	139	19	0	0	0	0
APHIS	435	77	59	800	37	53
DA	47	35	0	0	0	0
FAS	32	16	0	0	0	0
FNCS	190	6	0	0	0	0
FSA	30430	14	22377	54	476	13
FS	1846	15	1807	21	5	8
FSIS	0	0	535	73	0	0
GIPSA	52	10	0	0	0	0
NAD	23	5	0	0	0	0
NRCS	322	15	6	17	2	5
OBPA	4	1	0	0	0	0
OC	339	18	0	0	0	0
OCFO	0	0	36	15	0	0
OCIO	2	1	0	0	0	0
OCR	0	0	82	15	0	0
OGC	0	0	12	34	0	0
OIG	133	5	47	112	5	1
REE	0	0	164	15	0	0
RMA	73	20	7	60	1	5
RD	0	0	1484	12	0	0
TOTAL	34067		26616		526	

B. STATUS OF PENDING REQUESTS

	NUMBER OF REQUESTS PENDINGS AS OF END OF FISCAL YEAR	MEDIAN NUMBER OF DAYS PENDING	
AMS	16	26	
APHIS	1273	265	
DA	29	190	
FAS	4	25	
FNCS	3	15	
FSA	218	73	
FS	423	15	
FSIS	160	68	
GIPSA	1	5	
NAD	0	0	
NRCS	17	6	
OBPA	0	0	
OC	15	35	
OCFO	1	16	
OCIO	0	0	
OCR	6	158	
OGC	7	120	
OIG	118	191	
REE	7	15	
RMA	7	30	
RD	67	14	
TOTAL	2372		

VIII.   Comparisons With Previous Years

Improve timeliness.

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

<u>Expedited processing.</u>

Agencies received a total of 1,840 requests for expedited processing and granted a total of 526 requesters expedited processing.

<u>Reduce backlog.</u>

Several agencies have increased contact with requesters in order to clarify and/or narrow requests.

Several agencies have established electronic tracking systems which have been successful in reducing processing time.

<u>Provide training.</u>

The FOIA personnel of most USDA agencies attended training sponsored by the Department of Justice, the USDA Graduate School, or the American Society for Access Professionals. Most of the agencies provided on-the-job FOIA training for agency personnel, and three of the largest agencies held agency-wide FOIA/PA meetings that included field units.

Several agencies provided field locations with copies of the Freedom of Information Act Guide & Privacy Act Overview and the Department of Justice quarterly FOIA Updates to use as reference material.

All agency FOIA personnel continue to meet quarterly to share information and establish consistent standards for processing of FOIA requests within the Department.

IX.   Costs/FOIA Staffing

A. Staffing Levels

	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 Work-Years)	FOIA Processing (Including Appeals) (Estimated)	Litigation-Related Activities (Estimated)	Total
AMS	1	2.5	3.5	263,167	0	263,167
APHIS	18	1	19	1,666,515	0	1,666,515
DA	0	.3	.3	36,000	0	36,000
FAS	0	2	2	160,000	0	160,000
FNCS	1	4.375	5.375	88,255	0	88,255
FSA	9	413.3	422.3	1,890,155	3,000	1,893,155
FS	23	55	78	4,922,258	12,500	4,934,758
FSIS	8	4	12	637,624	0	637,624
GIPSA	0	.4	.4	37,200	0	37,200
NAD	0	.33	.33	3,274	0	3,274
NRCS	1	18	19	128,700	0	128,700
OBPA	0	.02	.02	2,000	0	2,000
OC	1	0	1	132,000	0	132,000
OCFO	0	1	1	13,626	0	13,626
OCIO	0	.2	.2	22,000	0	22,000
OCR	1	0	1	92,299	0	92,299
OGC	0	5.5	5.5	500,000	250,000	750,000
OIG	3	.19	3.19	194,813	525	195,338
REE	1	.5	1.5	129,600	0	129,600
RMA	1	.5	1.5	93,764	0	93,764
RD	3	5.21	8.21	310,942	0	310,942
TOTALS	71	514.33	585.33	11,324,192	266,025	11,590,217

X.   Fees

	Total Fees collected	Percentage of Total costs	
Total	134,229	1.5%	

XI.   FOIA Regulations

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

http://www.usda.gov/News&Information;/FOIA
Information/USDA FOIA Regulations

USDA's current fee schedule was published in the Federal
Register December 31, 1987.

USDA's home page is located at http://www.usda.gov. The web
sites of USDA agencies are linked to this home page, and each
agency's web site contains explanatory information about FOIA
processing.