



**United States  
Department of  
Agriculture**

**Office of the  
Assistant Secretary  
for Administration**

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Washington, DC  
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AUG 05 2008

The Honorable Clay Johnson, III  
Deputy Director  
for Management and  
Chairman, President's Management Council  
Office of Management and Budget  
1650 Pennsylvania Avenue, N.W., Room 260  
Washington, D.C. 20503

Dear Chairman Johnson:

In accordance with the recommendations of the Department of Justice (DOJ) regarding Executive Order 13392, the Department of Agriculture (USDA) provides this updated status report for the items reported as deficient in implementation of the Freedom of Information Act (FOIA) improvement plans required by the Executive Order.

We resubmit this report because the prior submission had errors in its formatting and did not have DOJ clearance. This report has been cleared by DOJ.

Six USDA components, Animal and Plant Health Inspection Service (APHIS); the Farm Service Agency (FSA); the Forest Service (FS); the Grain Inspection, Packers and Stockyards Administration (GIPSA); the Office of the Chief Information Officer (OCIO); and the Office of the Secretary (OSEC) address a total of nine deficiencies.

A handwritten signature in black ink, appearing to read "Boyd K. Rutherford".

Boyd K. Rutherford  
Assistant Secretary  
for Administration

Attachment

**USDA PROGRESS ON FOIA IMPROVEMENT PLAN ITEMS REPORTED  
AS DEFICIENT**

**ANIMAL AND PLANT HEALTH INSPECTION SERVICE (APHIS)**

**Deficiency I.**

1. The FOIA Improvement Plan area to which the deficient milestone relates is the automated tracking capabilities.
2. APHIS missed its milestone of implementing an automated tracking system by December 31, 2007.
3. Steps taken to correct the deficiency and the dates by which the steps were completed include: In March 2008, APHIS installed the FOIAXpress Tracking System on all FOIA staff workstations and scanner stations; also in March 2008, FOIAXpress was installed and tested on the APHIS network and infrastructure. As of July 2008, APHIS is ensuring FOIAXpress meets the Security Accreditation requirements and is in Phase 1 of the Certification and Accreditation process. The contract has been assigned to STNet, Inc. and is due for completion by October 1, 2008.
4. Future remedial steps and the dates by which the steps will be completed include: APHIS will submit the requisition for solicitation for a contractor for phase 2 of the Certification and Accreditation process by August 31, 2008. APHIS will perform the data migration of the FOIA Access database tracking system into the FOIAXpress tracking system by April 30, 2009. Finally, training will be provided to the FOIA staff on operating the FOIAXpress tracking system by May 15, 2009.

**Deficiency II.**

1. The FOIA Improvement Plan to which the deficient milestone relates is backlog reduction/elimination.
2. APHIS missed its milestone of closing 20 percent more cases than were received in 2007. APHIS was able to achieve an overall backlog reduction of 14 percent for fiscal year (FY) 07.
3. Steps taken to correct the deficiency and the dates by which the steps were completed include: APHIS routinely conducts a search of the FOIA database to identify whether records on a specific topic have been previously requested. This initiative, implemented in November 2007, is designed to reduce the number of new FOIA searches for the same or similar topics and to provide quicker FOIA responses. As of July 2008,

APHIS recruited and hired three new FOIA specialists, replacing three of the four employees lost this year to attrition.

In March 2008, APHIS increased its compliance with the Electronic Freedom of Information Act (E-FOIA) by implementing a new APHIS E-FOIA Reading Room webpage. The webpage provides improved access to APHIS policy manuals, policy decisions, staffing manuals, and frequently requested records. Finally, APHIS has designed and provided FOIA training to APHIS program offices. The FOIA training included basic FOIA fundamentals and responsibilities under the FOIA. The FOIA training is an ongoing initiative first implemented in April 2008.

4. Future remedial steps and the dates by which the steps will be completed include: APHIS plans to employ agency FOIA "Strike Teams" by August 2008. The Strike Teams will involve the APHIS program offices committing additional staff resources to the FOIA Office to assist in backlog reduction. The APHIS program staffs will assist with scanning, reviewing, and redacting responsive records. APHIS plans to cure this deficiency by December 31, 2008.

## **FARM SERVICE AGENCY (FSA)**

### **Deficiency I.**

1. The FOIA Improvement Plan area to which the deficient milestone relates is training of FOIA staff.
2. The deficient milestone is that all FSA employees, either processing or retrieving responsive records, were to be trained to perform necessary FOIA functions by September 30, 2007.
3. Steps taken to correct the deficiency and the dates by which the steps were completed include: Continue the bi-weekly question and answer training teleconferences for State FOIA Officers begun in September 2007; provided FOIA and Privacy Act training for State Administrative Officers and State Executive Directors at an executive conference held on June 23-26, 2008; and hosting a week-long, comprehensive FOIA and Privacy Act training conference for all State FOIA Officers on July 28 through August 1, 2008. Included in this latter training is specialized "train-the-trainers" training for all State FOIA Officers to enable them to train designated FOIA Coordinators in all FSA County Offices.
4. Future remedial steps and the dates by which the steps will be completed include: By September 30, 2008, all FSA employees processing FOIA requests will have received the training necessary to enable them to

understand and perform FOIA processing in accordance with DOJ and agency guidelines. Because deployment of the planned FSA FOIA tracking system was delayed by several months, on July 10, 2008, FSA began development of an alternative means of electronically capturing the data required for the FY 2008 annual report. This application is scheduled for testing on August 1, 2008, at the FOIA and Privacy Act training conference and is expected to be operational by August 15, 2008. Deployment of the planned (more robust) FSA FOIA tracking system is now scheduled to take place by December 31, 2008. A web-enabled training module, also scheduled for deployment by December 31, 2008, will ensure, on a continuing basis, that all FSA personnel who need to use this system will be trained in its use.

### **Deficiency II.**

1. The FOIA Improvement Plan area to which the deficient milestone relates is FOIA website improvement.
2. The deficient milestone is to provide requesters a description of Agency records by providing a link to FSA systems of records notices as published in the Federal Register by March 31, 2007.
3. Steps taken to correct the deficiency and the dates by which the steps were completed include Steps taken: On July 1, 2008, FSA reviewed information already available on the USDA web site and found that a link to FSA systems of records notices as published in the Federal Register is currently available at the following URL, [http://www.ocio.usda.gov/ocio\\_sor.html](http://www.ocio.usda.gov/ocio_sor.html).
4. Future remedial steps and the dates by which the steps will be completed include: FSA FOIA personnel will contact the FSA web master by September 15, 2008, and request that the webmaster establish a link from its FOIA page to the posted systems notices by September 30, 2008.

### **Deficiency III.**

1. The FOIA Improvement Plan area to which the deficient milestone relates is improvement of the FSA FOIA guide (2-INFO).
2. The deficient milestones are to draft a revision of 2-INFO by September 30, 2007, and to distribute the draft for review by December 31, 2007.
3. Steps taken to correct the deficiency and the dates by which the steps were completed include: These milestones have now been met. A revision of 2-INFO was drafted and circulated for review by June 2008. The draft of 2-INFO is currently in the process of being finalized.

4. Future remedial steps and the dates by which the steps will be completed include the following: The original target date for posting the revision was March 31, 2008; the current target date for posting 2-INFO on the agency's FOIA website is October 1, 2008.

## **FOREST SERVICE (FS)**

### **Deficiency I.**

1. The FOIA Improvement Plan area to which the deficient milestone relates is purchase of an electronic tracking system.
2. FS missed the milestone of procuring an automated tracking system by September 30, 2007.
3. Steps taken to correct the deficiency and the dates by which the steps were completed include: In October, FS verified that funding was still available. On February 29, 2008, FS Information Resource Management reviewers approved the technical acquisition request for a second commercially-off-the-shelf (COTS) solution with conditions; however, the FS concluded that the cost (licenses for the Washington Office and field FOIA staff, a maintenance agreement, and yearly renewals) would be prohibitive.

Prior to the final decision regarding the second COTS solution, the FS began evaluating other viable options beginning November 30, 2007. One of these options was the Enterprise Content Management (ECM) system used by USDA and its components to track workflow in other program areas. Another USDA component, Farm Service Agency (FSA), had already begun working with a third-party developer to create a new FOIA module within the ECM environment that would be used to track FOIA initial requests (phase 1) and appeals (later phase). On February 29, 2008, we joined FSA in an informal shared services agreement to develop a generically designed ECM-FOIA module that could be used by any USDA component FOIA Service Center.

Because phase 1 of the ECM-FOIA module did not include appeals, on May 31, 2008, the FS began development of a separate general use module within the ECM environment to capture appeals data for the annual report.

4. Future remedial steps and the dates by which the steps will be completed include the following: Due to developer delays, the ECM-FOIA module deployment is now scheduled for December 31, 2008. The ECM-general use module is expected to be operational by December 31, 2008.

## **GRAIN INSPECTION, PACKERS AND STOCKYARDS ADMINISTRATION (GIPSA)**

### **Deficiency I.**

1. The FOIA Improvement Plan area to which the deficient milestone relates is proactive disclosure of information.
2. GIPSA missed the following milestones because the number of FOIA requests received increased significantly during FY 2007: by January 2007, determine if the GIPSA FOIA website should provide other frequently requested records that are not already posted; by April 2007, notify GIPSA management if the determination is made that additional information should be posted on the website; and, by September 2007, post additional information to the GIPSA FOIA website.
3. Steps taken to correct the deficiency and the dates by which the steps were completed include: In May 2008, GIPSA management decided to post information about those who market livestock, meat, and poultry under the Packers and Stockyards Act to the GIPSA website and FOIA web page. In June 2008, GIPSA posted information about stockyards owners, market agencies, dealers, packers, swine contractors, and live poultry dealers on the FOIA web page where the Agency's stakeholders and the public can get immediate access to current listings of the following regulated entities: registered and bonded market agencies selling livestock on commission; registered and bonded market agencies buying on commission and dealers; bonded packers; and, live poultry dealers. The information on regulated Entities is located at the GIPSA FOIA web page located at <http://www.gipsa.usda.gov/GIPSA/webapp?area=home&subject=Imp&topic=re>
4. No additional steps are necessary; the goal is met.

## **OFFICE OF THE CHIEF INFORMATION OFFICER (OCIO)**

### **Deficiency I.**

1. The FOIA Improvement Plan area to which the deficient milestone relates is working with OCE to utilize their ECCM software to pilot and administer automated request tracking and monitoring capability.
2. OCIO missed the milestone for implementing pilot request tracking and monitoring capability by February 2007.

3. Steps taken to correct the deficiency and the dates by which the steps were completed include: System requirements were completed in May 2008.
4. Future remedial steps and the dates by which the steps will be completed include: A prototype system will be ready for testing by August 31, 2008. OCIO will use the prototype system to test the loading and tracking of existing OCIO FOIA requests by September 30, 2008. The production system is targeted for implementation by September 30, 2008.

## **OFFICE OF THE SECRETARY (OSEC)**

### **Deficiency I.**

1. The FOIA Improvement Plan area to which the deficient milestone relates is to revise the USDA FOIA regulation.
2. OSEC missed the milestones to submit the revised regulation for review by June 30, 2007; to put the revised regulation into the formal USDA signature process by September 1, 2007; and to publish the regulation by September 30, 2007.
3. Steps taken to correct the deficiency and the dates by which the steps were completed include: The draft regulation was put into formal review in August 2007. OSEC has again reviewed the draft in light of the new FOIA Amendments and found no issues to cause further revision. The regulation went to the Office of the General Counsel (OGC) for review in September 2007.
4. Future remedial steps and the dates by which the steps will be completed include: Once OGC completes its review by November 30, 2008, and any changes have been made, the review process within USDA will continue and the regulation will be published by December 31, 2008.