



Homeland Security

August 1, 2008

MEMORANDUM FOR: CLAY JOHNSON, III
Chair, President's Management Council

FROM: CATHERINE M. PAPOI, J.D.
Deputy Chief Freedom of Information Act Officer

SUBJECT: Updated Status Report from the Department of Homeland Security (DHS) Regarding Deficiencies in Implementation of Executive Order 13,392, "Improving Agency Disclosure of Information"

Deficient Milestones in Backlog Reduction Goals

- 1) US Citizenship and Immigration Services (USCIS) finalizes and establishes the alternate administrative process to address the genealogy related requests
 - a) Initial Target Completion Date: 6/30/2007
 - b) Steps Taken: The alternative process to address specific genealogy requests, if finalized, goes into effect August 13, 2008.
 - c) Future Action: None necessary.

- 2) Components eliminate FOIA backlogs
 - a) Initial Target Completion Date: 12/31/2007; updated backlog reduction goals through FY10 included in the FY07 Annual FOIA Report.
 - b) Steps Taken:
 - i) In the June 1, 2007 report to the President on agency progress under Executive Order 13,392, "Improving Agency Disclosure of Information," the Attorney General recommended that agencies that had a FOIA request or administrative appeal pending beyond the statutory time period (i.e., a backlog) at the end of Fiscal Year 2007, establish backlog reduction goals for all components for the next three fiscal years. These goals were required to be posted on each agency's FOIA web site by November 1, 2007. The Department established backlog reduction goals for FY 08-10 and posted them on the DHS FOIA web site, per the Attorney General's directions.
 - ii) USCIS, which receives the greatest volume of FOIA requests in DHS and thus has the highest request backlog, awarded a contract on July 3, 2008, for an additional 74 FOIA processing personnel. The contract award was delayed due to a protest and resulting litigation.
 - iii) In order to devote more time to processing, USCIS created online access for requesters to gain information pertaining to their request's status as well as its place in the backlog queue.

- c) Future Action: All components are currently working toward their backlog elimination goals as set for FY 08-10 and the DHS Director of Disclosure advises each component monthly of their updated target completion rates.
- 3) Customs and Border Protection (CBP) and the Federal Emergency Management Agency (FEMA) to complete all FOIA personnel hiring actions
 - a) Initial Target Completion Date: 12/31/2007; updated in the FY07 Annual FOIA Report to 12/31/08 for CBP and FEMA milestones.
 - b) Steps Already Taken:
 - i) CBP centralized eight employees and CBP FOIA operations on October 1, 2007. Centralization delayed hiring and meeting milestone.
 - ii) FEMA completed hiring actions for two additional FOIA-dedicated FTE positions in October 2007 and February 2008 and, therefore, met goal.
 - c) Future Action: CBP is conducting an evaluation to accurately assess any additional staffing needs and is still on pace to complete this hiring needs evaluation by 12/31/08.
 - 4) CBP and FEMA finalize and implement necessary operational improvements
 - a) Initial Target Completion Date: 12/31/2007; updated in FY07 Annual FOIA Report to 6/30/08 for the CBP milestone and 2/28/08 for the FEMA milestone.
 - b) Steps Already Taken:
 - i) CBP centralized eight employees and CBP FOIA operations on October 1, 2007, which delayed implementation of final operational improvements.
 - ii) FEMA finished initial draft version of new FOIA Standard Operating Procedure (SOP) on January 11, 2008.
 - c) Future Action: FEMA FOIA is awaiting publication of new DHS FOIA Regulations (target effective date: 12/31/08) before finalizing new SOP. CBP is conducting an evaluation to accurately assess necessary processing adjustments to address centralization and staffing concerns.

Deficient Milestones in Education and Training Goals

- 1) FEMA FOIA professionals who devote more than 50% of their time to FOIA attend annual FOIA training offered through the USDOJ or other similar program
 - a) Initial Target Completion Date: 12/31/2007; updated in FY07 Annual FOIA Report to September 30, 2008.
 - b) Steps Already Taken: FEMA FOIA employees are attending training in FY08
 - c) Future Action: FEMA FOIA employees will complete training by September 30, 2008.
- 2) DHS to finalize FOIA regulations
 - a) Initial Target Completion Date: 12/31/2007; updated in FY07 Annual FOIA Report to December 31, 2008.
 - b) Steps Already Taken: Final regulations drafted January 15, 2008.
 - c) Future Action: Target date for final regulations to go into effect is December 31, 2008.
- 3) Components in compliance with the final DHS regulations

- a) Initial Target Completion Date: 12/31/2007; updated in FY07 Annual FOIA Report to December 31, 2008.
- b) Steps Already Taken: Final regulations drafted January 15, 2008.
- c) Future Action: All components will be in compliance with final DHS regulations when they go into effect on December 31, 2008.