



United States
Department of
Agriculture

Office of the
Assistant Secretary
for Administration

1400 Independence
Avenue SW

Washington, DC
20250-0103

AUG 01 2007

VIA FACSIMILE

The Honorable Clay Johnson, III
Chairman, President's Management Council
Office of Management and Budget
725 17th Street, NW
Washington, DC 20503

Dear Chairman Johnson:

In accordance with Executive Order 13392 (EO), the Department of Agriculture (USDA) provides this updated status report for the deficient items scored by the Department of Justice as "Red" or "Yellow" for progress in the implementation of the Freedom of Information Act (FOIA) improvement plans required by the EO.

The report is provided in the format required by the Department of Justice.

The goals associated with 10 of the 14 deficiencies are completed. The remaining deficiencies have been addressed by the responsible components and the goals associated with the deficiencies will be completed as described. If you have any questions or concerns, please contact me at (202) 720-3291 or have your staff contact Rita Morgan, USDA Departmental FOIA Officer, at (202) 720-8164.

Boyd K. Rutherford
Assistant Secretary
for Administration

Attachment

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

Natural Resources Conservation Service (NRCS)

- A.
1. The FOIA Improvement Plan area to which the deficient milestone relates is expedited processing. (DOJ score was red.)
 2. NRCS missed developing a uniform National and State tracking system that was to be completed by December 2006.
 3. Steps taken: NRCS developed the data base and system interfaces by June 8, 2007; notified NRCS State Offices of the pending implementation of the tracking system by June 19, 2007; and, conducted regional training and discussion teleconferences with State Offices by July 16, 2007. Any necessary adjustments to the report formats were completed by July 23, 2007. An NRCS operational bulletin was issued on July 31, 2007. NRCS has implemented use of the system on August 1, 2007.
 4. No additional steps are necessary; the goal is met.
- B.
1. The FOIA Improvement Plan area to which the deficient milestone relates is backlog reduction/elimination
 2. NRCS missed the milestone of beginning to provide training to State and field offices to help reduce or eliminate backlogged requests by October 2006.
 3. Steps taken: NRCS reviewed the backlog of existing request by December 2006. In June 2007, NRCS began quarterly teleconferences with regional FOIA personnel to discuss particular requests, concerns, or address problems related to responding to FOIA requests.
 4. Steps to be taken: NRCS plans to provide regional agency training on FOIA by August 31, 2007. NRCS will develop an agenda item for quarterly teleconferences by September 30, 2007. Finally, NRCS will offer assistance from the National Office to States to assist with backlog reduction by December 31, 2007.
- C.
1. The FOIA Improvement Plan area to which the deficient milestone relates is recycling improvement information gleaned from FOIA requestor service centers.
 2. NRCS missed the October 2006 date for developing policies on how best to obtain feedback.

3. Steps taken: NRCS conducted initial discussions with State FOIA personnel about customer feedback by March 30, 2007. By July 27, 2007, NRCS contacted other agencies to gather ideas about how improvement information may best be obtained.
 4. Steps to be taken: By August 31, 2007, NRCS will review 1) the length of time to respond to requests, 2) each State's method of responding to requests, and 3) current customer responses to requests from each State. By September 1, 2007, NRCS will develop an agenda item to discuss customer feedback in quarterly teleconferences with States. Finally, by September 30, 2007, NRCS will establish an agency-wide policy and method to seek and receive customer feedback.
- D.
1. The FOIA Improvement Plan area to which the deficient milestone relates is automated tracking capabilities.
 2. The missed milestone was development of an automated system by October 2006.
 3. Steps taken: NRCS consulted and coordinate with State Offices by June 2007. NRCS developed the data base and system interfaces by June 8, 2007; notified NRCS State Offices of the pending implementation of the tracking system by June 19, 2007; and conducted regional training and discussion teleconferences with State Offices by July 16, 2007. NRCS coordinated with State Offices to finalize details of the automated system by July 2007. Any necessary adjustments to the report formats were completed by July 2007. An NRCS operational bulletin was issued on July 31, 2007. NRCS has implemented use of the system on August 1, 2007.
 4. No additional steps are necessary; the goal is met.
- E.
1. The FOIA Improvement Plan area to which the deficient milestone relates is troubleshooting of any problems with existing request tracking
 2. The missed milestone was coordinating with State and field Offices to determine the best plan available by December 31, 2006.
 3. Steps taken: NRCS has gathered input from the States on problems with the current system.
 4. Steps to be taken: NRCS plans to complete getting State input on problems in the system and to develop standards to eliminate or address the problems by August 31, 2007. The standards will be reviewed by the Director, Management Service Division, by October 1, 2007, and implemented by the States by October 31, 2007.

Agricultural Marketing Service (AMS)

- A.
 - 1. The FOIA Improvement Plan area to which the deficient milestone relates is backlog reduction.
 - 2. AMS missed two milestones: 1) reviewing monthly cases over the 20-day statutory period and determining the best actions to facilitate a reduction in the backlog, and 2) communicating with program areas regularly on resolving overdue FOIAs. Both were to be completed by October 2, 2006.
 - 3. Steps taken: AMS has reviewed the cases and communicated with program areas on overdue FOIAs.
 - 4. As of May 2007, AMS eliminated its backlog. Thus, the goal has been achieved, and no additional steps are necessary.
- B.
 - 1. The FOIA Improvement Plan area to which the deficient milestone relates is FOIA training.
 - 2. The missed milestone was to send notice to FOIA contacts of available training by January 2, 2007.
 - 3. Steps taken: The information was sent to FOIA contacts on February 6, 2007.
 - 4. The goal is met and no additional steps are necessary.

Animal and Plant Health Inspection Service (APHIS)

- A.
 - 1. The FOIA Improvement Plan area to which the deficient milestone relates is backlog reduction.
 - 2. APHIS missed its goal of closing 20% more case than were received in 2006.
 - 3. Steps taken: To help attain the goal of closing 20% more case than received in fiscal year 2007, APHIS continues regularly detailing clerical personnel into the FOIA staff to provide administrative support and has detailed two employees to assist with FOIA case processing. In addition, APHIS has hired two FOIA specialists in 2007. APHIS is contacting requesters to ascertain continued interest in old requests and has purchased a second high speed scanner in April.
 - 4. Steps to be taken: APHIS will continue contacting requestors to ascertain interest in old requests. APHIS will examine FOIA processing to identify ways to speed up the processing of requests and will implement any

recommendations by December 31, 2007.

Office of the Assistant Secretary for Civil Rights (ASCR)

- A.
 - 1. The FOIA Improvement Plan area to which the deficient milestone relates is automated tracking and processing.
 - 2. The missed milestone was to research the available electronic FOIA tracking systems and redaction tools by December 31, 2006. ASCR selected this goal because its current system was to become disabled when the computer system was updated; however, that is no longer the case because the current system has been adjusted to work with the updated computer system and ASCR no longer needs a new FOIA tracking system.
 - 3. Steps taken: To correct the deficiency, ASCR continued to research available redacting systems and completed that research May 18, 2007. That research was presented to the ASCR FOIA office for review by June 1, 2007. At that review, ASCR determined that budget constraints preclude the purchase of an electronic redacting system.
 - 4. No additional steps are necessary.
- B.
 - 1. The FOIA Improvement Plan area to which the deficient milestone relates is the purchase of new equipment.
 - 2. The missed milestone was installation of the new equipment by December 31, 2006.
 - 3. Steps taken: The FOIA specialist checked with Building Management in January, February, March, and April of 2007 regarding the status of electrical outlet replacement. Electrical outlets were replaced early in May 2007. The new equipment was installed on June 20, 2007.
 - 4. No additional steps are necessary.

Departmental Administration (DA)

- A.
 - 1. The FOIA Improvement Plan area to which the deficient milestone relates is improving the agency's FOIA guide.
 - 2. DA planned to develop a draft DA FOIA guide or manual by January 30, 2007.
 - 3. Steps taken: The draft was completed on May 23, 2007, and reviewed and approved by May 30, 2007.

4. The goal is met; no additional steps are necessary.

Food Safety and Inspection Service (FSIS)

- A.
 1. The FOIA Improvement Plan area to which the deficient milestones relates is revision of the FOIA Reference Guide.
 2. FSIS missed publishing revised guidance by November 2006.
 3. Revised guidance was published on February 8, 2007.
 4. The goal is met; no additional steps are necessary.

Note: The fiscal year 2006 report indicated that work was still being conducted to correct a deficiency in the goal related to recycling improvement information gleaned from FOIA requester service centers. The deficiency was corrected by the time of the annual report.

Forest Service (FS)

- A.
 1. The FOIA Improvement Plan area to which the deficient milestone relates is proactive disclosure of information.
 2. FS missed the milestone for developing the criteria and disseminating the criteria to FS personnel by December 31, 2006.
 3. Steps taken: FOIA coordinators conferred to propose criteria on February 22, 2007. The headquarters FOIA staff compared the proposed criteria with existing USDA and FS guidance on web content by June 30, 2007. The criteria were finalized and guidance provided to appropriate agency personnel on July 26, 2007.
 4. The goal is complete.

Office of the Secretary (OSEC)

- A.
 1. The FOIA Improvement Plan area to which the deficient milestone relates was shown as receiving electronic FOIA requests, but it is actually FOIA website improvement.
 2. The missed milestone was to submit to the DA webmaster links to the component agency FOIA web pages by January 15, 2007.

3. Steps taken: OSEC reviewed links that were already on the web page on April 18, 2007. On April 19, 2007, the existing links to component agency home pages were changed to links to component agency FOIA pages.
4. The goal is complete and no additional steps are necessary.