DEPARTMENT OF AGRICULTURE
CHIEF FREEDOM OF INFORMATION ACT OFFICER REPORT
March 2017

"We provide leadership on food, agriculture, natural resources, rural development, nutrition, and related issues based on sound public policy, the best available science, and efficient management."

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EXECUTIVE SUMMARY

The United States Department of Agriculture ("Department") was founded by President Abraham Lincoln in 1862 and was quickly coined "The People's Department." At the time, more than half of all American either lived or worked on farms, compared with the two percent today. Despite this decrease, the Department is still fulfilling Lincoln's vision of touching the lives of every American through its mission to provide leadership on food, agriculture, natural resources and related issues based on sound public policy, the best available science, and efficient management.

To successfully accomplish its mission, the Department operates more than 300 programs through an extensive network of Federal, State, and local cooperators. These programs affect every American, every day, by providing a safe and stable food supply, nutrition assistance, renewable energy, rural economic development, care for forest and conservation lands, and global opportunities for farm and forest products. These programs also hold the answers to pressing global issues like the need for renewable energy, increasing crop yields to combat hunger, protecting the food supply, and optimizing internal trade.

The Department's success is dependent on several core values. Among them is transparency. Central to the Department's effort to increase transparency is its Freedom of Information Act ("FOIA") program. The Department's Chief Information Officer and Chief FOIA Officer, Mr. Jonathan Alboum provides program oversight for all twenty of the Department's FOIA offices at the agency and mission area. These offices all collaborate throughout the year to process the tens of thousands of FOIA requests received at the Department.

The Department's FOIA Service Center ("Department") is the central office for the Department's FOIA program and led by the Office of the Chief Information Officer's (OCIO) Policy, E-Government, and Fair Information Practices (PE&F) Division. The FSC provides day-to-day coordination and oversight and ensures statutory compliance with the FOIA. The FSC also processes FOIA requests, consultations, and appeals on behalf of the Office of the Secretary (OSEC), the Departmental Management agencies, Office of Communications (OC), and the Office of Ethics (OE).

In Fiscal Year 2016, the Department processed approximately 97% of the 23,870 FOIA request received. Of these received requests, about 86% were processed in less than twenty working days. Additionally, many of the Department's components made substantial progress on reducing their request backlog. The Natural Resources Conservation Service (NRCS) had a 47.8% reduction, the Food Safety and Inspection Service (FSIS) a 42% reduction, Departmental Management (DM)/Office of the Secretary (OSEC)/Office of the Chief Information Officer (OCIO) a 37.5% reduction, the Food Nutrition & Consumer Services (FNCS) a 26% reduction, and the Risk Management Agency (RMA) a 20% reduction. The Office for the Assistant Secretary of Civil Rights (OASCR) and Office of Budget & Program Analysis (OPBA) successfully closed the Fiscal Year with no backlogged requests.

This report encompasses the efforts of the following agencies, offices, and mission areas:

Agricultural Marketing Service (AMS)
Animal & Plant Health Inspection Service (APHIS)
Farm Service Agency (FSA)
Departmental Management (DM)
- *Office of the Administrative Law Judges (OALJ)*
- *Office of Advocacy and Outreach (OAO)*
- *Office of the Chief Information Officer (OCIO)*
- *Office of the Executive Secretariat (OES)*
- *Office of Homeland Security & Emergency Coordination (OHSEC)*
- *Office of Human Resource Management (OHRM)*
- *Office of Operations (OO)*
- *Office of Procurement & Property Management (OPPM)*
- *Office of Small & Disadvantaged Business Utilization (OSDBU)*

Food, Nutrition & Consumer Services (FNCS)
Food Safety & Inspection Service (FSIS)
Foreign Agricultural Service (FAS)
Forest Service (FS)
Grain Inspection, Packers & Stockyards (GIPSA)
National Appeals Division (NAD)
Natural Resources Conservation Service (NRCS)
Office of Budget & Program Analysis (OBPA)
Office of Communications (OC)
Office of the Chief Financial Officer (OCFO)
- *National Finance Center (NFC)*

Office for the Assistant Secretary of Civil Rights (OASCR)
Office of Ethics (OE)
Office of the General Counsel (OGC)
- *Marketing, Regulatory, and Food Safety Programs (MRFSP)*
- *International Affairs, Food Assistance, and Farm and Rural Programs (RD)*
- *Plant Health and Production, and Plant Products (PHPPP)*
- *Natural Resources and Environment (NRE)*
- *General Law and Research (GLRD)*

Civil Rights, Labor and Employment Law
Office of the Secretary (OSEC)
Office of Inspector General (OIG)
Research, Education and Economics (REE)
- *Agricultural Research Service (ARS)*
- *Economic Research Service (ERS)*
- *National Agricultural Statistics Service (NASS)*
- *National Institute of Food and Agriculture (NIFA)*

Risk Management Agency (RMA)
Rural Development (RD)

Section I: Steps Taken to Apply the Presumption of Openness

FOIA Training:

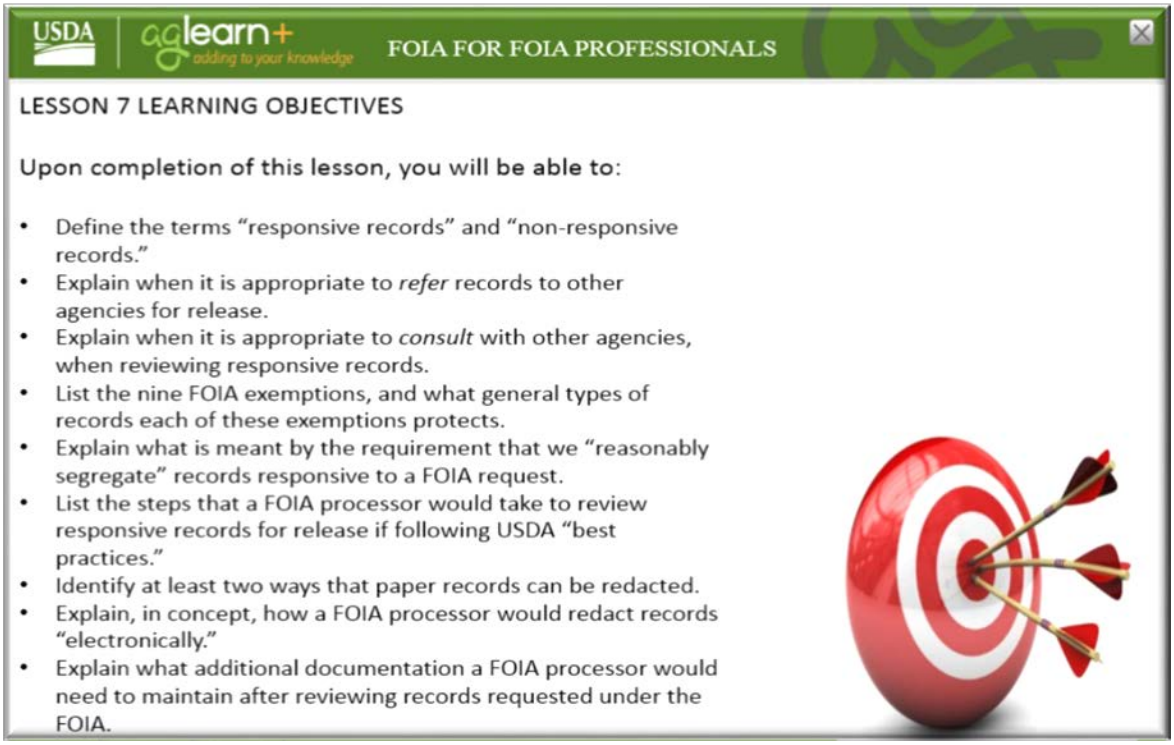
1. Did your FOIA professionals or the personnel at your agency who have FOIA responsibilities attend any FOIA training or conference during the reporting period such as that provided by the Department of Justice?

Yes. USDA's FOIA professionals participated in FOIA training and conferences during the reporting period hosted by the Department, the Department's Office of General Counsel, General Law and Research Division (OGC-GLRD), the Department of Justice, Office of Information Policy (DOJ-OIP), the Office of Government Information Services (OGIS), the American Society of Access Professionals (ASAP), and AINS Inc.

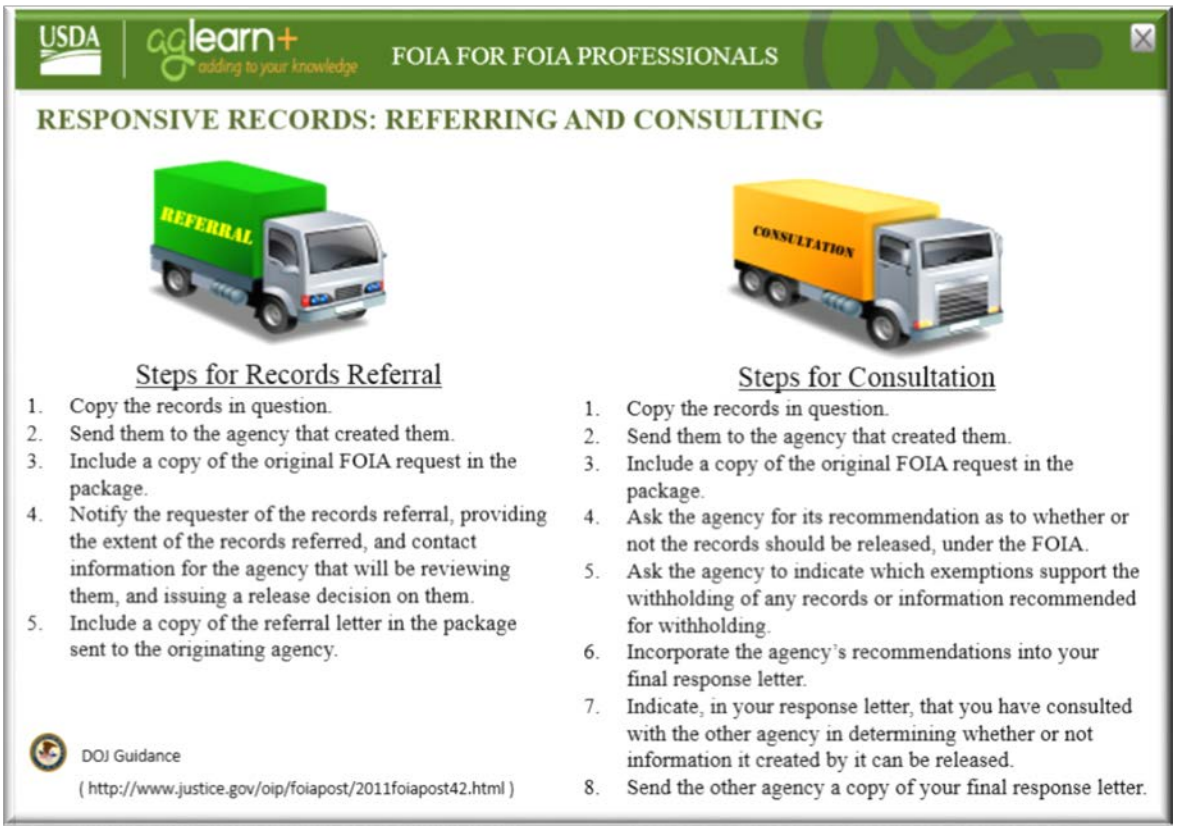
2. If yes, please provide a brief description of the type of training attended or conducted and the topics covered.

USDA's Extended Online FOIA Training: The Department is pleased to report that in January 2016, it published in AgLearn, all six lessons of its first extended online FOIA training module, *FOIA for FOIA Professionals*. These six lessons briefly revised after the passage of the 2016 FOIA amendments, provide a detailed introduction to the FOIA, the Department's FOIA team, and procedural items related to intake.

This first publication was then followed up by a second in mid-October. This second featured two of the ten lessons planned for the Department's second module in the *FOIA for FOIA Professionals* series. It deals exclusively with the review of records, but specifically exemption application. Like the previous module, it also gives participants the opportunity to test their knowledge upon completion with a ten question quiz. Since publication, the Department has had more than 470 participants for both modules. The remaining lessons in module two are scheduled for publication in May 2017. A few excerpts from the new module are included on the following pages.



Lesson 7: The Review of Records



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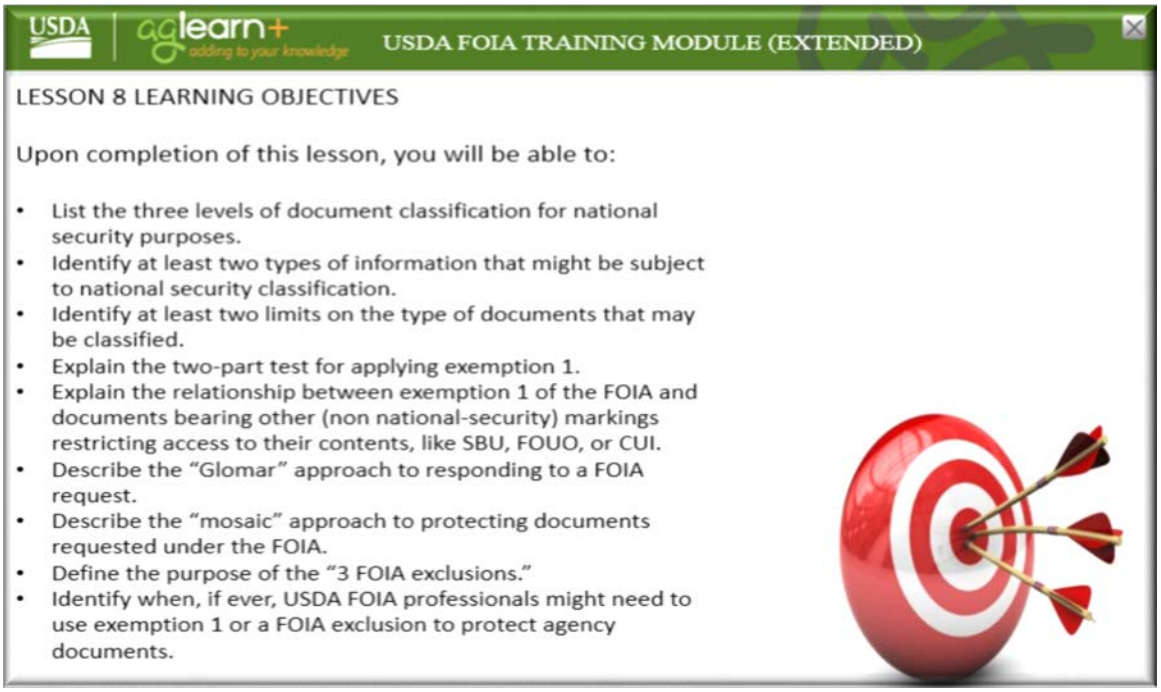

Lesson 8: Exemption 1

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Monthly FOIA Council Meetings: The Department also continues to hold its monthly FOIA council meetings with its FOIA Officers, Liaisons, and Team Leads. Although most meetings are devoted to the dissemination and discussion of recent court decisions, DOJ-OIP guidance, best practices, and upcoming training opportunities, others do provide for refresher training. For example, the Department's June 2016 meeting featured guest speaker, Mr. Sean O'Neill, Chief for DOJ-OIP's Administrative Appeals Staff. Mr. O'Neill provided an overview of significant court decisions from the past two years and detailed the impact of each on making fee determinations and processing records requests.

Department of Justice, Office of Information Policy Training: USDA's FOIA professionals also attended the following training programs provided by the DOJ-OIP:

- Introduction to the Freedom of Information Act
- The Freedom of Information Act for Attorneys and Access Professionals
- Advanced Freedom of Information Act Seminar
- Continuing Freedom of Information Act Education
- FOIA Improvement Act of 2016
- FOIA Public Liaison
- Best Practices: FOIA Training Programs
- Best Practices: From the Requester's Perspective

Other External Training Courses and Conferences: USDA's FOIA professionals also participated in the following external training courses and conferences:

- ASAP: 9th Annual National Training Conference
- ASAP: FOIA-Privacy Training Workshop
- ASAP: Exemption 4
- ASAP: Exemption 5
- OGIS: Dispute Resolution Skills for FOIA Professionals
- AINS: The Freedom of Information Act and Privacy Act for Entry-Level Professionals
- AINS: FOIAXpress User Conference & Technology Summit 2016

3. Provide an estimate of the percentage of your FOIA professionals and staff with FOIA responsibilities who attended substantive FOIA training during this reporting period.

Approximately 92% of USDA's FOIA professionals participated in either one or more substantive FOIA training courses.

4. OIP has directed agencies to "take steps to ensure that all of their FOIA professionals attend substantive FOIA training at least once throughout the year. If your response to the previous question is that less than 80% of your FOIA professionals attended training, please explain your agency's plan to ensure that all FOIA professionals receive or attend substantive FOIA training during the next reporting year.

Not applicable. More than 80% of our FOIA professionals participated in substantive FOIA training courses facilitated by the Department, OGC-GLRD, DOJ-OIP, OGIS, ASAP, and AINS Inc.

Outreach:

5. Did your FOIA professionals engage in any outreach or dialogue with the requester community or open government groups regarding your administration of the FOIA?

Yes. Several components reported participation in efforts tied to the third Open Government National Action Plan like the deployment of a consolidated online portal in which USDA's FOIA professionals had an opportunity to engage with the requester community and open government groups.

Another outreach example includes the Animal Plant and Health Inspection Service's (APHIS) FOIA Officer's participation in stakeholder meetings with APHIS' Office of Animal Care (APHIS-AC). Agendas for these meetings are typically set by the participating animal rights groups and other non-governmental organizations interested in APHIS-AC issues and often include an opportunity for the APHIS FOIA Officer to address improvements in APHIS' FOIA administration as well as progress on specific requests.

6. If you did not conduct any outreach during the reporting period, please describe why.

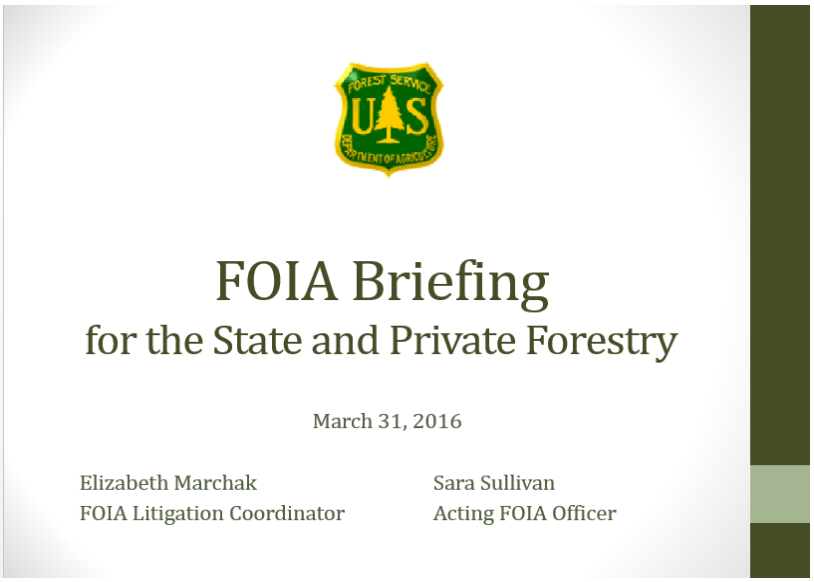
Not applicable. USDA did conduct agency outreach during the reporting period.

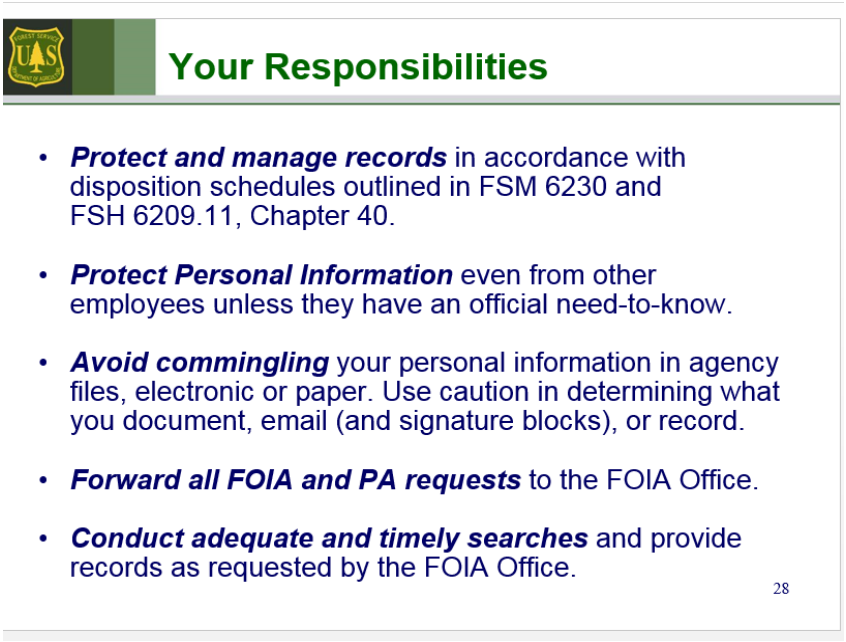
Other Initiatives:

7. Describe any efforts your agency has undertaken to inform non-FOIA professionals of their obligations under the FOIA.

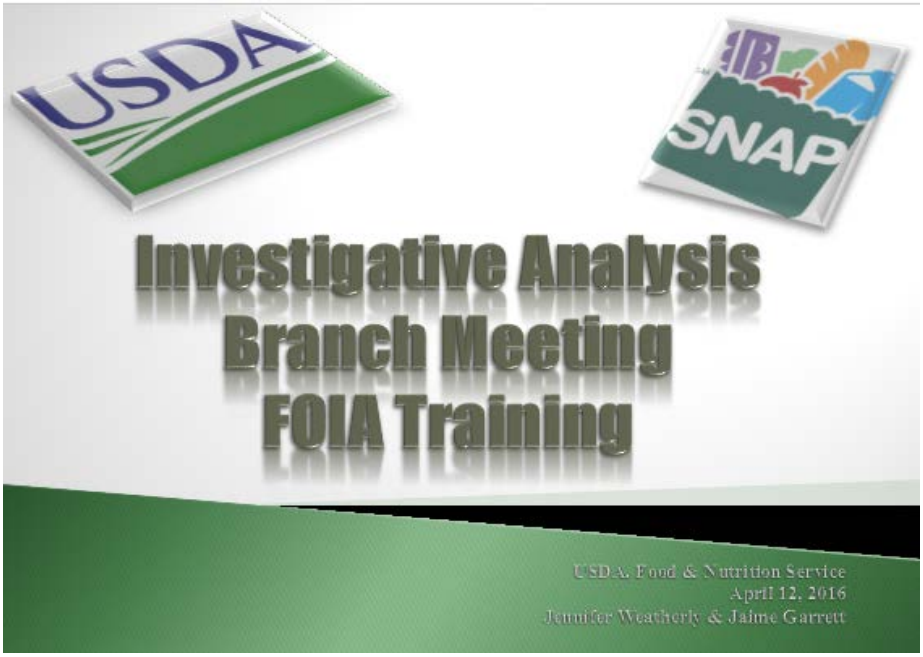
Publishing of DOJ-OIP's Executive Briefing: The Department recently published in its training repository, the DOJ-OIP's online executive briefing narrated by OIP's Director Melanie Pustay which provides an overview of the FOIA's statutory requirements and emphasizes the importance of executive support in the administration of FOIA.

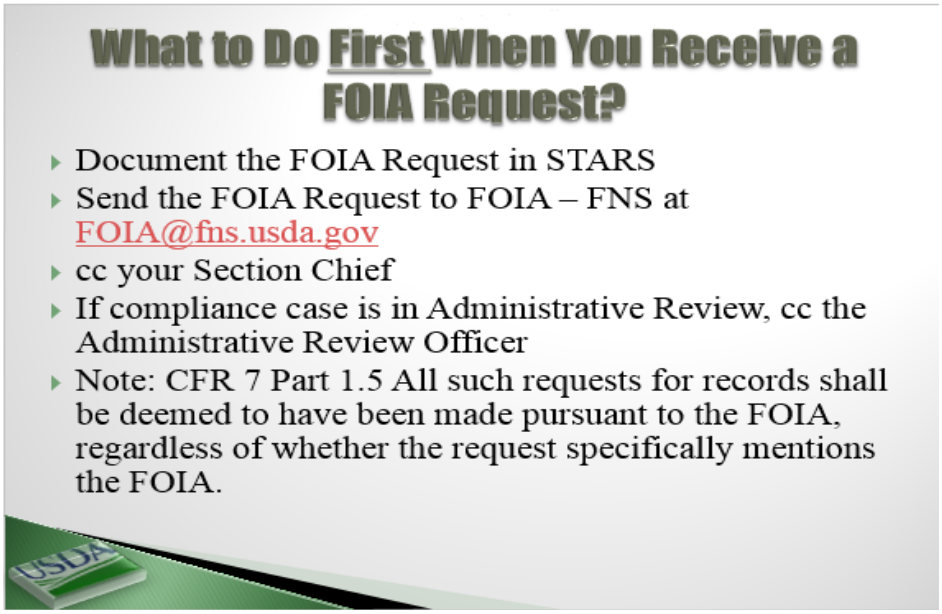
Component Outreach: Several USDA components reported provided training to non-FOIA professionals. For example, the Forest Service's Washington Office (FS-WO) provided training to the Directors of the National Forest Systems (NFS) staffing area. Among other things, the training emphasized these professionals' role and responsibilities in the FOIA process.





In April 2016, FNCS conducted specialized FOIA training for Supervisors and Program Specialist within its Investigative Analysis Branch (IAB). This training like that in the FS-WO, also emphasized roles and responsibilities in the FOIA process.





The Research, Education and Economics (REE) FOIA Office has also taken several actions to inform non-FOIA professionals of their obligations under the FOIA. First, *P&P 116.0, Freedom of Information Act and Privacy Act Guidelines*, which provides REE employees the policy and procedures for implementing the FOI and Privacy Acts was posted on the Agricultural Research Service's (ARS) website. Secondly, the REE FOIA Office has made a FOIA web link available to REE employees via Axon, an intranet and central repository for finding and accessing resources. Lastly, the REE FOIA Office continues to distribute its FOIA Processing Tips, guidance for processing grant applications, and information regarding the suite of FOIA resources currently on USDA's training repository for non-FOIA professionals.

8. If there are any other initiatives undertaken by your agency to ensure that the presumption of openness is being applied, please describe them here.

USDA's FOIA professionals continued to engage in dialogue with the requester community regarding qualifications for fee waivers, the scope of requests, production schedules, component target dates, and access to the USDA's Public Access Link (PAL). Several components within USDA also reported answering questions and providing guidance to frequent requesters regarding the 2016 FOIA Amendments. As a follow up, some components like the Food, Nutrition & Consumer Services (FNCS) also provided links to DOJ-OIP's 2016 FOIA Amendments guidance in its letters.

Additionally, several components like the Agricultural Marketing Service (AMS) reported updating their internal standard operating procedures to require second and third level reviews. It is anticipated this additional oversight will ensure responses provide the greatest disclosure. Others also reported updating taskers or search forms to include standardized language reminding professionals of the presumption of openness.

Section II: Steps Taken to Ensure that Your Agency Has an Effective System in Place for Responding to Requests

Processing Procedures:

1. For Fiscal Year 2016, what was the average number of days your agency reported for adjudicating requests for expedited processing?

USDA's average number of days to adjudicate requests for expedited process is one calendar day.

2. If your agency's average number of days to adjudicate requests for expedited processing was above ten calendar days, please describe the steps your agency will take to ensure that requests for expedited processing are adjudicated within ten calendar days or less.

Not applicable. USDA's average was below ten calendar days.

3. During the reporting period, did your agency conduct a self-assessment of its FOIA program? If so, please describe the methods used, such as reviewing Annual Report data, using active workflows and track management, reviewing and updating processing procedures, etc.

Yes. The FS-WO began revising its internal operating procedures and is gradually making changes to its workflow as issues are identified and resources made available. Additionally, each analyst has been assigned a task outside of processing to ensure the administration of FOIA in the FS-WO continuously improves. For example, one analyst was assigned to monitor the backlog and to make recommendations on a routine basis for reduction. Another analyst was assigned to address compliance of subsection (a)(2) and oversee the posting of records.

NRCS also did an assessment of its program. As such, it began reviewing the structure of the FOIA response process, agency policy, and the reporting metrics available in USDA's enterprise wide tracking system to identify trends and processing issues. Lessons learned from this assessment will be compiled this reporting period along with recommendations for improvement.

FNCS deployed its Change Initiative aimed at realigning FOIA responsibilities, reducing the backlog, and improving processing times. The first phase of this initiative ensured FOIA team members were aware of their role and responsibilities. The second phase emphasized training on the roles and responsibilities. The final result was the processing of 67 more FOIAs than the prior fiscal year, a 36% reduction in backlog for initial FOIAs, a 17% reduction in the average processing times, and a 47% increase in the number of FOIAs processed within the statutory timeframe.

In Fiscal Year 2015, APHIS' requested a Business Process Improvement (BPI) review by APHIS' Office of Planning and Program Development. The BPI resulted in a total of 26 recommendations implemented during this reporting period. These recommendations included increased communication between APHIS's program offices and the requester community, increased training requirements for APHIS' FOIA professionals, general FOIA awareness training for all APHIS employees, a reorganization of teams within APHIS' FOIA office, and utilization of more technology to streamline processes and reduce FOIA response time. The final result was the expansion of the intake team, creation of an internal standard operating procedure, coordination of 99 FOIAs between APHIS' FOIA and program offices, implementation of a 24 hours training requirement for APHIS' FOIA processors and a 16 hours training for APHIS FOIA liaisons, and finally, circulation of an email from APHIS' Administrator regarding the importance of timely processing FOIAs.

4. Please provide an estimate of how many requests your agency processed in Fiscal Year 2016 that were from commercial use requesters. If your agency is decentralized, please identify any components within your agency that received a majority of their requests from commercial use requesters.

The chart below provides the total number of requests processed by each component that were from commercial use requesters. The components with an asterisk beside it are those that most frequently receive commercial requesters.

Component	***Total # of Requests Processed for Commercial Use Requesters***
AMS	57
APHIS	72
ASCR	4
FAS	2
FNCS*	335
FS*	296
FSA*	260
FSIS*	102

GIPSA	20
NAD	0
NFC/OCFO	2
NRCS	80
OBPA	5
OGC	5
DM/OSEC/OCIO	36
RD*	152
REE	30
RMA	32
OVERALL	*1,490*

Requester Services:

5. Does your agency provide a mechanism for requesters to provide feedback about their experience with the FOIA process at your agency? If so, please describe the methods used, such as making the FOIA Public Liaison available to receive feedback, using surveys posted on the agency's website, etc.

Yes. All determinations are accompanied by contact information for the component's FOIA Public Liaison. Additionally, some components like REE and NRCS, and the Food Safety and Inspection Service (FSIS) have elected to include in their reference guide a "We Welcome Your Feedback" section, allowing FOIA requesters to provide comments on their experience as well as offer suggestions for improvement.

6. The FOIA Improvement Act of 2016 requires additional notification to requesters about the services provided by the agency's FOIA Public Liaison. Please provide an estimate of how often requesters sought assistance from your agency's FOIA Public Liaison.

Approximately 60% of USDA's components reported no requesters sought the assistance of their FOIA Public Liaison. The remaining components reported receiving less than ten inquiries.

7. The FOIA Improvement Act of 2016 requires agencies to make their reference material or guide for requesting records or information from the agency electronically available to the public. Please provide a link to your agency's FOIA reference guide.

The following components have already posted reference material or a guide for requesting records:

Component	***Link to Reference Material or Guide***
APHIS	https://www.aphis.usda.gov/aphis/resources/foia/ct_how_to_submit_a_foia_request
ASCR	https://www.ascr.usda.gov/foia-reference-guide
FNCS	https://www.fns.usda.gov/freedom-information-act-foia
FS	https://www.fs.fed.us/im/foia/referenceguide.htm
FSIS	https://www.fsis.usda.gov/wps/portal/footer/policies-and-links/freedom-of-information-

	act/foia-requests/ct_index
GIPSA	https://www.gipsa.usda.gov/foia/foia_guide.aspx
NAD	https://www.nad.usda.gov/lr_foia_how_to.html
NRCS	https://www.nrcs.usda.gov/wps/portal/nrcs/detailfull/national/about/?cid=NRCS143_021450
DM/OSEC/OCIO	https://www.dm.usda.gov/foia/requestors.htm Tips for Filing FOIAs https://www.youtube.com/watch?v=UjOn1CfnKcw
RD	https://www.rd.usda.gov/contact-us/freedom-information-act-foia
REE	https://www.ars.usda.gov/research/freedom-of-information-act-and-privacy-act-reference-guide/
RMA	http://www.rma.usda.gov/aboutrma/foia/foia.html

The remaining USDA components are actively working to create and post either reference material or a guide.

Other Initiatives:

8. If there are any other steps your agency has undertaken to ensure that your FOIA system operates efficiently and effectively, such as improving search processes, eliminating redundancy, etc., please describe them here.

In an effort to improve the requester experience, the Department elected to spend roughly 10% of its time coordinating multi-component requests. A total of 146 incoming FOIAs were coordinated and closed this reporting period. This coordination ensured requesters had a central point of contact for issues regarding fees, scope, production schedules, and timelines. It also ensured uniformed responses. Coordination was a success as less than 2% of the coordinated responses were appealed.

Several components also reported more closely monitoring incoming FOIAs. Rather than a round robin approach for distribution, FOIA officers are assigning requests to analysts based on scope and/or requester. This ensures similar requests are being reviewed in a similar fashion. Additionally, because the analyst is familiar with the record type and/or requester, front end coordination and/or the review of records is more expeditious.

Section III: Steps Taken to Increase Proactive Disclosures

Posting Material:

1. Describe your agency's process or system for identifying "frequently requested" records that should be posted online.

USDA continues to employ varying methods for identifying frequently requested records. The most common among those methods continues to be routine monitoring of the FOIA logs in the component's tracking database.

2. Does your agency have a distinct process or system in place to identify other records for proactive disclosure? If so, please describe your agency's process or system.

Yes. USDA's components continue to have multiple systems in place to identify records for proactive disclosure. Most of these systems involve the review of feedback received in existing participatory processes like blogs, twitter, Facebook, and other media channels, knowledgebase and customer relationship management tools like AsktheExpert, ideation platforms, town hall meetings, and USDA Data User meetings.

For example, this past reporting period, after receiving industry feedback from the USDA Data User's meeting National Agricultural Statistics Service (NASS) began collecting data on three additional weight groups from the cattle-on-feed questionnaire. Information will be collected for 800-899 pounds, 900-999 pounds, and 1,000 pounds and over 1,000 pounds and over. This new data series is expected to be published starting in the February 2017 Cattle on Feed report and will include data for 2016 and 2017 for comparison.

Proposed Cattle on Feed Weight Groups in Monthly Publication

Number of Cattle Placed on Feed by Weight Group on 1,000+ Capacity Feedlots by Month – States and United States: 2015 and 2016

State	During July 2015							
	Under 600 lbs	600-699 lbs	700-799 lbs	800-899 lbs	900+ lbs[1]	900-999 lbs	1,000+ lbs	Total
	(1,000 head)	(1,000 head)	(1,000 head)	(1,000 head)	(1,000 head)	(1,000 head)	(1,000 head)	(1,000 head)
Colorado	##	##	##	##	##	(D)	(D)	##
Kansas	##	##	##	##	##	(D)	(D)	##
Nebraska	##	##	##	##	##	(D)	(D)	##
Texas	##	##	##	##	##	(D)	(D)	##
Other States	##	##	##	##	##	(D)	(D)	##
United States	##	##	##	##	(X)	##	##	##

State	During June 2016							
	Under 600 lbs	600-699 lbs	700-799 lbs	800-899 lbs	900+ lbs[1]	900-999 lbs	1,000+ lbs	Total
	(1,000 head)	(1,000 head)	(1,000 head)	(1,000 head)	(1,000 head)	(1,000 head)	(1,000 head)	(1,000 head)
Colorado	##	##	##	##	##	(D)	(D)	##
Kansas	##	##	##	##	##	(D)	(D)	##
Nebraska	##	##	##	##	##	(D)	(D)	##
Texas	##	##	##	##	##	(D)	(D)	##
Other States	##	##	##	##	##	(D)	(D)	##
United States	##	##	##	##	(X)	##	##	##

State	During July 2016							
	Under 600 lbs	600-699 lbs	700-799 lbs	800-899 lbs	900+ lbs[1]	900-999 lbs	1,000+ lbs	Total
	(1,000 head)	(1,000 head)	(1,000 head)	(1,000 head)	(1,000 head)	(1,000 head)	(1,000 head)	(1,000 head)
Colorado	##	##	##	##	##	(D)	(D)	##
Kansas	##	##	##	##	##	(D)	(D)	##
Nebraska	##	##	##	##	##	(D)	(D)	##
Texas	##	##	##	##	##	(D)	(D)	##
Other States	##	##	##	##	##	(D)	(D)	##
United States	##	##	##	##	(X)	##	##	##

(D) Withheld to avoid disclosing data for individual operations.
(X) Not applicable.
[1] The 900+ weight group is the sum of 900-999 pound and 1,000+ pound weight group.

3. Has your agency encountered challenges that make it difficult to post records you otherwise would like to post?

Yes. USDA has encountered challenges that make it difficult to post records.

4. If so, please briefly explain those challenges and how your agency is working to overcome them.

Insufficient resources continue to be the major hurdle for most components. All will continue to advocate for additional resources this reporting period.

5. Provide examples of material that your agency has proactively disclosed during the past reporting year, including links to the posted material.

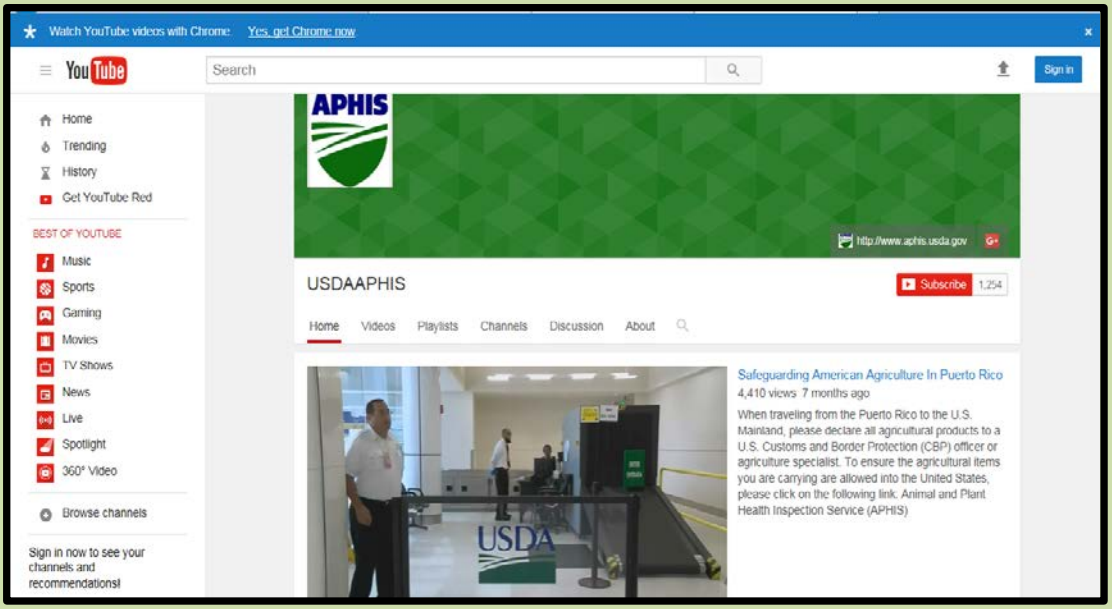
A few examples of proactive disclosures are included in the chart below.

Component/ Mission Area	Examples of Materials Proactively Posted Material
AMS	**AMS Program Fact Sheet:** https://www.ams.usda.gov/publications/Fact_Sheets
APHIS	**Animal and Animal Product Export Information:**

	https://www.aphis.usda.gov/aphis/ourfocus/animalhealth/export
ARS	**Information on ARS' Approximately 800 Research Projects**: http://www.ars.usda.gov/research/projects.htm **ARS' Virtual Briefing Room:** http://www.ars.usda.gov/News/docs.htm?docid=1281 **ARS' Virtual Press Room:** http://www.ars.usda.gov/News/docs.htm?docid=1383 **ARS' Administrative Issuances:** http://www.afm.ars.usda.gov/ppweb/
FNCS	**FNS Program Data, Research Reports, and Information on Benefits:** http://www.fns.usda.gov/pd/supplemental-nutrition-assistance-program-snap http://www.fns.usda.gov/ops/research-and-analysis http://www.fns.usda.gov/snap/supplemental-nutrition-assistance-program-snap
FS	**Land Management Projects:** http://www.fs.usda.gov/newsarchives/r5/newsarchive http://www.fs.usda.gov/projects/angeles/landmanagement/projects http://www.fs.usda.gov/projects/cleveland/landmanagement/projects http://www.fs.usda.gov/projects/eldorado/landmanagement/projects http://www.fs.usda.gov/projects/inyo/landmanagement/projects http://www.fs.usda.gov/projects/klamath/landmanagement/projects http://www.fs.usda.gov/projects/ltbmu/landmanagement/projects http://www.fs.usda.gov/projects/lassen/landmanagement/projects http://www.fs.usda.gov/projects/lpnf/landmanagement/projects http://www.fs.usda.gov/projects/mendocino/landmanagement/projects http://www.fs.usda.gov/projects/modoc/landmanagement/projects http://www.fs.usda.gov/projects/plumas/landmanagement/projects http://www.fs.usda.gov/projects/sbnf/landmanagement/projects http://www.fs.usda.gov/projects/sequoia/landmanagement/projects http://www.fs.usda.gov/projects/stnf/landmanagement/projects http://www.fs.usda.gov/projects/sierra/landmanagement/projects http://www.fs.usda.gov/projects/srnf/landmanagement/projects http://www.fs.usda.gov/projects/stanislaus/landmanagement/projects http://www.fs.usda.gov/projects/tahoe/landmanagement/projects **Tongass Forest Plan Related Documents:** http://www.fs.usda.gov/goto/R10/Tongass/PlanAmend **Environmental Appeals Decisions:** https://www.fs.fed.us/appeals/index.php
NASS	**NASS has produced special tabulations at the request of data users. If the requested tabulations meet the confidentiality standard, they are provided to the data user and the tabulation is posted to the NASS website and available to all other data users at the following website**: https://www.nass.usda.gov/Data_and_Statistics/Special_Tabulations/Request_a_Tabulation/data-lab-records.php.
NRCS	**Congressional Hearing Testimony:** https://www.nrcs.usda.gov/wps/portal/nrcs/detail/national/about/legislation/congress/?cid=nrcs143_021340

6. Did your agency use any means to publicize or highlight important proactive disclosures for public awareness? If yes, please describe those efforts.

Yes. USDA continues to use various tools to highlight important proactive disclosures for public awareness. Some recent examples include:

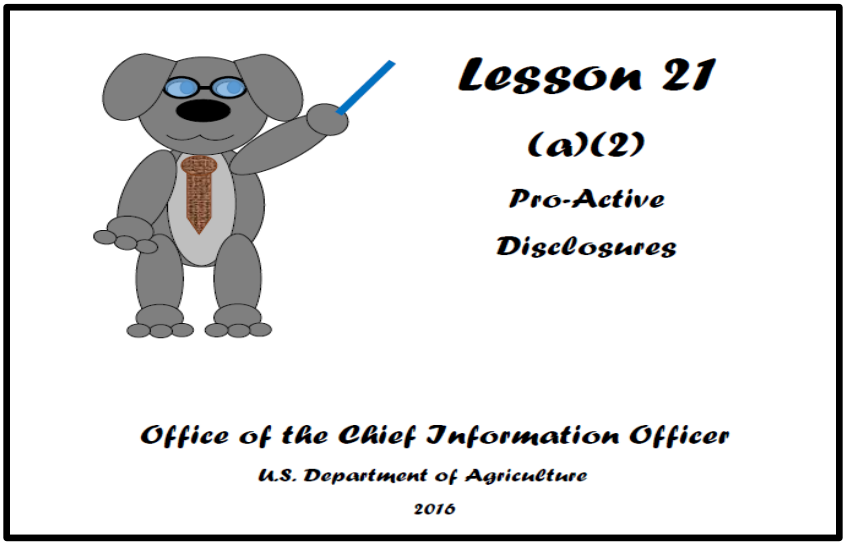
Means to Publicize	Description
YouTube	Safeguarding American Agriculture 
Instagram	Resources for New Farmers

Twitter	Nutritional Guide for Corner Stores
RSS Feeds	Ensuring Healthy Soil on Rented Land
Blogs	Diversity and Equality at Rural Development

Other Initiatives:

7. If there are any other steps your agency has taken to increase proactive disclosures, please describe them here.

Yes. Shortly after the passage of the 2016 FOIA Amendments, the Department issued guidance regarding the subsection (a)(2) requirements. This guidance (excerpts shown below) provides a deep dive on the categories of information covered by subsection (a)(2), techniques for identifying proactive disclosures, and tips for mastering the FOIA Annual Report's new (a)(2) requirements.



"So let's take a closer look at the wording of (a)(2). At the time that the FOIA was enacted, section (a)(2) pertained to three specific categories of information. Rocky, next slide, please."

"I'm Ricky," the squirrel replied, with a cheeky grin. "Or not. Our mom can barely tell us apart. But here's the slide—"

(A) Final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases;

"What could this mean?" the Dog asked. "Does anyone have any idea what kind of records in the USDA might meet this description?"

Rocky looked at Ricky. Or Rocky looked at Ricky. Bunny scratched her head. Pete rolled his eyes and shrugged. Only Dorothy looked concerned. But Boo's paws flew over the keyboard, as she retrieved the websites of the National Appeals Division (NAD) and the Office of the Administrative Law Judges (OALJ).

The Wonder Dog's Proven Strategy for Mastering the Annual FOIA Report (a)(2) Reporting Requirement

1. Make like a detective.

Somewhere, presumably, your agency has posted (a)(2) records on its website pages. Your first task is to find out where they are. To locate them, you need to spend some quality time with your agency's website. In doing so, remember what you are looking for: GROUPS OF RECORDS that fit the definition of types (a)(2)(A), (a)(2)(B), and (a)(2)(C). Not individual documents hidden, like needles in a haystack. (Note: Unless you were appointed to your current position only yesterday, like Dorothy, you do not need to look for (a)(2)(D) records in your agency's FOIA reading room. That you should know like the back of your hand.)

2. Collect the evidence.

You may not find (a)(2)(A) records on your agency's website. That's quite okay. These critters are specialized and rather rare. But you might find pages containing links to policies, or legal opinions, or manuals, handbooks, and other directives. When you find them, print off a copy of the page, and annotate your (a)(2) EVIDENCE LOG accordingly. [See Directions for creating your very own evidence log.]

Section IV: Steps Taken to Greater Utilize Technology

1. Beyond posting new material, is your agency taking steps to make the posted information more useable to the public, especially to the community of individuals who regularly access your agency's website?

Yes. USDA is taking steps to make posted information more usable to the public.

2. If yes, please provide examples of such improvements.

Some examples of such improvements are listed in the chart below.

Component/ Mission Area	Description of Improvement
ARS	ARS has increased the visibility of ARS news and research by using the photo carousel on the ARS home page to highlight the information. ARS has also improved the ARS

	website search engine to use the USA.gov search engine to customize the results for ARS.
ERS	ERS has made upgrades to its website in 2016 to allow better functionality for mobile device users to access the ERS data and research reports.
FS	The Washington Office, Research Stations, Regional Offices, and National Forests independently post information specific to their geographical location, the research that they conduct, information related to specific topics, or information geared towards special groups such as children, parents and educators, or natural resource professionals. For example, at the Southern Research Station (SRS), publication of scientific, scholarly, and technical information is encouraged and includes scientific journals, publications, CompassLive, social media, news releases, website postings, and webinars open to the public, an array of materials/records are made available, publicized, and disseminated to keep the public informed of scientific research information and findings. **Examples of information posted:** http://www.fs.usda.gov/rds/archive/Catalog http://www.fia.fs.fed.us/ https://www.fs.fed.us/learn/kids https://www.fs.fed.us/learn/educators https://www.fs.fed.us/learn/plants-animals GIS grazing maps, and mining permits, have also been identified and are posted on a regular basis without need for public request.
RD	Information placed in RD's reading room was reorganized by program area to ease review.

3. Has your agency's FOIA professionals interacted with other agency staff (such as technology specialist or public affairs or communications professionals) in order to identify if there are any new ways to post agency information online?

Several components reported working with their CIOs, Office of Public Affairs, and Office of Legislative Affairs to identify information for public release. For example, NRCS' FOIA Public Liaison requested that copies of any public testimony or speeches made by its Chief be made available for public release via NRCS' FOIA Reading Room.

Use of Technology to Facilitate Processing of Requests:

4. Did your agency conduct training for FOIA staff on any new processing tools during the reporting period, such as for a new case management system, or for search, redaction, or other processing tools.

No additional processing tools were implemented this reporting period. The Department did however continue to provide training on existing tools and worked with several of its vendors to create or provide unlimited access to online tutorials for USDA's FOIA professionals.

5. Beyond using technology to redact documents, is your agency taking steps to use more advanced technology to facilitate overall FOIA efficiency, such as improving record search capabilities, utilizing document sharing platforms for consultations and referrals, or employing software that can sort and de-duplicate documents? If yes, describe the technological improvements being made and the impact of using these technologies on your agency to create further efficiencies?

Yes. USDA's continues to take steps to utilize more advanced technology to facilitate overall FOIA efficiency.

Public Access Link (PAL): Launched in 2012, PAL is USDA's public-facing web portal. PAL allows the requester community to submit requests electronically through a link on our FOIA site, track the status of requests, and directly download records responsive to requests.

e-Discovery Platform: Deployed in 2013, this add-on module for the existing enterprise-wide tracking solution features e-Discovery technologies such as the identification of duplicate and near duplicate records, ability to search and categorize records, and ability to rank and view records by "record custodian."

Legal Research Engine: In 2013, the Department purchased several licenses for a legal research engine for use by FOIA Officers in processing FOIAs posing complex legal issues.

6. Are there additional tools that could be utilized by your agency to create further efficiencies?

USDA is not aware of any additional tools to create further efficiencies.

Other Initiatives:

7. Did your agency successfully post all four quarterly reports for Fiscal Year 2016?

Yes. USDA successfully posted all four of its quarterly reports for Fiscal Year 2016.

8. If your agency did not successfully post all quarterly reports, with information appearing on FOIA.gov, please explain why and provide your agency's plan for ensuring that such reporting is successful in Fiscal Year 2016.

Not applicable. USDA successfully posted all four of its quarterly reports for Fiscal Year 2016.

Section V: Steps Taken to Improve Timeliness in Responding to Requests and Reducing Backlogs

Simple Track: Section VII.A of your agency's Annual FOIA Report, entitled "FOIA Requests – Response Time for All Processed Requests," includes figures that show your agency's average response times for processed requests. For agencies utilizing a multi-track

system to process requests, there is a category for "simple" requests, which are those requests that are placed in the agency's fastest (non-expedited) track, based on the low volume and/or simplicity of the records requested.

1. Does your agency utilize a separate track for simple requests?

Yes. USDA utilizes a separate track for simple requests.

2. If so, for your agency overall in Fiscal Year 2016, was the average number of days to process simple requests twenty working days or fewer?

Yes. In Fiscal Year 2016, the average number of days to process a simple request was 6.66 days.

3. Please provide the percentage of requests processed by your agency in Fiscal Year 2016 that were placed in your simple track.

The percentage of requests processed by USDA in Fiscal Year 2016 that were placed in the simple track is 95.1%.

4. If your agency does not track simple requests separately, was the average number of days to process all non-expedited requests twenty working days or fewer?

Not applicable. USDA tracks simple requests separately.

Backlogs

Section XII.A of your agency's Annual FOIA Report, entitled "Backlogs of FOIA Requests and Administrative Appeals" shows the numbers of any backlogged requests or appeals from the fiscal year. You should refer to these numbers from your Annual FOIA Reports for both Fiscal Years 2015 and Fiscal Year 2016 when completing this section of your Chief FOIA Officer Report.

BACKLOGGED REQUESTS

5. If your agency had a backlog of requests at the close of Fiscal Year 2016, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2015?

No. The overall number of backlogged requests increased by 30% in Fiscal Year 2016.

	Number of Backlogged Requests as of End of the Fiscal Year from Previous Annual Report	Number of Backlogged Requests as of End of the Fiscal Year from Current Annual Report
USDA OVERALL	**1,148**	**1,493**

6. If not, explain why and describe the causes that contributed to your agency not being able reduce its backlog. When doing so, please also indicate if any of the following were contributing factors:

- **An increase in the number of incoming requests.**
- **A loss of staff.**
- **An increase in the complexity of the requests received. If possible, please provide examples or briefly describe the types of complex requests contributing to your backlog increase.**
- **Any other reasons – please briefly describe or provide examples when possible.**

An increase in the number of requests coupled with vacancies in several key FOIA leadership positions contributed significantly to the increase.

7. If you had a request backlog please report the percentage of requests that make up the backlog out of the total number of requests *received* by your agency in Fiscal Year 2016.

The percentage of requests that make up the backlog is 6.25%.

BACKLOGGED APPEALS

8. If your agency had a backlog of appeals at the close of Fiscal Year 2016, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2015?

No. The overall number of backlogged appeals increased by 32.9 % in Fiscal Year 2016.

	Number of Backlogged Appeals as of End of the Fiscal Year from Previous Annual Report	Number of Backlogged Appeals as of End of the Fiscal Year from Current Annual Report
USDA OVERALL	**392**	**521**

9. If not, explain why and describe the causes that contributed to your agency not being able to reduce backlog. When doing so, please also indicate if any of the following were contributing factors:

- **An increase in the number of incoming requests.**
- **A loss of staff.**
- **An increase in the complexity of the requests received. If possible, please provide examples or briefly describe the types of complex requests contributing to your backlog increase.**
- **Any other reasons – please briefly describe or provide examples when possible.**

Most of USDA's backlog appeals originate in FNCS. This upcoming fiscal, this component is partnering with the Department and the OGC-GLRD to streamline the legal sufficiency review

process for appeals as required by the Department's FOIA regulations. FNCS is also revising a current rule within the Supplemental Nutrition Assistance Program (SNAP) which will tighten FNCS administrative sanction process and ultimately reduce the need for SNAP violators to appeal FNCS initial FOIA responses.

10. If you had an appeal backlog please report the percentage of appeals that make up the backlog out of the total number of appeals received by your agency in Fiscal Year 2016. If your agency did not receive any appeals in Fiscal Year 2016 and/or has no appeal backlog, please answer with "N/A."

The percentage of appeals that make up the backlog out of the total number of appeals received by USDA in Fiscal Year 2016 is 160.3%.

Backlog Reduction Plans:

11. In the 2016 guidelines for the Chief FOIA Officer Reports, any agency with a backlog of over 1,000 requests in Fiscal Year 2015 was asked to provide a plan for achieving backlog reduction in the year ahead. Did your agency implement a backlog reduction plan last year? If so, describe your agency's efforts in implementing this plan and note if your agency was able to achieve backlog reduction in Fiscal Year 2016?

Yes. The Department did implement a backlog reduction plan in Fiscal Year 2016. Unfortunately, do to unforeseen litigation and vacancies in the two components with the highest backlog, neither was able to realize reductions this reporting period, and USDA's overall backlog increased.

12. If your agency had a backlog of more than 1,000 requests in Fiscal Year 2016, what is your agency's plan to reduce this backlog during Fiscal Year 2017?

As of recently, the two components with the highest backlog have filled many of their vacancies. Both have also employed contract support to monitor and begin processing the components' ten oldest pending perfected FOIAs. The Department will continue to monitor progress for these two components on a monthly basis and offer tips for further reduction of the backlog.

Status of Ten Oldest Requests, Appeals, and Consultations:

Section VII.E, entitled "Pending Requests – Ten Oldest Pending Requests," Section VI.C.(5), entitled "Ten Oldest Pending Administrative Appeals," and Section XII.C., entitled "Consultations on FOIA Requests – Ten Oldest Consultations Received from Other Agencies and Pending at Your Agency," show the ten oldest pending requests, appeals, and consultations. You should refer to these numbers from your Annual FOIA Reports for both Fiscal Year 2015 and Fiscal Year 2016 when completing this section of your Chief FOIA Officer Report.

TEN OLDEST REQUESTS

13. In Fiscal Year 2016, did your agency close the ten oldest requests that were reported pending in your Fiscal Year 2015 Annual FOIA Report?

No. USDA did not close its ten oldest requests reported pending in the Fiscal Year 2015 Annual FOIA Report.

14. If no, please provide the number of these requests your agency was able to close by the end of the fiscal year, as listed in Section VII.E of your Fiscal Year 2015 Annual FOIA Report. If you had less than ten total oldest requests to close, please indicate that.

USDA successfully closed six out of its ten oldest requests.

15. Of the requests your agency was able to close from your ten oldest, please indicate how many of these were closed because the request was withdrawn by the requester. If any were closed because the request was withdrawn, did you provide any interim responses prior to the withdrawal?

None of the six requests were withdrawn by the requester.

TEN OLDEST APPEALS

16. In Fiscal Year 2016, did your agency close the ten oldest appeals that were reported pending in your Fiscal Year 2015 Annual FOIA Report?

No. USDA did not close its ten oldest appeals reported pending in the Fiscal Year 2015 Annual FOIA Report.

17. If no, please provide the number of these appeals your agency was able to close by the end of the fiscal year, as listed in Section VII.C.(5) of your Fiscal Year 2015 Annual FOIA Report. If you had less than ten total oldest appeals to close, please indicate that.

USDA closed one of its ten oldest appeals.

TEN OLDEST CONSULTATIONS

18. In Fiscal Year 2016, did your agency close the ten oldest consultations that were reported pending in your Fiscal Year 2015 Annual FOIA Report?

No. USDA was unable to close all seven of the consultations reported in Fiscal Year 2015.

19. If no, please provide the number of these consultations your agency was able to close by the end of the fiscal year, as listed in Section XII.C. of your Fiscal Year 2015 Annual FOIA Report. If you had less than ten total oldest consultations to close, please indicate that.

USDA closed a total of five of the seven consultations reported in Fiscal Year 2015.

Additional Information on Ten Oldest Requests, Appeals, and Consultations & Plans:

20. Briefly explain any obstacles your agency faced in closing its ten oldest requests, appeals, and consultations from Fiscal Year 2015.

A major obstacle continues to be the lack of human resources to process the growing number of multi-agency requests, complex appeals, and large consultations.

21. If your agency was unable to close any of its ten oldest requests because you were waiting to hear back from other agencies on consultations you sent, please provide the date the request was initially received by your agency, the date when your agency sent the consultation, and the date when you last contacted the agency where the consultation was pending.

Not applicable. USDA was not unable to close any of its ten oldest requests because it was waiting to hear back from other agencies.

22. If your agency did not close its ten oldest pending requests, appeals, or consultations, please provide a plan describing how your agency intends to close those "ten oldest" requests, appeals, and consultations during Fiscal Year 2017.

USDA remains committed to closing these items. In FY2017, the Department intends to continue monitoring progress on a monthly basis, providing tips on effective FOIA management, and providing substantive FOIA training in an effort to ensure closure.

Interim Responses:

23. Does your agency have a system in place to provide interim responses to requesters when appropriate? *See OIP Guidance*, "The Importance of Good Communication with FOIA Requesters." (Mar. 1, 2010)

Yes. The Department continues to encourage FOIA Officers to coordinate with requesters and establish production schedules early on in instances where multiple searches are required, records sets are voluminous and/or the requester has specifically asked to receive records on a "rolling basis." This point is reiterated frequently in USDA's FOIA online training module, *FOIA for FOIA Professionals*.

24. If your agency had a backlog in Fiscal Year 2016, please provide an estimate of the number or percentage of cases in the backlog where a substantive, interim response was provided during the fiscal year, even though the request was not finally closed.

Interim responses were provided for approximately 72% of the cases in USDA's backlog.

Out of all the activities undertaken by your agency since March 2016 to increase transparency and improve FOIA administration, please briefly describe here at least one success story that you would like to highlight as emblematic of your agency's efforts. The

success story can come from any one of the five key areas. As noted above, these agency success stories will be highlighted during Sunshine Week by OIP. To facilitate this process, all agencies should use bullets to describe their success story and limit their text to a half page. The success story is designed to be a quick summary of key achievements. A complete description of all your efforts will be contained in the body of your Chief FOIA Officer Report.

- In Fiscal Year 2016, USDA processed approximately 97% of the 23,870 FOIA request received. Of these received requests, about 86% were processed in less than twenty working days. Additionally, many of USDA's components made substantial progress on reducing their request backlog. The Natural Resources Conservation Service (NRCS) had a 47.8% reduction, the Food Safety and Inspection Service (FSIS) a 42% reduction, Departmental Management (DM)/Office of the Secretary (OSEC)/Office of the Chief Information Officer (OCIO) a 37.5% reduction, the Food Nutrition & Consumer Services (FNCS) a 26% reduction, and the Risk Management Agency (RMA) a 20% reduction. The Office for the Assistant Secretary of Civil Rights (OASCR) and Office of Budget & Program Analysis (OPBA) successfully closed the Fiscal Year with no backlogged requests.

- The Natural Resources Conservation Services (NRCS) developed a FOIA cadre, a team of employees from across the country, voluntarily serving to assist in increasing awareness of FOIA among personnel, and improving the speed, quality and consistency of agency FOIA processing.

- Forest Service's Southern Research Station (FS-SRS) partnered with the Natural Inquirer (NI) Program to create NI scientists cards. The NI scientist cards are similar to baseball cards except they highlight Forest Service scientists and engineers. To date, 160 unique cards have been developed with more than half featuring SRS scientists. During FY16, 100,530 scientist cards were distributed. Of those, 65,000 cards represented minorities or women. The cards help students gain a deeper understanding of what it takes to become a scientist and provides a venue for the public to meet the SRS scientists, which builds upon the opportunity for the public to know more about the ongoing work of the scientist.