



United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

SEP 10 2007



Memorandum

To: Deputy Assistant Secretary – Indian Affairs (Policy and Economic Development)
Director, Bureau of Indian Affairs
Director, Bureau of Indian Education
Deputy Director, Field Operations
All Central Office Directors
All Regional Directors
All FOIA Coordinators

From: Deputy Assistant Secretary – Indian Affairs (Management)

Subject: Indian Affairs Freedom of Information Act (FOIA) Requests

The primary purpose of this memorandum is to provide an outline of guidance for processing Indian Affairs FOIA requests in light of the organizational shift of the Central Office FOIA operations function. The Department of the Interior manual, 110 DM 06, released on September 27, 2006, describes the operational function of processing FOIA requests as part of the Deputy Assistant Secretary – Indian Affairs (Management) organization located in Washington, D.C. In an effort to streamline operations, improve efficiencies and monitor response times, we have centralized certain responsibilities to allow for an earnest attempt to comply with the Departmental implementation plan for processing, tracking and reporting FOIA activities that applies to all Department of the Interior (DOI) bureaus and offices.

In addition, this guidance provides reference to the statutory authorities and citations for processing and responding to FOIA requests. The Assistant Secretary Indian Affairs (AS-IA), Bureau of Indian Affairs (BIA), and Bureau of Indian Education (BIE) are obligated to adhere to the FOIA (5 U.S.C. 552) and Privacy Act (5 U.S.C. 552a), which includes providing thorough and prompt responses to requests, identifying and protecting sensitive information including privacy-protected information, and identifying information that should be made available to the public. Executive Order 13392, December 14, 2005, directs the federal agencies to process requests for information within established deadlines mandated under current statute and regulation and authorizes the creation of FOIA requestor service centers as appropriate.

Effective October 1, 2007, the attached guidelines for processing FOIA requests are to be followed. The procedures and updated list of FOIA Coordinators will be posted on the Intranet at <http://intranet.bia.gov>.

FOIA Contacts and Coordinators

Program Directors and Managers are responsible for appointing employees under their supervisory control as the FOIA Coordinator and Alternate and for ensuring that the Coordinator and Alternate are properly trained in requirements of the FOIA/Privacy Act. FOIA training is mandatory for newly appointed and/or designated FOIA Coordinators and Alternates. Contact the Indian Affairs FOIA Officer for training schedules.

In order to create a complete FOIA contact list of Coordinators and Alternates, please forward the name, mailing address, telephone and fax numbers of your current FOIA Coordinator and Alternate to the Indian Affairs FOIA Officer within two weeks after the date of this memorandum. Alternates are required in each office. To ensure timely processing, maintaining a current FOIA contact list is essential. Changes to the contact list are to be provided within 14 days of designation. Please review and update the attached listing. Updates are to be submitted to Laura Cloud, Indian Affairs FOIA Officer, by memorandum, e-mail, or fax (202-208-6597).

Your cooperation in this effort and timely response to FOIA requests are appreciated. If additional assistance or information is needed, please contact Laura Cloud at (202) 208-4542, Daphne Berwald at (202) 208-7372, or Thelma Harjo at (202) 208-2957.

Attachments

1. FOIA Processing Guidelines
2. Coordinator list
3. FOIA Fees Procedures
4. Executive Order 13392

cc: Accounting Officers
Administrative Liaison Officers
Budget Officers
Chief, Fiscal Services Division

FREEDOM OF INFORMATION ACT PROCESSING GUIDELINES

FOIA Requests

Send all FOIA requests received in the Central Office (CO) and the Regional (Agency/Field) Offices to the Indian Affairs FOIA Officer for control and allocation to the appropriate CO and Regional program directorates. The Indian Affairs FOIA Officer will assign the Control numbers and will prepare and send out the Acknowledgment letters. For the Office of Justice Services requests, the FOIA Officer will determine if, and issue, an Acknowledgement letter if one is needed. If your program office receives a FOIA request, the request is assigned to the program office as the action office. FOIA responses will be developed by the FOIA Coordinator in cooperation with the appropriate program specialist who will provide the content or responsive materials. The draft response should be sent by e-mail to the Indian Affairs FOIA Officer and staff members for review. As soon as the draft response is reviewed and edit recommendations are made, the draft will be returned to the CO FOIA Coordinator or Regional FOIA Coordinator for completion, including the Solicitor's surname when necessary, and signature.

Any program office that receives an incorrectly routed FOIA request should promptly notify the Indian Affairs FOIA Officer the day of receipt by phone and immediately return the request for reassignment. The responsibility for overdue FOIA requests will not be held by the FOIA Office and will remain the action or program office's responsibility for completing the response to the requester. The action or program office is responsible for preparing responses to requesters if:

- Records do not exist, records cannot be located, or records not yet in existence;
- Request needs to be referred to another federal office, bureau, or agency;
- Expedited processing or a fee waiver is requested; and
- If your office is unable to respond in a timely manner, advise the requester when a final response may be expected, and inform the requester of their right to treat the delay as a denial and appeal the matter (see 383 DM 5, Appendix B, Illustration 6).

FOIA Coordinator Responsibilities

- Serve as the primary contact with the Indian Affairs FOIA Officer for all FOIA issues in their respective program or Region. The Regional FOIA Coordinators will serve as the central contact for all Agencies and Field Office installations within that Region;
- Assist program and administrative staff in preparing appropriate, accurate, and timely responses to FOIA requests;

- Review and surname all FOIA responses assigned to their respective program, Region or Agency, before signature (include initials and date on scanned FOIA Control Sheet);
- Ensure all finalized correspondence sent to requesters with time limits noted are sent by certified mail with a request for signature of receipt. Examples may be bills for collection or decision letters containing appeal rights;
- In coordination with the Program Office, determine if any costs need to be billed. If costs are involved, a DI-1040F Form will be prepared and mailed by the Coordinator to the customer.
- Submit complete and accurate information on each FOIA request and each FOIA response to the FOIA Office using 24 IAM, Illustration 1, "Report on FOIA/Privacy Act Requests" form);
- Submit supplemental reports on FOIA activities at the end of each fiscal year using 24 IAM, Illustrations 2 and 3.

Central Office Coordinator Responsibilities

FOIA requests will be assigned and transmitted to the FOIA Coordinator for the CO program directorates or action office. The Coordinator is responsible for preparation of the respective final responses and submission to the Indian Affairs FOIA Officer for review and surname prior to signature by the Central Office Director. When necessary and if redactions are required, the draft response and responsive materials must be reviewed, cleared, and surnamed by the Indian Affairs Solicitor's office prior to the Indian Affairs FOIA Officer's surname and Director's signature. When the case is considered complete, please return:

- the FOIA Control Sheet;
- a copy of the final response, signed, dated, on letterhead;
- copies of responsive materials if the copies of the responsive materials are over 10 pages, scan the documents and copy to a CD/DVD and send with the case file package; and
- the completed 24 IAM, Illustration 1, Report on FOIA/Privacy Act Request Form to the Indian Affairs FOIA Officer for closeout.

The FOIA Coordinator, as the owner of the records, will retain the original FOIA file in accordance with current Records Management guidance.

Regional Office Coordinator Responsibilities

FOIA requests will be assigned and transmitted to the FOIA Coordinator at the Regional Office for distribution to the appropriate program or action office. The FOIA Coordinator is responsible for preparation and modification of responses to FOIA requests, collection of responsive materials and submission of the draft final response to the Indian Affairs FOIA Officer for review. When necessary and if redactions are required, surnames must be obtained from the Regional Solicitor before Regional Director's signature. When the case is considered complete, please return:

- the FOIA Control Sheet;
- a copy of the final response, signed, dated, on letterhead;
- copies of responsive materials (If the copies of the responsive materials are over ten pages, scan the documents and copy to a CD/DVD and send with the case file package); and
- the completed 24 IAM, Illustration 1, Report on FOIA/Privacy Act Request Form to the Indian Affairs FOIA Officer for closeout.

The FOIA Coordinator, as the owner of the records, will retain the original FOIA file in accordance with current Records Management guidance.

Multi-track Processing

Effective January 8, 2007, in an effort to improve the efficiency of the overall FOIA process, the Department made multi-track processing mandatory. Multi-track processing means that requests, based on the time it takes to process them, are placed in different queues for processing. The three multi-track categories (43 CFR 2.26) include:

- (1) Simple: 1-5 workdays
- (2) Normal: 20 workdays
- (3) Complex: Over 20 workdays

The time limits for all of the tracks above begin to run when a request, complying with the procedures in 43 CFR 2.8 and 2.10, is received by the FOIA Coordinator at the office that has the requested records. Unless the office notifies the requester otherwise, the request will be processed in the “*Normal*” track. The program or action office will respond to an initial FOIA request no later than 20 workdays. The initial time limit may be extended by the FOIA Officer for up to an additional 10 workdays (43 CFR 2.13(a)) when the response requires one of the following:

- (1) collection of records from multiple offices;
- (2) examination of a voluminous amount of separate and distinct records required by the request; or
- (3) consultation with other Departments, bureaus or federal governmental entities.

When a request is received that is determined to be unperfected, the program FOIA Coordinator in cooperation with the program or action office must contact the requester as soon as possible to resolve the issues and perfect the request. A perfected request means a FOIA request for records which *adequately* describes the records sought, which has been received by the FOIA office of the organization or organization component in possession of the records, and for which there is no remaining question about the payment of applicable fees.

FOIA Fee Payments (See attachment 3)

Payment is to be made by check or money order, payable to “DOI-BIA-FOIA.” Form DI-1040F, Bill for Collection, will be completed by the FOIA Coordinator in accordance with FOIA billing procedures (DI-1040F and procedure (link)). Completed bills are to be sent by the FOIA Coordinator to the requester when fees are assessed. All FOIA checks will be mailed to the Fiscal Services Division, Reston, at the ‘Remit to Address’ indicated on the DI-1040F. Correspondence to the requester is to include notification that a copy of the DI-1040F is to be attached to their payment.

The Fiscal Services Division will deposit checks in the local bank within 24 hours of receipt and send a notification of collection to the FOIA Central Office.

FOIA Appeals

Upon receipt of a FOIA Appeal, the Indian Affairs FOIA Officer will ensure that copies of the appeal documents are distributed to the appropriate FOIA Coordinator for action. All information requested by the Department of the Interior FOIA Appeals Officer will be provided by the program or action office **to the Indian Affairs FOIA Officer** by the date specified.

The FOIA Appeal Route Slip contains instructions to Indian Affairs officials regarding any follow-up action(s) required to complete the response to an appeal. Please read carefully the statements provided under the heading “*Action To Be Taken by Bureau.*” If the Appeals Officer remands the FOIA request to BIA, BIE, or AS-IA for further processing, the program or action office will complete the process of this remand within 20 workdays of the date of the FOIA Appeals Officer’s letter. The information, redacted materials, and/or appeal documents requested by the Department’s FOIA Appeals Officer are non-negotiable and will be released. TIMELY submission of these items is strongly encouraged.

FOIA Contacts and Coordinators for Central Office

Central Office	Name/Address	Telephone	Telefax
Central Office/Headquarters Washington, D.C.	Laura Cloud FOIA Officer Daphne Berwald (Alternate) 1849 C Street, NW, MS 3071-MIB Washington, DC 20240	(202) 208-4542 (202) 208-7372	(202) 208-6597
Dept. Asst. Secretary/ Chief Information Officer – IA (CIO-IA)	Curtis Oja FOIA Coordinator Department of the Interior 1849 C Street, NW, MS 4153-MIB Washington, DC 20240	(202) 208-0437	(202) 219-0611
Office of Equal Opportunity/Civil Rights Division (EEO)	Fredericka Joseph FOIA Coordinator 2051 Mercator Drive Reston, VA 20191	(703) 390-6401	(703) 390-6406
Office of Federal Acknowledgement (OFA)	Juanita Clifford FOIA Coordinator Department of the Interior 1951 Constitution Ave, NW, MS 34B-SIB Washington, DC 20251	(202) 513-7659	(202) 219-3008
Indian Gaming	Thomas Hartman FOIA Coordinator Department of the Interior 1849 C Street NW, MS 3559-MIB Washington, DC 20240	(202) 219-4066	(202) 273-3253
Dept. Assistant Secretary for Management-IA (DASM-IA)	Donna Gill FOIA Coordinator Department of the Interior 1849 C Street NW, MS 4141-MIB Washington, DC 20240	(202) 219-0430	(202) 208-6334
CFO	Gwen Hunt FOIA Coordinator 2051 Mercator Drive Reston, VA 20191	(703) 390-6513	(703) 390-6304
Bureau of Indian Education	Christine Brown FOIA Coordinator James C. Martin (Alternate) Department of the Interior 1849 C Street NW, MS 3512-MIB Washington, DC 20240	(202) 208-3559 (202) 208-5810	(202) 273-0030 (202) 273-0030
Office of Justice Service	Mario Redlegs FOIA Coordinator Santina Davila (Alternate) Department of the Interior 1849 C Street NW, MS 4551-MIB Washington, DC 20240	(202) 208-5787 (202) 208-4853	(202) 208-6170 (202) 208-6170
Office of Trust Services	Anna Owens-Brown FOIA Coordinator Department of the Interior 1849 C Street NW, MS 4620-MIB	(202) 208-5831	(202) 208-5015

	Washington, DC 20240		
Office of Indian Services	Stephanie Jones FOIA Coordinator Department of the Interior 1849 C Street, NW, MS 4511-MIB Washington, DC 20240	(202) 513-7632	(202) 208-5113

FOIA Contacts for Regional Offices

Region Served	FOIA Officers/Address	Telephone	Telefax
Alaska Region (Alaska)	Steve Flores FOIA Coordinator Bureau of Indian Affairs West Central Alaska Agency 3601 C Street, Suite 1100 Anchorage, AK 99503	(907) 271-4084	(907) 271-4083
Eastern Oklahoma Region (Eastern Oklahoma)	Letha Wilson FOIA Coordinator Bureau of Indian Affairs 3100 W. Peak Blvd. Muskogee, OK 74401	(918) 781-4600	(918) 781-4604
Eastern Region (FL, GA, AL, LA, MS, AR, MO, TN, SC, NC, VA, KY, IN, OH, WV, MD, DE, NJ, PA, NY, CT, RI, MA, NH, VT, & ME)	Kelly B. Gupton FOIA Coordinator Bureau of Indian Affairs 545 Marriott Drive, Suite 700 Nashville, TN 37214	(615) 564-6838	(615) 564-6571
Great Plains Region (Nebraska, North Dakota, South Dakota)	Peggy Geffre FOIA Coordinator Bureau of Indian Affairs 115 4th Avenue, SE Aberdeen, SD 57401	(605) 226-7343	(605) 226-7446
Midwest Region (Iowa, Michigan, Minnesota, Wisconsin)	Ann Christenson FOIA Coordinator Bureau of Indian Affairs One Federal Drive, Room 550 Ft. Snelling, MN 55111	(612) 725-4502	(612) 713-4401
Navajo Region (Navajo Reservations Only: Arizona, Colorado, Utah, New Mexico)	Thomas Martin FOIA Coordinator Bureau of Indian Affairs PO Box 1060 Gallup, NM 87305	(505) 863-8268	(505) 863-8292
Northwest Region (Idaho, Oregon, Washington, & Metlakatla, AK)	Marie Howerton FOIA Coordinator Bureau of Indian Affairs 911 NE 11th Avenue Portland, OR 97232	(503) 231-6796	(503) 231-2201
Pacific Region (California)	Douglas (Doug) Garcia FOIA Coordinator Bureau of Indian Affairs 2800 Cottage Way	(916) 978-6024	(916) 978-6099

Region Served	FOIA Officers/Address	Telephone	Telefax
	Sacramento, CA 95825		
Rocky Mountain Region (Montana, Wyoming)	Brenda Schilf FOIA Coordinator Bureau of Indian Affairs 316 North 26th Street Billings, MT 59101	(406) 247-7935	(406) 247-7973 (406) 247-7991
Southern Plains Region (Kansas, Western Oklahoma, Texas)	John Ketcher FOIA Coordinator Bureau of Indian Affairs WCD Office Complex PO Box 368 Anadarko, OK 73005	(405) 247-5059 x221	(405) 247-6989
Southwest Region (New Mexico, Colorado, Texas)	Iris Drew FOIA Coordinator Bureau of Indian Affairs 1001 Indian School Rd. NW Albuquerque, NM 87104	(505) 563-3530	(505) 563-3060
Western Region (Arizona, Utah, Nevada)	April Fredericks FOIA Coordinator Bureau of Indian Affairs Two Arizona Center 400 N. 5 th Street, 13 th Floor Phoenix, AZ 85001	(602) 379-6798	(602) 379-6826

**INDIAN AFFAIRS
BILL FOR COLLECTION - FOIA**

Bill Number: FC _____

Bill Date: _____

Customer name and address:

Remit to Address:

Bureau of Indian Affairs - FOIA
Fiscal Services - Collections
2051 Mercator Drive
Reston, VA 20191

Make checks or money order payable to: **DOI-BIA-FOIA**. To ensure proper credit, attach a copy of this bill with payment or reference the above Bill Number on your payment.

Description of Services Provided				
Description	Quant	Cost	Unit	Amount
<p>Partial <input type="radio"/> Final bill <input type="radio"/></p> <p>In accordance with established policy, if payment is not received within 30 days of the Bill Date, no further action will be taken on your FOIA request.</p>				
			Total Amount Due	
<u>Accounting and Contact Information – Indian Affairs</u>				
<p>Indian Affairs Contact: Phone number:</p> <p>Customer Number: MISCFOIA RA Number: FOIA COLLS Line of Accounting: K00107 20072008 96850 5000</p>				

Indian Affairs Debt Management Policy

Procedure 4A - **Billing Non-Federal Customers for Freedom of Information Act (FOIA) Requests via Form DI-1040F**

Billings to non-Federal customers for FOIA requests are accomplished via form DI-1040F, Bill for Collection FOIA. Offices responsible for processing FOIA requests are responsible for initiating bills for costs incurred as a result of processing the request. Procedures for processing FOIA requests are included in the [IA FOIA web site](#).

- 1. Completing form DI-1040F.** The electronic version of form DI-1040F and this instruction for completing the form are located under [Procedure 4A](#) on the IA Debt Management web site. The required fields to be completed on the DI-1040F are provided below.

After accessing the form, hit the Tab key to move the cursor to the Bill Number field to activate the form to accept data entry.

- A. Bill Number** – the number assigned by the billing office. This number is derived from the Control Number assigned to the FOIA Correspondence Control Sheet, in the following format:

FCnnnnn where

- ‘FC’ is fixed text;
- “nnnnn” = the 5-character FOIA Control Number.

For example, if the FOIA Control Number assigned is “07623”, the Bill Number would be:

FC07623

- B. Bill Date** – the date the bill to be selected from the drop-down screen.
- C. Customer address** – the mailing address of the customer to receive the DI-1040F.
- D. Description of Services Provided.**
The Description field is to include a description of the billable FOIA services provided in completing the FOIA request. Billable services are included on the [FOIA web site](#). Services performed to complete the FOIA request are to be itemized by Quantity (number of items billed), Cost of each item, and the Unit (type) of item, such as ‘hour’, ‘copy’, etc.

In the example below, 25 hours were incurred in processing the FOIA request @ \$9.05 per ¼ hour and copy fees for 200 copies @ \$.10/each. The form calculates the sub-totals for each line in the right-hand column.

Date	Description	Quant	Cost	Unit	Amount
	Billing for FOIA request from Joe Schmoe dated August 1, 2007 per the following costs:				
	Time required by staff to research and copy materials – 25 hours	100	\$9.05	¼ Hr	\$ 905.00
	Duplication fee per copy	200	\$.10	Ea	20.00
		Total Amount Due			\$ 935.00

- E. Partial or Final – If the bill is for the entire amount due on a request, click the ‘Final’ button. Otherwise, click the ‘Partial’ button.
- F. Total Amount Due - the total amount of the bill is automatically calculated from the line sub-totals in the ‘Amount’ column.

G. Accounting and Contact Information.

Contact Information identifies the name and phone number of the Indian Affairs employee to be contacted if there is a question pertaining to the DI-1040F.

Accounting Information for posting in FFS is already included on the form. This information is maintained by OFM-Accounting Operations:

Customer Number identifies the Vendor Code for the reimbursable agreement (RA) established in FFS to accumulate FOIA collections.

Line of Accounting is the FFS accounting information associated with FOIA RA.

Note: The Reset Form button at the bottom of the form will clear all data entered on the form.

2. Processing Completed DI-1040Fs.

When the DI-1040F is completed, the record is to be saved by the user. In order to provide a copy to OFM to post the bill in FFS, the user must click the Submit by Email button. This will generate and send an email to OFM with a copy of the completed DI-1040F as an attachment.

NOTE: When the Submit by Email button is selected, a pop-up window may appear with 3 options to select. Always select the first option (**Desktop Email Application**).

After the record is saved, a copy of the DI-1040F is printed by the user via the Print Form button. The office that prepared the bill is to mail the bill to the customer within 24 hours of the Bill Date.

Upon receipt of the email, OFM will post the bill into FFS with a ‘BZ’ transaction. The BZ creates an accounts receivable record in FFS and will appear in the following tables:

Table	Description
ARHT/ARLT	Account Receivable tables with “BZ” in the TRANS CODE and the Bill Number as the DOCUMENT NUMBER.
DXRF	Document Reference table with “BZ” as the TRANS CODE and the Bill Number as the TRANS NUMBER.

3. Collections/Cancellations.

Collections - Payments received will be deposited by OFM-Fiscal Services and posted in FFS by NBC to liquidate the outstanding bill.

Cancellations – If payment is not received within 30 days of the bill date, the bill will be cancelled in FFS by OFM based on notification from the FOIA Office, in accordance with FOIA procedures.

If there are questions pertaining to this billing procedure, please contact Bruce Wood on 703.390.6312 or via email (*bwood*).



Federal Register

**Monday,
December 19, 2005**

Part V

The President

**Executive Order 13392—Improving
Agency Disclosure of Information**

Presidential Documents

Title 3—

Executive Order 13392 of December 14, 2005

The President

Improving Agency Disclosure of Information

By the authority vested in me as President by the Constitution and the laws of the United States of America, and to ensure appropriate agency disclosure of information, and consistent with the goals of section 552 of title 5, United States Code, it is hereby ordered as follows:

Section 1. Policy.

(a) The effective functioning of our constitutional democracy depends upon the participation in public life of a citizenry that is well informed. For nearly four decades, the Freedom of Information Act (FOIA) has provided an important means through which the public can obtain information regarding the activities of Federal agencies. Under the FOIA, the public can obtain records from any Federal agency, subject to the exemptions enacted by the Congress to protect information that must be held in confidence for the Government to function effectively or for other purposes.

(b) FOIA requesters are seeking a service from the Federal Government and should be treated as such. Accordingly, in responding to a FOIA request, agencies shall respond courteously and appropriately. Moreover, agencies shall provide FOIA requesters, and the public in general, with citizen-centered ways to learn about the FOIA process, about agency records that are publicly available (e.g., on the agency's website), and about the status of a person's FOIA request and appropriate information about the agency's response.

(c) Agency FOIA operations shall be both results-oriented and produce results. Accordingly, agencies shall process requests under the FOIA in an efficient and appropriate manner and achieve tangible, measurable improvements in FOIA processing. When an agency's FOIA program does not produce such results, it should be reformed, consistent with available resources appropriated by the Congress and applicable law, to increase efficiency and better reflect the policy goals and objectives of this order.

(d) A citizen-centered and results-oriented approach will improve service and performance, thereby strengthening compliance with the FOIA, and will help avoid disputes and related litigation.

Sec. 2. Agency Chief FOIA Officers.

(a) *Designation.* The head of each agency shall designate within 30 days of the date of this order a senior official of such agency (at the Assistant Secretary or equivalent level), to serve as the Chief FOIA Officer of that agency. The head of the agency shall promptly notify the Director of the Office of Management and Budget (OMB Director) and the Attorney General of such designation and of any changes thereafter in such designation.

(b) *General Duties.* The Chief FOIA Officer of each agency shall, subject to the authority of the head of the agency:

- (i) have agency-wide responsibility for efficient and appropriate compliance with the FOIA;
- (ii) monitor FOIA implementation throughout the agency, including through the use of meetings with the public to the extent deemed appropriate by the agency's Chief FOIA Officer, and keep the head of the agency, the chief legal officer of the agency, and the Attorney General appropriately informed of the agency's performance in implementing the FOIA, including the extent to which the agency meets the milestones

in the agency's plan under section 3(b) of this order and training and reporting standards established consistent with applicable law and this order;

(iii) recommend to the head of the agency such adjustments to agency practices, policies, personnel, and funding as may be necessary to carry out the policy set forth in section 1 of this order;

(iv) review and report, through the head of the agency, at such times and in such formats as the Attorney General may direct, on the agency's performance in implementing the FOIA; and

(v) facilitate public understanding of the purposes of the FOIA's statutory exemptions by including concise descriptions of the exemptions in both the agency's FOIA handbook issued under section 552(g) of title 5, United States Code, and the agency's annual FOIA report, and by providing an overview, where appropriate, of certain general categories of agency records to which those exemptions apply.

(c) *FOIA Requester Service Center and FOIA Public Liaisons.* In order to ensure appropriate communication with FOIA requesters:

(i) Each agency shall establish one or more FOIA Requester Service Centers (Center), as appropriate, which shall serve as the first place that a FOIA requester can contact to seek information concerning the status of the person's FOIA request and appropriate information about the agency's FOIA response. The Center shall include appropriate staff to receive and respond to inquiries from FOIA requesters;

(ii) The agency Chief FOIA Officer shall designate one or more agency officials, as appropriate, as FOIA Public Liaisons, who may serve in the Center or who may serve in a separate office. FOIA Public Liaisons shall serve as supervisory officials to whom a FOIA requester can raise concerns about the service the FOIA requester has received from the Center, following an initial response from the Center staff. FOIA Public Liaisons shall seek to ensure a service-oriented response to FOIA requests and FOIA-related inquiries. For example, the FOIA Public Liaison shall assist, as appropriate, in reducing delays, increasing transparency and understanding of the status of requests, and resolving disputes. FOIA Public Liaisons shall report to the agency Chief FOIA Officer on their activities and shall perform their duties consistent with applicable law and agency regulations;

(iii) In addition to the services to FOIA requesters provided by the Center and FOIA Public Liaisons, the agency Chief FOIA Officer shall also consider what other FOIA-related assistance to the public should appropriately be provided by the agency;

(iv) In establishing the Centers and designating FOIA Public Liaisons, the agency shall use, as appropriate, existing agency staff and resources. A Center shall have appropriate staff to receive and respond to inquiries from FOIA requesters;

(v) As determined by the agency Chief FOIA Officer, in consultation with the FOIA Public Liaisons, each agency shall post appropriate information about its Center or Centers on the agency's website, including contact information for its FOIA Public Liaisons. In the case of an agency without a website, the agency shall publish the information on the Firstgov.gov website or, in the case of any agency with neither a website nor the capability to post on the Firstgov.gov website, in the **Federal Register**; and

(vi) The agency Chief FOIA Officer shall ensure that the agency has in place a method (or methods), including through the use of the Center, to receive and respond promptly and appropriately to inquiries from FOIA requesters about the status of their requests. The Chief FOIA Officer shall

also consider, in consultation with the FOIA Public Liaisons, as appropriate, whether the agency's implementation of other means (such as tracking numbers for requests, or an agency telephone or Internet hotline) would be appropriate for responding to status inquiries.

Sec. 3. Review, Plan, and Report.

(a) *Review.* Each agency's Chief FOIA Officer shall conduct a review of the agency's FOIA operations to determine whether agency practices are consistent with the policies set forth in section 1 of this order. In conducting this review, the Chief FOIA Officer shall:

(i) evaluate, with reference to numerical and statistical benchmarks where appropriate, the agency's administration of the FOIA, including the agency's expenditure of resources on FOIA compliance and the extent to which, if any, requests for records have not been responded to within the statutory time limit (backlog);

(ii) review the processes and practices by which the agency assists and informs the public regarding the FOIA process;

(iii) examine the agency's:

(A) use of information technology in responding to FOIA requests, including without limitation the tracking of FOIA requests and communication with requesters;

(B) practices with respect to requests for expedited processing; and

(C) implementation of multi-track processing if used by such agency;

(iv) review the agency's policies and practices relating to the availability of public information through websites and other means, including the use of websites to make available the records described in section 552(a)(2) of title 5, United States Code; and

(v) identify ways to eliminate or reduce its FOIA backlog, consistent with available resources and taking into consideration the volume and complexity of the FOIA requests pending with the agency.

(b) *Plan.*

(i) Each agency's Chief FOIA Officer shall develop, in consultation as appropriate with the staff of the agency (including the FOIA Public Liaisons), the Attorney General, and the OMB Director, an agency-specific plan to ensure that the agency's administration of the FOIA is in accordance with applicable law and the policies set forth in section 1 of this order. The plan, which shall be submitted to the head of the agency for approval, shall address the agency's implementation of the FOIA during fiscal years 2006 and 2007.

(ii) The plan shall include specific activities that the agency will implement to eliminate or reduce the agency's FOIA backlog, including (as applicable) changes that will make the processing of FOIA requests more streamlined and effective, as well as increased reliance on the dissemination of records that can be made available to the public through a website or other means that do not require the public to make a request for the records under the FOIA.

(iii) The plan shall also include activities to increase public awareness of FOIA processing, including as appropriate, expanded use of the agency's Center and its FOIA Public Liaisons.

(iv) The plan shall also include, taking appropriate account of the resources available to the agency and the mission of the agency, concrete milestones, with specific timetables and outcomes to be achieved, by which the head of the agency, after consultation with the OMB Director, shall measure and evaluate the agency's success in the implementation of the plan.

(c) *Agency Reports to the Attorney General and OMB Director.*

(i) The head of each agency shall submit a report, no later than 6 months from the date of this order, to the Attorney General and the OMB Director that summarizes the results of the review under section 3(a) of this order and encloses a copy of the agency's plan under section 3(b) of this order.

The agency shall publish a copy of the agency's report on the agency's website or, in the case of an agency without a website, on the Firstgov.gov website, or, in the case of any agency with neither a website nor the capability to publish on the Firstgov.gov website, in the **Federal Register**.

(ii) The head of each agency shall include in the agency's annual FOIA reports for fiscal years 2006 and 2007 a report on the agency's development and implementation of its plan under section 3(b) of this order and on the agency's performance in meeting the milestones set forth in that plan, consistent with any related guidelines the Attorney General may issue under section 552(e) of title 5, United States Code.

(iii) If the agency does not meet a milestone in its plan, the head of the agency shall:

(A) identify this deficiency in the annual FOIA report to the Attorney General;

(B) explain in the annual report the reasons for the agency's failure to meet the milestone;

(C) outline in the annual report the steps that the agency has already taken, and will be taking, to address the deficiency; and

(D) report this deficiency to the President's Management Council.

Sec. 4. Attorney General.

(a) *Report.* The Attorney General, using the reports submitted by the agencies under subsection 3(c)(i) of this order and the information submitted by agencies in their annual FOIA reports for fiscal year 2005, shall submit to the President, no later than 10 months from the date of this order, a report on agency FOIA implementation. The Attorney General shall consult the OMB Director in the preparation of the report and shall include in the report appropriate recommendations on administrative or other agency actions for continued agency dissemination and release of public information. The Attorney General shall thereafter submit two further annual reports, by June 1, 2007, and June 1, 2008, that provide the President with an update on the agencies' implementation of the FOIA and of their plans under section 3(b) of this order.

(b) *Guidance.* The Attorney General shall issue such instructions and guidance to the heads of departments and agencies as may be appropriate to implement sections 3(b) and 3(c) of this order.

Sec. 5. OMB Director. The OMB Director may issue such instructions to the heads of agencies as are necessary to implement this order, other than sections 3(b) and 3(c) of this order.

Sec. 6. Definitions. As used in this order:

(a) the term "agency" has the same meaning as the term "agency" under section 552(f)(1) of title 5, United States Code; and

(b) the term "record" has the same meaning as the term "record" under section 552(f)(2) of title 5, United States Code.

Sec. 7. General Provisions.

(a) The agency reviews under section 3(a) of this order and agency plans under section 3(b) of this order shall be conducted and developed in accordance with applicable law and applicable guidance issued by the President, the Attorney General, and the OMB Director, including the laws and guidance regarding information technology and the dissemination of information.

(b) This order:

(i) shall be implemented in a manner consistent with applicable law and subject to the availability of appropriations;

(ii) shall not be construed to impair or otherwise affect the functions of the OMB Director relating to budget, legislative, or administrative proposals; and

(iii) is intended only to improve the internal management of the executive branch and is not intended to, and does not, create any right or benefit,

substantive or procedural, enforceable at law or in equity by a party against the United States, its departments, agencies, instrumentalities, or entities, its officers or employees, or any other person.

A handwritten signature in black ink, appearing to read "G. W. Bush". The signature is fluid and cursive, with a large initial "G" and "W" followed by "Bush".

THE WHITE HOUSE,
December 14, 2005.

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