

**Office of the United States Trade Representative
2007 Annual FOIA Report**

I. Basic Information Regarding Report

- A. Name, title, address, and telephone number of person(s) to be contacted with questions about the report:

Carmen Suro-Bredie
Chief FOIA Officer
Office of the U.S. Trade Representative
1724 F St. N.W.
Washington, D.C. 20508
(202) 395-3475

David Apol
Office of the U.S. Trade Representative
600 17th St. N.W.
Washington, D.C. 20508
(202) 395-9633

- B. Electronic address for report on the World Wide Web:

[HTTP://WWW.USTR.GOV](http://www.ustr.gov)

- C. How to obtain a copy of the report in paper form:

Contact the USTR Reading Room (202) 395-6186

II. How to Make a FOIA Request

All requests for records must be in writing and should be addressed to Freedom of Information Officer, Office of the United States Trade Representative, 1724 F St., N.W. Washington, D.C. 20508.

The requester must describe the records that he/she seeks in enough detail to enable USTR personnel to locate them in a reasonable amount of time. The request should include specific information about each record sought, such as the date, title or name, author, recipient, and subject matter of the record.

- A. Names, addresses, and telephone numbers of all individual agency components and offices that receive FOIA requests:

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600 17th St. N.W.
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- B. Brief description of the agency's response-time ranges.

On receipt of a request, USTR sends out a letter acknowledging the request and provides an assigned request number for further reference.

USTR responds to requests according to their order of receipt. However, responses are dispatched once they are substantially complete. More complex requests are often released in batches.

- C. Brief description of why some requests are not granted.

USTR may determine that the agency does not have records within the scope of the request. In addition, records are frequently exempt under applicable FOIA exemptions.

II. Definitions of Terms and Acronyms Used in the Report

- A. Agency-specific acronyms or other terms.

USTR - - United States Trade Representative

B. Basic terms, expressed in common terminology.

1. FOIA/PA request – Freedom of Information Act/Privacy Act request. A FOIA request is generally a request for access to records concerning a third party, an organization, or a particular topic of interest. A Privacy Act request is a request for records concerning oneself; such requests are also treated as FOIA requests.
2. Initial Request – a request to a federal agency for access to records under the Freedom of Information Act.
3. Appeal – a request to a federal agency asking that it review at a higher administrative level a full denial or partial denial of access to records under the Freedom of Information Act, or any other FOIA determination such as a matter pertaining to fees.
4. Processed Request or Appeal – a request or appeal for which an agency has taken a final action on the request or the appeal in all respects.
5. Multi-track processing – a system in which simple requests requiring relatively minimal review are placed in one processing track and more voluminous and complex requests are placed in one or more other tracks. Requests in each track are processed on a first-in/first-out basis. A requester who has an urgent need for records may request expedited processing
6. Expedited processing – an agency will process a FOIA request on an expedited basis when a requester has shown an exceptional need or urgency for the records which warrants prioritization of his or her request over other requests that were made earlier.
7. Simple request – a FOIA request that an agency using multi-track processing places in its fastest (non-expedited) track based on the volume and/or simplicity of records requested.
8. Complex request – a FOIA request that an agency using multi-track processing places in a slower track based on the volume and/or complexity of records requested.
9. Grant – an agency decision to disclose all records in full in response to a FOIA request.
10. Partial grant – an agency decision to disclose a record in part in response to a FOIA request, deleting information determined to be exempt under one or more of the FOIA's exemptions; or a decision to disclose some records in their entirety, but to withhold others in whole or in part.

11. Denial – an agency decision not to release any part of a record or records in response to a FOIA request because all the information in the requested records is determined by the agency to be exempt under one or more of the FOIA's exemptions, or for some procedural reason (such as because no record is located in response to a FOIA request).
12. Time limits – the time period in the Freedom of Information Act for an agency to respond to a FOIA request (ordinarily 20 working days from proper receipt of a “perfected” FOIA request).
13. “Perfected” request – a FOIA request for records which adequately describes the records sought, which has been received by the FOIA office of the agency or agency component in possession of the records, and for which there is no remaining question about the payment of applicable fees.
14. Exemption 3 statute – a separate federal statute prohibiting the disclosure of a certain type of information and authorizing its withholding under FOIA subsection (b)(3).
15. Median number – the middle, not average, number. For example, of 3, 7, and 14, the median number is 7.
16. Average number – the number obtained by dividing the sum of a group of numbers by the quantity of numbers in the group.

IV. Exemption 3 Statutes

List of Exemption 3 statutes relied on by agency during current fiscal year: **0**

V. Initial FOIA/PA Access Requests

A. Numbers of initial requests.

1. Number of requests pending as of end of preceding fiscal year **23**
2. Number of requests received during current fiscal year **36**
3. Number of requests processed during current fiscal year **41**
4. Number of requests pending as of end of current fiscal year **18**

B. Disposition of initial requests.

1. Number of total grants: 12

2. Number of partial grants: 8

3. Number of denials: 1

a. number of times each FOIA exemption used:

(1) Exemption 1: 2

(2) Exemption 2: 0

(3) Exemption 3: 0

(4) Exemption 4: 1

(5) Exemption 5: 6

(6) Exemption 6: 0

(7) Exemption 7: 0

(8) Exemption 7(A): 0

(9) Exemption 7(B): 0

(10) Exemption 7(C): 0

(11) Exemption 7(D): 0

(12) Exemption 7(E): 0

(13) Exemption 8: 0

(14) Exemption 9: 0

4. Other reasons for nondisclosure: 20

a. no records: 14

b. referrals: 0

c. request withdrawn: 1

- d. fee-related reason: 1
- e. records not reasonably described: 4
- f. not a proper FOIA request: 0
- g. not an agency record: 0
- h. duplicate request: 0
- i. other: 0

VI. Appeals of Initial Denials of FOIA/PA Requests

A. Numbers of appeals

- 1. Number of appeals received during fiscal year: 3
- 2. Number of appeals processed during fiscal year: 2

B. Disposition of appeals

- 1. Number completely upheld: 1
- 2. Number partially reversed: 1
- 3. Number completely reversed: 0
 - a. number of times each FOIA exemption used
 - (1) Exemption 1: 0
 - (2) Exemption 2: 0
 - (3) Exemption 3: 0
 - (4) Exemption 4: 0
 - (5) Exemption 5: 2
 - (6) Exemption 6: 0
 - (7) Exemption 7: 0
 - (8) Exemption 7(A): 0
 - (9) Exemption 7(B): 0
 - (10) Exemption 7(C): 0

(11) Exemption 7 (D) 0

(12) Exemption 7 (E) 0

(13) Exemption 8: 0

(14) Exemption 9: 0

4. Other reasons for nondisclosure (total)

a. no records: 0

b. referrals: 0

c. request withdrawn: 0

d. fee-related reason: 0

e. records not reasonably described: 0

f. not a proper FOIA request for some other reason: 0

g. not an agency record: 0

h. duplicate request: 0

i. other: 0

VII. Compliance with Time Limits/Status of Pending Requests

A. Median processing time for requests processed during the year

1. Request

a. number of requests processed: 41

b. median number of days to process: 14

2. Complex requests: N/A

a. number of requests processed

b. median number of days to process

3. Requests accorded expedited processing: N/A

a. Number of requests processed

b. median number of days to process

B. Status of pending requests

1. Number of requests pending as of end of current fiscal year: 18
2. Median number of days that such requests were pending as of that date: 173

VIII. Comparisons with Previous Year(s) (Optional)

IX. Costs/FOIA Staffing

A. Staffing levels

1. Number of full-time FOIA personnel: 1.5
2. Number of personnel with part-time or occasional FOIA duties: .5
3. Total number of personnel (in work years) 2

B. Total costs (including staff and all resources)

1. FOIA processing (including appeals): \$174,000.00
2. Litigation-related activities (estimated): 0
3. Total costs: 174,000.000
4. Comparison with previous year(s):

C. Statement of additional resources needed for FOIA compliance

X. Fees

- A. Total amount of fees collected by agency for processing requests: \$560.00
- B. Percentage of totals costs: 0

XI FOIA Regulations

See 15 CFR 2004

XII REPORT ON EXECUTIVE ORDER 13,392 IMPLEMENTATION

This section of the annual FOIA report contains the Office of the U.S. Trade Representative's description of its progress in implementing the milestones and goals of the Office's FOIA Improvement Plan.

The reporting period for this section is different from that used for the rest of this report, which is based on data compiled for Fiscal Year 2007. The reporting period for this section concerning Executive Order implementation activities includes progress made by the Office through January 2008.

A. Description of supplementation/modification of agency improvement plan (if applicable)

Not applicable

B. Report on agency implementation of its plan, including its performance in meeting milestones, with respect to each improvement area

USTR has met all but one of the goals and milestones established in the report it submitted in June 2006, in response to Executive Order 13, 3392 that were to be completed for this reporting period. USTR accomplished all of its goals in the area of archiving that were outlined in the plan. The archives of the agency are now computerized making for easier access. Also, a number of training courses in archiving have been given to USTR support staff which should ensure a more uniform product across the agency. USTR completed the portion of the plan dealing with consultation by adding compliance with FOIA to the Performance Appraisals of each manager.

USTR completed all of the goals related to Customer relations/Communications for 2007. A listening session to which we will invite the public and our most frequent users will be scheduled before June 30, 2008. The FOIA web page received close attention and the FOIA Reference Guide was posted to the website. In the area of training staff, a mandatory training program was provided for all staff in 2007. A make-up session will be held early in 2008. USTR lost one of its two FOIA specialists and supplemented the work with a young attorney who worked temporarily at USTR. The remaining FOIA specialist attended a one day refresher course at the Department of Justice. Additional training will be provided to that specialist at Justice this coming year. Backlog reduction received close attention in bi-weekly meetings resulting in the closure of the three oldest FOIAs and a reduction of the backlog by significantly more than the fifteen percent goal established in the FOIA plan.

Specific 2007 accomplishments on milestones include the following:

To decrease the amount of time it takes to retrieve records from covered offices, USTR did the following:

1) USTR worked with its Records Management Officer to finalize a recommendation from the Archivists on how USTR offices should archive their documents. The Archivist met with fourteen staff members responsible for archiving documents in a series of six training sessions. In addition, a segment on records management is included in the orientation sessions. Our Records Management unit is alerted by USTR personnel to the upcoming departure of an employee. All files are reviewed and the officer is assisted with archiving. We are hoping to expand information on archiving to the entire agency, not just support staff.

2) USTR worked with USTR's Record Management Officer to centralize records schedules for the entire agency for the last five years and to computerize them. Officers can now search for the indices electronically, which has been quicker and more accurate than searching manually through paper indices.

3) USTR continued work on the established tickler system which allowed us to reduce the number of pending FOIAs to just 18, an all-time record. We are exploring moving the tickler system to the Agency-wide correspondence log which gets more circulation.

4) The tickler system has been amplified to referrals. We have made use of a scanner which allows employees to handle the decision-making more quickly. USTR will need to do more work in the coming year to be sure that we meet our obligations to our fellow agencies.

To encourage timely attention to consultations in-house, USTR did the following:

- Compliance with FOIA was added to the Performance appraisals of all Senior Executive Service members of USTR.

To improve USTR's FOIA Web Page in order to provide more information to the public, USTR met the following goal:

- 1) The revised FOIA Reference Guide was posted to the website.
- 2) The FOIA regulations were revised and were sent to the Federal Register in 2008, after a revision to account for the new FOIA legislation passed by Congress in December 2007.

To improve USTR staff's knowledge about the FOIA statute and regulations in order to improve their search capabilities, USTR accomplished the following:

- 1) USTR established a training outline and offered mandatory training to all USTR employees. Make-up sessions will be offered in early 2008.

To improve the performance of the FOIA staff, USTR did the following:

- 1) Brought an attorney on board temporarily to help with the departure of one FOIA specialist.
- 2) Sent the remaining specialist to a one day course at the Justice Department; we are investigating more training.

To reduce the existing backlog of pending initial FOIA requests by a substantial percentage each year, USTR FOIA staff continued to meet biweekly. USTR significantly exceeded its goal of reducing the backlog of pending FOIAs by 15% by January 15, 2008 as measured by the requests pending.

C. Identification and discussion of any deficiency in meeting plan milestones (if applicable)

The USTR FOIA Plan called for a revised regulation to be posted on the FOIA Web page. As a milestone to reaching that goal we were to publish of our proposed regulations by November 2007. We decided to delay publishing the proposed regulations in order to incorporate changes in FOIA legislation that were pending and that passed the Congress in December 2007. We have now sent our proposed FOIA regulations to the Federal Register with the OPEN Government Act changes incorporated.

1. FOIA Web Pages

2. Milestone: Proposed regulations were to be published by 11/30/07;

3. Proposed FOIA Regulations were sent to the Federal Register on February 4, 2008.

4. Milestone has now been met.

D. Additional narrative statements regarding other executive order-related activities (optional)

E. Concise descriptions of FOIA exemptions

The nine exemptions to the FOIA authorize federal agencies to withhold information covering: (1) classified national defense and foreign relations information; (2) internal agency rules and practices; (3) information that is prohibited from disclosure by another federal law; (4) trade secrets and other confidential business information; (5) inter-agency or intra-agency communications that are protected by legal privileges; (6) information involving matters of personal privacy; (7) records or information compiled for law enforcement purposes, to the extent that the production of those records (A) could reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of a confidential source, (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions, or (F) could

reasonably be expected to endanger the life or physical safety of any individual; (8) information relating to the supervision of financial institutions; and (9) geological information on wells.

F. Additional Statistics:

1. Ten Oldest Pending FOIA Requests

Calendar Year	2000	2001	2002	2003	2004	2005	2006	2007
Requests							Mar 2 Mar 14 June 13 July 6 July 6 Sept. 27 Oct. 18 Oct. 13	Jan 24 Mar 13

2. USTR’s tracking system is unable at this time to compute numbers regarding consultations. We are preparing now to collect this consultation data so that we can report it for Fiscal Year 2008.

G. Attachment: Agency improvement plan – Attached

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE FOIA PLAN UNDER EXECUTIVE ORDER 13,392

A. NATURE OF THE USTR FOIA OPERATIONS

The FOIA Office at the Office of the United States Trade Representative (USTR) processes Freedom of Information Act/Privacy Act (FOIA/PA) requests for records maintained by the whole agency. In Fiscal Year 2005, USTR received 26 requests and completed processing of 55 requests. In Fiscal Year 2004, USTR received 73 FOIAs and completed processing of 54 requests. These requests are processed by two employees: USTR’s FOIA assistant and USTR’s FOIA Officer. The requests are reviewed by the Attorney-Advisor for Administration. The Chief FOIA Officer, also the Assistant USTR for Policy Coordination, is the official denial authority and oversees the FOIA staff.

Many of the FOIA requests processed by the FOIA staff are for classified or highly sensitive records that require multiple consultations across the geographic and functional units of the agency, as well as with the attorney-advisors in the General Counsel’s office. The majority of FOIA requests require special handling.

B. AREAS SELECTED FOR REVIEW

USTR reviewed the following potential improvement areas:

- Records search process
- Consultation process
- Customer Relations/Communications
- Use of Information Technology/ Use of Tracking Systems
- FOIA Web pages
- Additional Training of FOIA and USTR Staff
- Backlog Reduction

C. NARRATIVE STATEMENT SUMMARIZING RESULTS OF REVIEW

After an extensive review of the areas identified in Part B above, USTR determined that although the processing of FOIA requests is working well, the operation can be improved. One of the first areas that we reviewed was the amount of time taken to search for responsive records. Responsive records are located in one of two buildings or in Archives. Documents are often held in at least three offices: geographic, functional and the General Counsel. For any request of documents that date back more than three years, the negotiator/ office director often must search USTR's Archival files, a time-consuming exercise. We met with the White House Office of Administration Archivists to determine how the process could be centralized, streamlined and computerized. We arranged for a tour and briefing by the Council of Environmental Quality (CEQ) staff, a similar-sized office within the Executive Office of the President. We will continue to work with the archivists to improve our records management system.

Another issue in the area of document retrieval is referrals from other agencies. USTR often receives requests from other agencies that have discovered USTR documents in their FOIA searches. To streamline our response to these agencies and assure timeliness, USTR will establish a tickler system that keeps track of the status of our referrals. Our review also showed that consultations with the multiple offices at USTR added considerably to the processing time. USTR tasks FOIAs to multiple offices, as mentioned earlier and the tasking takes place concurrently. The task facing the FOIA Office is to develop procedures designed to encourage timely attention to these requests on the part of the various offices at USTR. These offices are engaged in multiple negotiations, requiring international travel. We decided to initiate a system to quickly identify the individual or individuals who are personally responsible for handling each FOIA, and then to systematically and continuously monitor the processing of those FOIAs.

In the area of customer relations/communications with requesters, we believe that USTR does an excellent job. We regularly acknowledge our requests within twenty working days, and these letters always include the name and phone number of a contact person

that the requester can call with questions. Furthermore, our FOIA Office sometimes receives requests that are not proper FOIA requests. We respond to these letters and explain to the requester why the request is not proper. We refer the requester to the right source of information. In many cases, we call the requester if their request is not clear. We use this opportunity to also refer the requester to our website for additional documents. Although we believe that our service is excellent, we have reviewed our procedures to make sure that all phone calls are answered promptly and courteously. We have also reviewed our format for response letters to simplify the document and make it more readily understandable. In addition, we scheduled a listening session with the Office of Management and Budget and contacted our most frequent requesters by phone to invite them. We put an invitation to that meeting on our FOIA website in a timely fashion to attract other FOIA users. Out of the suggestions in that meeting, we are adopting a new electronic system for tracking. We are also taking steps to add the handling of FOIAs to the performance standards of office heads. We also have set up a series of time-sensitive deadlines for action in our plan, as suggested by the audience. We plan to schedule such listening sessions every two years.

Next, we evaluated USTR's information technology capabilities and readily determined that our system as applied to FOIA should be updated. Our current system does not provide us with the tools we need to process FOIA requests quickly, to index and track the documents reviewed, or to accurately report on our progress. We decided that we need an updated system that will allow us to receive and process requests electronically, including indexing and organizing documents electronically. This proposed system will provide us with the tools we need to track the status of our requests, including referrals, and compile our annual report. This area holds great promise for improving FOIA processing overall.

USTR also reviewed its FOIA Web page and its Website. We found that the FOIA Web page could be improved in several ways. First, the page should have a clear link from the USTR home page. Second, a Frequently Asked FOIAs folder should be established. Third, a Frequently Asked Questions section should be established that would include tips to requestors on the types of documents that are not disclosed and how to formulate a request so that it is more easily addressed. Fourth, we will revise and post the revised FOIA Reference Guide to the FOIA Web page.

One area that proved fruitful for review was the area of training. We plan to factor in two types of training. The first type will be a mandatory session on FOIA search and preparation for the entire professional staff. We will contact the Department of Justice to design a USTR-specific training session. The second type of training will be a refresher course in FOIA for our two FOIA professionals. We also intend to designate an alternate FOIA lawyer to act in place of our FOIA attorney when he is absent from USTR.

Finally, we reviewed the number of cases that have been pending for more than the twenty days provided by the statute. All of these cases have been assigned. We resolved to review these cases every month until the backlog of pending initial requests is resolved. We believe that this scheduled review will result in pending requests being

resolved more expeditiously. We commit to closing the five oldest cases prior to the end of each year. This initiative is in addition to our regular processing and closing of cases and our specific overall goal of reducing the backlog by a specific percentage each year.

D. AREAS CHOSEN AS IMPROVEMENT AREAS FOR THE PLAN

- Records search process
- Consultation process
- Customer Relations/Communications
- Use of Information Technology/ Use of Tracking Systems
- FOIA Web pages
- Additional Training of FOIA and USTR Staff
- Backlog Reduction

E. IMPROVEMENT AREA PLANS

1. Records search process

Goal: To decrease the amount of time it takes to retrieve records from covered offices: Target completion: 6/07

Steps

- Work with USTR's Records Management Officer to finalize a recommendation from the Archivists on how USTR offices should archive their documents. **To be completed by 2/2/07.**
- Work with USTR's Records Management Officer to centralize records schedules for the entire agency for the last five years and computerize them. Officers will be able to search the indices electronically, which is much quicker and more accurate than manually reviewing paper indices. **To be completed by 4/30/07.**
- Through the tickler system (see Use of Information Technology/Use of Tracking Systems), provide periodic reports to FOIA contacts in individual offices detailing the number of pending searches to encourage them to monitor their progress toward reducing outstanding searches. The report will include the name of each requester, the subject of each request and the length of time the request has been pending. **To be completed by 10/31/06 (and continuing thereafter).**
- Amplify the tickler system to USTR's referrals from other agencies so that our obligations to other government offices are satisfied in a timely fashion. Insure that the referred documents are reviewed by the responsible office within 20 business days of receiving the documents. **To be completed by 3/31/2007.**

2. Consultation process

Goal: To encourage timely attention to consultations in-house. Target completion 6/30/07

Steps

- Within two days of sending the FOIA request, the FOIA office will establish the employee responsible in each office for replying to the FOIA. This system will facilitate follow-up on the status of a consultation by the FOIA staff. **To be completed by 9/1/06.**

- The contact person will be inserted in the tickler system to allow for follow-up calls by the FOIA office. A log of all outstanding FOIA cases and the person responsible for each case will be maintained by the FOIA office and will be provided to all Office heads and the Deputy Chief of Staff on a weekly basis for action. **To be completed by 10/31/06.**

- Compliance with FOIA will be added to the Performance appraisals of each manager in the next rating period. **To be completed by 6/30/07.**

3. Customer relations/ Communications

Goal: To ensure that requesters who call the FOIA Requester Service Center receive the information they seek in a timely and efficient manner. **Target completion 9/29/2006**

Steps

- Create a log to be used by the FOIA Requester Service Center personnel; each time such personnel speak with a requester, a note is made in the log which will include the date, the name of the requester, the information requested, and the result of the conversation. This log will be reviewed by the FOIA Public Liaison to determine whether improvements in handling telephone calls can be made and to determine whether there are trends which may show other changes in the FOIA process that need to be made. **To be completed by 7/13/06.**

- Create an identical log for faxes. With mail irregularities growing, the fax is increasingly the mode of filing a FOIA. **To be completed by 7/13/06.**

Goal: To improve communications with requesters as emphasized in Executive Order 13,392.

Target completion: 6/30/2008.

Steps

- Commit to returning all FOIA calls within 48 hours of receipt. **To be completed by 6/19/06 and thereafter.**

- Review and simplify all letters that are sent to requesters including initial notification letter, completion of FOIA cover letter, and FOIA appeal letters. **To be completed by 8/1/2006.**

- Schedule another listening session with our frequent FOIA users and the general public. **To be completed by 6/30/2008**

4. Use of information technology/Use of Tracking Systems

Goal: To create a FOIA tracking system using existing IT systems or by purchasing an electronic FOIA processing system that includes updated tracking and redacting functions, as well as the ability to receive requests electronically. **Target completion: 10/1/07**

Steps

- Continue to discuss needs with appropriate IT personnel in USTR to see if a complete FOIA integrated processing system can be created from existing agency IT systems. **To be completed by 8/1/06**
- Discuss budgetary requirements with appropriate officials. **To be completed by 9-1-06.**
- At a minimum create a FOIA tracking system using existing technology. **To be completed by 10/31/06.**
- If unable to construct a full processing system internally, draft formal requirements for a new processing system to be purchased from outside **To be completed by 9/15/06.**
- Contact vendor concerning possible pilot test program and to request proposal for pilot test program. **To be completed by 9-15-06.**
- Obtain formal proposal for pilot from vendor. **To be completed by 11/1/06**
- If given budgetary approval, begin procurement process according to appropriate acquisition rules and regulations. **To be completed by 1/1/07.**
- Install and test tracking system. **To be completed by 9/1/07**
- Full scale implementation. **To be completed by 10/1/07.**

5. FOIA Web pages

Goal: To improve USTR's FOIA Web pages in order to provide more information to the public

Target completion 6/29/07 (and thereafter)

Steps

- Review USTR's FOIA Web pages quarterly to ensure that information is current and relevant documents are posted. **To be completed by 9/30/06; 12/31/06; 3/31/07; 6/30/07; 9/30/07; 12/31/07; 3/31/08; 6/30/08; 9/30/08; 12/31/08.**

- Create a Frequently Asked FOIA section so that requestors can see if their question has already been answered. **To be completed by 9/30/06.**
- Create Frequently Asked Questions section of FOIA Website which will include tips on filing a FOIA. This section will also explain the most frequently applicable exemptions at USTR. This information may decrease the number of FOIAS. **To be completed by 11/30/06.**
- Post revised FOIA Reference Guide to FOIA Website. **To be completed by 6/29/07.**
- Post revised FOIA Regulations to the FOIA Website. **To be completed by 3/30/07 (first draft); Proposed regulations publishes 11/30/07; Final Regulations published 3/30/08.**

6. Additional Training of FOIA and USTR Staff

Goal: To improve USTR staff's knowledge about the FOIA statute and regulations in order to improve their search capabilities. **Target Completion by 12/31/07.**

Steps

- Contact the Department of Justice to design a USTR-specific training program. **To be completed by 12/31/06.**
- Establish a training outline that is agreed by USTR and approved. **To be completed by 3/31/07.**
- Complete mandatory training program for entire USTR staff. **To be completed by 12/31/07.**

Goal: To improve the performance of the FOIA staff and the FOIA attorneys. **Target Completion by 6/30/08**

- Designate a new FOIA lawyer to act when USTR's FOIA lawyer is absent. **To be completed by 8/1/06.**
- Obtain funding for 2 FOIA specialists to attend refresher courses. **To be completed by 6/30/08.**

7. Backlog reduction

Goal: To reduce the existing backlog of pending initial FOIA requests by a substantial percentage each year (i.e., 10% by 1-15-07, 15% by 1/15/08, and 20% by 12/31/08; as measured by the number of requests pending), by periodically and consistently focusing on the existing backlog. **Target completion: 1/15/07; 1/15/08;12/31/08.**

Steps

- FOIA Staff will meet on a quarterly basis with other USTR offices to review existing backlog in order to determine the number of cases pending for more than the twenty days provided by statute. **To be completed by 8/15/06, 10/15/06, 1/15/07, 4/15/07, 7/15/07, 10/15/07, 1/15/08, 4/15/08, 7/15/08/ 10/15/08.**

Goal: To close the three oldest FOIA requests pending each year. **Target Completion:** 12/31/06, 12/31/07, 12/31/08, 12/31/09.

Steps

- Review the three oldest FOIA requests and determine what steps need to be taken to complete the processing of these requests. **To be completed 7/1/06.**
- Implement the steps we have determined need to be taken to complete the processing of these requests. **To be completed by 7/15/06.**
- Close these requests. **To be completed by 12/31/06.**
- Review the three oldest FOIA requests that are pending as of January 1, 2007 and determine what steps need to be taken to complete the processing of these requests. **To be completed by 2/1/07.**
- Implement the steps we have determined need to be taken to complete the processing of these requests. **To be completed by 2/15/07.**
- Close these requests. **To be completed by 12-31-07.**
- During calendar years 2008 and 2009, continue the process described in the preceding steps. **To be completed by 12/31/08, 12/31/09.**

