

**2023 USDA EXPLANATORY NOTES – OFFICE OF INFORMATION AFFAIRS**

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*AGENCY-WIDE*

**PURPOSE STATEMENT**

USDA realigned the Freedom of Information Act (FOIA) functions for all USDA staff offices and the Mission Areas for Research Education and Economics and Trade and Foreign Agricultural Affairs to the General Counsel's Office of Information Affairs (OIA) in September 2019. The General Counsel was delegated authority to directly manage the OIA as its Chief FOIA Officer (CFOIA). For those mission areas remaining outside the OIA, lines of authority were directed to the newly designated CFOIA.

This realignment addresses several essential functions. First, it fulfills a statutory mandate that the CFOIA be at least coequal with Assistant Secretaries and ensures the CFOIA has the necessary authority to exercise an oversight role. Secondly, it ensures standardization in critical areas such as FOIA management, training, policy and records processing, all of which greatly improve the overall FOIA requester experience. Thirdly, it promotes efficiency by enhancing the Department's ability to coordinate the FOIA function with the performance of other legal advisory services already provided by the General Counsel. Lastly, it ensures a shared customer experience strategy for USDA's FOIA requester community.

The Departmental Records Management (RM) program was also realigned to the OIA in August 2020 with the hope of securing an electronic records platform and correcting several agency wide deficiencies to include RM policies, training, and scheduling.

This new stand-alone aids USDA in providing day-to-day oversight over USDA's FOIA program, responding to the increasing number of complex records requests for those FOIA functions realigned to the OIA, creating FOIA policy and training directives, and preparing all statutorily required reports. With respect to RM, the Department seeks to regain control of its intellectual property and move toward a fully digital infrastructure in line with an OMB/National Archives mandate M-19-21.

OIA did not have any Office of Inspector General reports this past year but did engage with the Government Accountability Office (GAO) on an assessment to determine the impacts of the COVID-19 pandemic on FOIA processing. The GAO assessment concluded in January 2022 with only one recommendation, which was to better document milestones and challenges to backlog reduction.

**AVAILABLE FUNDS AND FTEs**

***Table OIA-1. Available Funds and FTEs (thousands of dollars, FTEs)***

Item	2020		2021		2022		2023	
	Actual	FTE	Actual	FTE	Estimated	FTE	Estimated	FTE
Salaries and Expenses:								
Records Management.....	-	-	-	-	-	-	\$13,339	7
FOIA Services.....	-	-	-	-	-	-	2,600	2
Total Available, OIA.....	-	-	-	-	-	-	15,939	9

**PERMANENT POSITIONS BY GRADE AND FTEs**

***Table OIA-2. Permanent Positions by Grade and FTEs***

Item	2020			2021			2022			2023		
	D.C.	Field	Actual Total	D.C.	Field	Actual Total	D.C.	Field	Estimated Total	D.C.	Field	Estimated Total
SES	-	-	-	-	-	-	-	-	-	1	-	1
GS-15	-	-	-	-	-	-	-	-	-	1	-	1
GS-14	-	-	-	-	-	-	-	-	-	5	-	5
GS-13	-	-	-	-	-	-	-	-	-	1	-	1
GS-12	-	-	-	-	-	-	-	-	-	1	-	1
Total Perm. FT EOY	-	-	-	-	-	-	-	-	-	9	-	9
FTE	-	-	-	-	-	-	-	-	-	9	-	9

**ACCOUNT 1: SALARIES AND EXPENSES**

**APPROPRIATIONS LANGUAGE**

The appropriations language follows (new language underscored; deleted matter enclosed in brackets):

For necessary expenses of the Office of Information Affairs, \$15,939,000.

**LEAD-OFF TABULAR STATEMENT**

**Table OIA-3. Lead-Off Tabular Statement (In dollars)**

Item	Amount
Estimate, 2022	-
Change in Appropriation	+ \$15,939,000
Budget Estimate, 2023	<u>15,939,000</u>

**PROJECT STATEMENT**

**Table OIA-4. Project Statement (thousands of dollars, FTEs)**

Item	2020		2021		2022		2023		Inc. or Dec.	FTE Inc. or Dec.	Chg Key
	Actual	FTE	Actual	FTE	Estimated	FTE	Estimated	FTE			
Discretionary Appropriations:											
Records Management.....	-	-	-	-	-	-	\$13,933	7	+\$13,933	+7	(1)
FOIA Services.....	-	-	-	-	-	-	2,006	2	+2,006	+2	(2)
Total Obligations.....	-	-	-	-	-	-	15,939	9	+15,939	+9	

**Table OIA-5. Project Statement (thousands of dollars, FTEs)**

Item	2020		2021		2022		2023		Inc. or Dec.	FTE Inc. or Dec.
	Actual	FTE	Actual	FTE	Estimated	FTE	Estimated	FTE		
Discretionary Obligations:										
Records Management.....	-	-	-	-	-	-	\$13,933	7	+\$13,933	+7
FOIA Services.....	-	-	-	-	-	-	2,006	2	+2,006	+2
Total Appropriation.....	-	-	-	-	-	-	15,939	9	+15,939	+9

**Office of Information Affairs**

The Freedom of Information Act (FOIA) function and the Records Management Program were realigned to the new established Office of Information Affairs (OIA). The Records Management (RM) Division is being established in accordance with a 2020 realignment to manage the Records Management function for the Office of the Secretary and provide oversight to USDA Agency Records Officers across the Department. More visibility was required as a recent comprehensive assessment revealed decades of noncompliance with the Federal Records Act (FRA) and related regulations, as well as other significant program concerns.

The FOIA Division is being established to manage the FOIA functions for all USDA staff offices to include the Office of the Secretary and the mission areas for Research Education and Economics and Trade and Foreign Agricultural Affairs as a result of a 2019 realignment. Apart from the Office of the Inspector General, the General Counsel has been delegated authority to directly manage the OIA as its Chief FOIA Officer.

1. An increase of \$13,939,000 and 9 FTEs for the Office of Information Affairs consisting of:A) An increase of \$20,000 for 2023 pay costs.

The increase will support the annualization of the 2022 2.7 percent Cost of Living pay increase and the 2023 4.6 percent Cost of Living pay increase. Without this funding OIA will have to reduce the support provided to USDA client agencies.

B) An increase of \$36,000 for non-salary costs.

This increase will allow OIA discretionary spending in areas such as, SharePoint, DHS Building Security, and share funding services.

C) An increase of \$12,455,000 for 2 FTEs and to ensure continued usage of an enterprise-wide electronic records platform.

The increased funding will allow the OIA to maintain the existing two (2) FTEs positions in its RM Division. These two positions are currently funded through reimbursable agreements between the Office of the Chief Information Officer and OGC. Both positions are senior level position (Departmental Records Officer and Deputy Departmental Records Officer) charged with ensuring oversight on behalf of USDA's Senior Agency Official on Records Management and day-to-day compliance with the FRA.

An ongoing assessment of the RM program revealed the absence of continued funding to support an enterprise-wide electronic records platform. This is critical as the Office of Management and Budget and National Archives has issued M-19-21, requiring agencies, among other things, to ensure its federal records are created, managed, and retained in an electronic format by December 2022. To ensure compliance with M-19-21, the OIA is requesting funding to ensure deployment of an enterprise-wide electronic records platform. This platform would include many benefits such as management of electronic records in accordance with M-19-21, automation of insider risk policies, and overall better preservation of those records responsive to litigation holds and other administrative actions. The package will also save hundreds of thousands of dollars annually on those resources required to maintain large volumes of records at Federal Records Centers.

D) An increase of \$828,000 and 5 FTEs for the RM division.

The increased funding will ensure the integrity of the Departmental RM program. The additional FTEs will support the Agency Records Officer across the Department complete critical records inventories, update file plans and records schedules, establish an entirely digital infrastructure, maintain an electronic records platform, and incorporate multiple recommendations from the National Archives and Records Administration's assessment that uncovered serious weaknesses in the ability of the Department to properly manage records. Poor records management creates serious operational and legal risks that include sanctions and possible criminal penalties pursuant to 18 U.S.C. §2071 for the unlawful destruction of records. Poor records management also prevents the Department from realizing the administration's goals, as it lessens the integrity of the federal records we maintain for our day-to-day business.

2. An increase of \$2,600,000 and 2 FTEs to establish the FOIA function within OIA.

A democracy requires accountability, and accountability requires transparency. The FOIA encourages accountability through transparency and most importantly demonstrates the integrity of our programs through records releases. Moving the appropriations for the Department's FOIA program from the staff offices, agencies, and mission areas realigned to the OIA and establishing a direct appropriation will facilitate the process of the OIA being a true stand-alone office similar to the OE and will ensure integrity of agency records. It will also ensure the continued funding of the existing FOIA activities and services to include the coordination of multi-component requests, standardized training for FOIA professionals, preparation of the statutorily required reports, and assistance with various litigation matters. Collectively, these activities will aid the Department in avoiding the payment of costly attorney fees and court costs for the failure to timely respond to records requests.

The \$2.6 million request for FOIA includes the cost of contractor support services, licenses for our enterprise wide tracking database, maintenance of the National FOIA portal, and salaries for the two existing FTEs.

**GEOGRAPHIC BREAKDOWN OF OBLIGATIONS AND FTEs**

**Table OIA-6. Geographic Breakdown of Obligations and FTEs (thousands of dollars, FTEs)**

State/Territory/Country	2020		2021		2022		2023	
	Actual	FTE	Actual	FTE	Estimated	FTE	Estimated	FTE
District of Columbia	-	-	-	-	-	-	15,939	9
Total, Available	-	-	-	-	-	-	15,939	9

**CLASSIFICATION BY OBJECTS**

**Table OIA-7 Classification by Objects (thousands of dollars)**

Item No.	Item	2020 Actual	2021 Actual	2022 Estimated	2023 Estimated
	Personnel Compensation:				
	Washington D.C. ....	-	-	-	\$1,272
11	Total personnel compensation .....	-	-	-	\$1,272
12	Personal benefits.....	-	-	-	468
13.0	Benefits for former personnel.....	-	-	-	1
	Total, personnel comp. and benefits .....	-	-	-	1,741
	Other Objects:				
23.3	Communications, utilities, and misc. charges.....	-	-	-	3
24.0	Printing and reproduction .....	-	-	-	2
25	Other contractual services .....	-	-	-	
25.2	Other services from non-Federal sources .....	-	-	-	12,000
25.3	Other goods and services from Federal sources.....	-	-	-	2,191
26.0	Supplies and materials .....	-	-	-	2
	Total, Other Objects .....	-	-	-	14,198
99.9	Total, new obligations .....	-	-	-	15,939
	DHS Building Security Payments (included in 25.3) .....	\$-	\$-	\$-	\$3
	Position Data:				
	Average Salary (dollars), ES Position .....	-	-	-	\$189,095
	Average Salary (dollars), GS Position.....	-	-	-	\$126,388
	Average Grade, GS Position.....	-	-	-	14.1

**Advertising Expenditures**

There are no contracts for advertising expenses to report.

**STATUS OF PROGRAMS**

*Freedom of Information Act (FOIA) Division:* The FOIA, 5 U.S.C. §552, requires executive agencies to disclose agency records, except for those records that are protected from disclosure under one or more of the nine statutory exemptions or three statutory exclusions.

The OIA's *FOIA Division* (OIA-FOIA) serves as the focal point for USDA's FOIA program. Accordingly, it provides day-to-day coordination and ensures statutory compliance with the FOIA. The OIA-FOIA also processes FOIA requests, consultations, and appeals on behalf of all USDA staff offices except the Office of the Inspector General. The OIA-FOIA also handles the FOIA functions for the Research, Education and Economics and the Trade and Foreign Agricultural Affairs mission areas. Other recent services of the OIA-FOIA include the creation of a contract vehicle for the Department's FOIA program to expeditiously procure FOIA support services, guidance on FOIA hiring actions, development of performance plans, creation of a FOIA resource repository, and the development of internal operating procedures.

*Records Management (RM) Division:* In accordance with the Federal Records Act (FRA), 44 U.S.C. § 3301, the USDA must create and manage information that documents its work, safeguard information that needs to be protected, and keep or dispose of records according to an approved records schedule.

**Current Activities**

The OIA-FOIA is actively working to meet its mid-year backlog reduction milestones, revamping the Departmental website to make it more user friendly, and updating existing standard operating procedures to reflect efficiencies realized while USDA was in a maximum telework posture.

Recognizing the importance of protecting the integrity of the Department's records and reducing the litigative risks associated with poor recordkeeping practices, the OIA's Records Management Division (OIA-RM) continues its work on its multi-year plan to rebuild the Department's RM program, specifically to standardize RM training, raise the visibility of RM, create a framework to begin the process of creating an entirely digital infrastructure for USDA's programs, and ensure statutory compliance with the FRA.

**Select Examples of Recent Progress by OIA**

- OIA-FOIA greatly impacts performance on the Department's FOIA portfolio. The OIA-FOIA was able to further reduce its initial FOIA request backlog by 39.1 percent and lead the Department to realize a 20 percent backlog of for its overall initial requests. The OIA-FOIA also ensured an 80 percent reduction in the Department's FOIA administrative appeals and closure of the Department's ten oldest administrative appeals. With respect to processing times, a 26 percent reduction was realized for simple requests.
- The OIA-RM developed and executed several training initiatives. The first was a standardized RM training program for onboarding and exiting senior leaders across the Department to ensure continued compliance with the FRA. The OIA-RM established for the first time a program for USDA Agency Records Officer (AROs) to complete the necessary training requirements for the National Archives and Records Administration's ARO credential as a cohort, beginning in October 2021 and concluding October 2022, that addresses training deficiencies with the current AROs. And finally, the OIA-RM deployed mandatory annual RM training for approximately 108,000 employees and contractors.
- With the support of the Office of the Secretary, the OIA-RM also spearheaded a campaign to institute for the first-time senior level RM champions across the Department. As part of this initiative, the OIA-RM created a champions' plan based on the RM maturity model, which highlights three domains of accountability. These domains were translated into three major areas where RM champions can help achieve compliance. By strengthening stewardship, our champions were advised that they can maximize USDA's value with the integrity needed to provide all Americans access to USDA programs.
- The OIA-RM also successfully deployed Capstone, an automated policy, to manage USDA's emails. In the coming years, this will translate into millions of email records being preserved in authorized digital formats for their eventual accessioning into NARA and millions of dollars in cost savings, as the Department will no longer pay to maintain all emails in perpetuity.