



**DEPARTMENT OF AGRICULTURE
CHIEF FREEDOM OF INFORMATION ACT
OFFICER REPORT**

March 2011

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PART I: Steps Taken to Apply the Presumption of Openness

Section Guidance

1. Describe the steps your agency has taken to ensure that the presumption of openness is being applied to all decisions involving the FOIA. To do so, you should answer the questions listed below and then include any additional information you would like to describe how your agency is working to apply the presumption of openness.
 - a) Describe how the President's FOIA Memorandum and the Attorney General's FOIA Guidelines have been publicized throughout your agency.
 - b) What training has been attended and/or conducted on the new FOIA Guidelines?
 - c) How has your agency created or modified your internal guidance to reflect the presumption of openness?
 - d) To what extent has your agency made discretionary releases of otherwise exempt information?
 - e) What exemptions would have covered the information that was released as a matter of discretion?
 - f) How does your agency review records to determine whether discretionary releases are possible?
 - g) Describe any other initiatives undertaken by your agency to ensure that the presumption of openness is being applied.
2. Report the extent to which the numbers of requests where records have been released in full and the numbers of requests where records have been released in part has changed from those numbers as reported in your previous year's Annual FOIA Report.

USDA Response¹

1. USDA has taken the following steps to ensure that the presumption of openness is being applied to all decisions involving the FOIA.
 - a) The President's memorandum and the Attorney General's guidelines were widely disseminated throughout USDA. The materials were posted on USDA's FOIA website so that they would be accessible to all USDA employees and the public.

Review of records for public release, and application of all FOIA exemptions, are treated according to the guidelines set forth in the 2009 Memoranda by the President and the Attorney General, wherein a high threshold has been set for withholding information. Information that is embarrassing to agency officials, or which shows evidence of agency errors or omissions, is not withheld for those reasons. Highlights of USDA agency efforts to administer the FOIA in a manner that reflects the nation's fundamental commitment to open government follow below.

 - The President's memorandum and the Attorney General's guidelines were widely disseminated throughout Agricultural Marketing Service (AMS). The clear presumption in favor of disclosure was shared with senior management during staff meetings and retreats. The AMS FOIA Officer provided and discussed the memorandum and guidelines with all AMS staff handling FOIA requests.

¹ Please see Appendix A for definitions of USDA component agency acronyms.

- Animal and Plant Health Inspection Services (APHIS) Associate Administrator, Kevin Shea distributed the President's FOIA Memorandum and the Attorney General's FOIA Guidelines to every APHIS program Deputy Administrator. Mr. Shea affirmed his commitment to openness and outlined specific steps that APHIS took to increase the amount of information posted to the FOIA reading room. The memorandum and guidelines are posted on the APHIS website at www.aphis.usda.gov/footer_items/foia.shtml.
 - Farm Service Administration (FSA) published a formal Notice, INFO-36, on May 6, 2009, alerting all FSA offices of the President's FOIA Memorandum and the Attorney General's FOIA Guidelines and provided guidance on how to apply them. The content of this Notice was discussed on the monthly teleconference that FSA holds with State FOIA/PA Officers and staff of its national FOIA offices. State FOIA/PA Officers discussed the content of this Notice with their respective County Offices.
 - The Forest Service (FS) continues to take positive steps at all levels of the agency to meet the requirements in the President's FOIA Memorandum and Attorney General's FOIA Guidelines. The Washington Office (WO) FS FOIA Service Center analysts and the field FOIA analysts at Service Centers located in Region/Station/National Forest Offices nationwide continue to conduct telephone conferences or on-site visits. These conferences and visits ensure that records are being properly reviewed, that releasable information is segregated for release, and that information which can be discretionarily released is released unless a specific harm to agency processes has been identified in writing. New personnel to the FOIA program are also informed about the above requirements. In addition, FS is currently working on a project to create basic FOIA training for all Forest Service employees.
 - National Resources Conservation Service (NRCS) issued a national bulletin in 2009 to all State FOIA officers regarding the President's Memorandum on Openness. This bulletin was shared with all of NRCS' field offices in every State. In September 2009, a teleconference was held with State FOIA officers that emphasized the President's Memorandum and discussed how transparency should be used when viewing FOIA requests for the first time.
 - Risk Management Agency (RMA) continues to emphasize the importance of meeting the FOIA challenges as outlined in the President's FOIA Memorandum and the Attorney General's FOIA Guidelines. The guidelines on Open Government are available on the agency's website and have been incorporated into the agency's policy and procedures on releasing information. RMA has meetings with system managers and facilitates dialogue on best practices with regional offices that provide information and assistance in facilitating the FOIA requests. These offices are system owners who proactively provide a variety of crop insurance records, reports, information and data for use by industry owners. We have aligned the management of FOIA to the RMA Strategic Plan's Management Initiative III, which includes RMA's emphasis on Open Government. RMA's performance measure is compliant with the guidelines as outlined in the President's FOIA Memorandum.
- b) USDA FOIA officers promote training opportunities available through the Department of Justice's Office of Information Policy (OIP), the USDA Graduate School. Available course information is announced in the FOIA Post. USDA FOIA Officers attended all Department of Justice (DOJ)-sponsored training events in FY 2010.

Highlights of USDA agency efforts to attend and deliver training related to the new FOIA guidelines follow below.

- APHIS staff conducted internal training for FOIA liaisons, individual FOIA programs and APHIS stakeholders. Last year, their office invited all staff members of the APHIS Raleigh Regional Offices to attend internal FOIA training. The training consisted of FOIA processes, time deadlines, fees, and E-FOIA and openness implementation. Over 60 APHIS employees attended the training.
- APHIS staff provided E-FOIA and FOIA processes training to the Office of Veterinary Services and their business stakeholders. This training was specifically designed to address FOIA basics, E-FOIA and transparency, and how to proactively post and protect confidential business information. The training was also designed to not only internally train APHIS employees but to familiarize APHIS stakeholders with the submitter notice process and the types of information that APHIS posts to its E-FOIA reading room. The training was attended by 30 APHIS employees and 50 stakeholders.
- The Departmental Management (DM) FOIA Officer provides training to all staff offices to maintain a common standard of application of the FOIA exemptions according to the established guidelines.
- Food and Nutrition Service (FNS) provided training in three regions covering the President's FOIA memorandum and the Attorney General's FOIA guidance. Open Government is covered during annual supervisor training and explained to senior management the clear presumption is in favor of disclosure.
- The Foreign Agriculture Service (FAS) FOIA Officer attended the two day Department of Justice Training session for FOIA professionals in Washington DC in February 2010, and also the DOJ FOIA Litigation Seminar offered later in the year (July), also in Washington.
- The FS FOIA Service Center provided training and guidance to field office service center analysts and WO program area FOIA Coordinators. FS conducted regularly scheduled bi-monthly teleconferences; providing guidance on implementing FOIA, and responding to any questions regarding processing of requests. When the need arose, teleconferences were conducted on a more frequent basis. All field FOIA personnel were encouraged to call the WO FOIA Service Center when questions arose regarding request processing or implementing FOIA. More recently, FS posted a training video on their website allowing FOIA analysts to be trained on their agency's new nationwide electronic FOIA Tracking system.
- NRCS provided the President's Memorandum and discussed openness in all the training sessions they conducted. In January and October 2009, State employees attended live training sessions where copies of the Memorandum were provided along with a discussion on transparency and the importance of keeping the public informed about their government's activities. In October 2010, a training webinar was completed for newly hired employees through the agency's National Development Center. The Memorandum was provided in a binder of FOIA materials and a discussion on transparency was included in the training.
- In FY 2010, the Office of the General Counsel (OGC) filled two vacant staff attorney positions with responsibilities for OGC's FOIA function in addition to other duties. Both staff attorneys attended the three-day FOIA/Privacy Act training course sponsored

- by the Department of Justice. The Attorney General's guidance regarding openness was emphasized throughout the training. In addition to this formal training, OGC staff attorneys instructed FOIA practitioners at client agencies about openness issues during one-on-one meetings as appropriate. OGC employees primarily responsible for OGC's FOIA function had recurring collaborative meetings which allowed them to share concerns and ideas regarding particular FOIA matters or FOIA in general. The presumption of openness was raised on numerous occasions during these meetings.
- The Research, Education, and Economics (REE) FOIA Officers attended the following training on the new FOIA Guidelines: Government-wide training conference for Chief FOIA Officers and Principal FOIA Contacts, by Office of Information Policy, Department of Justice, January 12, 2010; Dispute Resolution Skills Training for FOIA Public Liaisons, by Office of Government Information Services (OGIS), Federal Energy Regulatory Commission, and Office of Information Policy, Department of Justice, March 23, 2010; ASAP Annual Symposium & Training Conference, December 1-2, 2010.
 - RMA FOIA personnel attended all training provided by the Office of Information and Privacy for FY 2010, specifically the December 1 – 3 Annual 2010 ASAP Symposium and Training Conference. Best practices and strategies on how to facilitate more proactive disclosures on the RMA website were discussed with RMA leadership as a result of this training. RMA conducted meetings and discussions with the USDA FOIA office to ensure consistent application of the guidelines. The FOIA Office provided training to field offices regarding search requirements and other procedural requirements as well as Privacy and transparency issues.
 - Rural Development (RD) conducted training through formal Webinar sessions and one-on-one training sessions with State Office personnel.
- c) By processing every FOIA request, USDA officials are reminded of the presumption of openness and the intent for maximum transparency, minimum redactions and full disclosure to the greatest extent possible.

Highlights of USDA agency efforts to develop and enhance guidance to reflect the presumption of openness follow below.

- The APHIS FOIA Work Guide was updated to include the President's FOIA Memorandum and Attorney General guidelines.
- FSA published a formal Notice, INFO-36, on May 6, 2009, providing guidance on how to apply the presumption of openness to the processing of FOIA requests. (Note: Within FSA, internal guidance is disseminated by Notices and Handbooks. Notices function as initial announcements of policy and procedural changes that are later consolidated into program Handbooks.)
- FSIS continued to expand the amount of data already available in its comprehensive Electronic Reading Room Website:
http://www.fsis.usda.gov/FOIA/FSIS_Electronic_Reading_Room/index.asp.
For example, having received numerous FOIA requests from consumer groups for microbiological testing data on pathogens such as Escherichia coli O157:H7 and Salmonella, FSIS routinely posted this data on its Website:
http://www.fsis.usda.gov/science/data_collection_&_reports/index.asp.

- Grain Inspection, Packers and Stockyards Administration’s (GIPSA) internal guidance and the guidance that is posted on the Agency’s website for the public reflects the Agency’s “spirit of openness.”
 - The Office of the Chief Financial Officer (OCFO) adjusted reporting guidance to facilitate making data available on the OCFO website. OCFO prepared the Data Quality Plan, per OMB guidance, and included in it mechanisms for making databases available on the OCFO website.
 - The REE FOIA Office updated P&P 116.0~FOIA Guidelines, providing staff with policy and guidance about the REE FOIA operations and the presumption of openness.
 - RMA, with their longstanding policy of proactively providing information on their website, reinforced this practice through increased dialogue with OGC, ensuring they were releasing records whenever possible. Additionally, the RMA FOIA Officer visited the system owner and designated the agency-wide responsibility to facilitate guidelines on new RMA disclosure policy. RMA reviewed current policy and procedures and are in the process of drafting new guidelines that reinforce new policy changes as directed by the new guidelines for Open Government and the Attorney General’s guidance.
 - RD regulations for the agency were reviewed to ensure they were in compliance with the directives issued by the President and the Attorney General. In addition, a Standard Operating Procedure (SOP) was developed for use by the FOIA staff to follow. The SOP includes detailed administrative procedures which include the requirements of the directives issues and serve as a guideline to ensure that the directives were being followed.
- d) In the spirit of openness, the USDA Open Government (“Open Gov”) webpage – usda.gov/open – is prominently linked on the USDA website. The Open Gov pages contain links to High Value Data Sets (for example, recently-posted information includes historical data on the food sweetener market from FSA; and statistics on the potato, strawberry, sweet corn, and tomato markets from the USDA Economic Research Service). The Open Gov Web site and high-value data sets demonstrate USDA’s commitment to proactively provide information that might have been withheld in the past as a matter of discretion. It provides interactive features including a discussion area for public sharing of ideas on government transparency, collaboration, and innovation.
- e) USDA primarily targeted Exemption 5 of the FOIA in an effort to increase discretionary disclosures. FOIA officials were asked to identify harm that could result if information was released. If harm could not be demonstrated, USDA sought to release pre-decisional discussions, recommendations, and drafts. USDA also reduced usage of Exemption 2 (low 2) withholdings when, again, no foreseeable harm was predicted from such a release.
- f) USDA records were reviewed on a line-by-line (or data element by data element, depending on whether the information requested is maintained in paper or electronic format) to determine if any of it is protected by any of the nine FOIA exemptions. If information was determined to be protected by Exemptions 2 (low 2) or 5 (deliberative process privilege), FOIA processors were instructed to consider making discretionary releases of this information unless, as in the case of Exemption 5, harm to the deliberative process could reasonably be foreseen as a likely consequence of making such a release. Because USDA’s FOIA process is highly decentralized, there was no centralized review either of FOIA responses in general, or individual agency decisions with respect to the making of discretionary releases.

g) USDA is embarking on a cultural transformation effort whereby it will continue to make more information available publicly. USDA has socialized the concept that when in doubt, release of information is preferred over withholding.

2. As demonstrated in the table below, USDA has increased the amount of records that were released in full, while the number of records that were released in part denied in full based on exemptions decreased during FY 2010.

Fiscal Year	Number of Full Grants	Number of Partial Grants	Number of Full Denials
2010	15,415	1,949	393
2009	8,097	2,593	481

PART II: Steps Taken to Ensure that an Effective System is in Place for Responding to Requests

Section Guidance

Describe here the steps your agency has taken to ensure that your system for responding to requests is effective and efficient. This section should include a discussion of how your agency has addressed the key roles played by the broad spectrum of agency personnel who work with FOIA professionals in responding to requests, including, in particular, steps taken to ensure that FOIA professionals have sufficient IT support. To do so, answer the questions below and then include any additional information that you would like to describe how your agency ensures that your FOIA system is efficient and effective.

- a) Do FOIA professionals within your agency have sufficient IT support?
- b) Describe how your agency's FOIA professionals interact with your Open Government Team.
- c) Describe the steps your agency has taken to assess whether adequate staffing is being devoted to responding to FOIA requests.
- d) Describe any other steps your agency has undertaken to ensure that your FOIA system operates efficiently and effectively.

USDA Response

Responsibility for administering FOIA falls to each agency and staff office in USDA. Networks of FOIA professionals ensure that information is promulgated effectively. Agency FOIA Officers work with a broad spectrum of agency personnel to locate responsive records and process FOIA requests. USDA will implement a departmental FOIA management system in FY 2011, which will improve USDA's ability to respond effectively, efficiently, and consistently to FOIA requests received by USDA agencies throughout the nation.

- a) FOIA request volume and complexity varies widely from agency to agency within USDA. As such, IT support and sophistication has varied depending on an agency's need. As USDA implements a departmental FOIA management system in FY 2011, a robust IT system will be available to all USDA agencies. USDA agencies are also able to receive and track FOIA requests electronically. USDA is making greater use of software to perform redactions on records electronically, and is increasingly releasing FOIA responses through agency Web sites and other electronic media, such as compact disks. Some examples of IT currently in use by USDA agencies follow below.
 - The APHIS FOIA Office is supported by a dedicated IT staff person employed by Legislative and Public Affairs (LPA). Further, the APHIS Technical Assistance Center (ATAC) provides computer and network support to the FOIA staff. The FOIA Office utilizes ATAC to answer troubleshooting calls and resolve software, server, and email issues. Additionally, the FOIA office currently uses redaction software to electronically redact documents. APHIS' internal IT staffer provides direct support for their redaction software.
 - In FY 2008, FSA automated the process of responding to the annual FOIA report, developing and implementing a FOIA procured system by which FOIA (and FOIA/PA) requests might be logged and tracked. In FY 2009, the FOIA procured system was enhanced to enable "real-time" use for the day-to-day monitoring of the status of FOIA

pending requests. It was also modified to enable FSA to determine, at any point in time, which requests were in backlog status.

- GIPSA's FOIA Officer receives excellent and timely support from the Agency's webmaster regarding postings on GIPSA's public website and FOIA Web site. GIPSA's Information Technology (IT) Staff provided exceptional IT support to the FOIA program during FY 2010 by converting thousands of electronic mail and other documents to .pdf format so they could be reviewed and redacted electronically.
 - The Office of the Inspector General (OIG) FOIA Staff receives outstanding IT support using a FOIA procured system that provides all functions required for FOIA tracking.
 - The REE FOIA Office receives excellent IT support from both the Information Staff (IS), which is where the FOIA Office is located, and the ARS Office of the Chief Information Office (OCIO). The Information Specialist updates and maintains key ARS websites including the REE FOIA Web site, in addition to providing basic frontline computer support such as handling routine computer hardware and application matters, and installing printers, scanners, and other peripheral devices. The Customer and Technical Services Branch OCIO addresses technical issues relating to information security, networking connectivity, databases and the email system.
 - RMA FOIA staff and personnel have the necessary tools such as software, IT programs and hardware to meet the everyday challenge and demand to process and gather data to provide timely responses to requesters. For example, RMA receives a number of requests for data which is retrieved from the Data Acceptance System (DAS). Information from this system covers a broad spectrum of information such as: coverage level, acres, yield and eligibility as it pertains to the Crop Insurance Program. There are IT teams and program officials that identify on an on-going basis needed technology and information of interest to the public. The FOIA office is provided with scanners, shredder, laptops and printers to adequately manage, track and protect the information it processes for FOIA requests.
 - The RD OCIO provides a direct link between IT and the customers it serves. This organization is responsible for direct and indirect customer and technical support (hardware and software) on all platforms in a liaison capacity which effectively responds to the customer's questions and problems. The CIO and its departmental service provider maintain an electronic Help Desk that allows the FOIA staff to enter a request for IT assistance and resolve it quickly.
- b) The development of USDA's Open Government plan was a collaborative process that included FOIA professionals throughout the department. FOIA and transparency has been a perpetual agenda topic at subsequent Open Government working group meetings. As a result, Open Government requirements have been integrated into performance plans for several key executives within the department, access to payment information on FSA's Frequently Requested Records page on its Web site has been broadened, and RMA system of record owners have proactively provided a variety of crop insurance records, reports, information and data for use by industry participants.
- c) USDA agencies routinely review staffing plans and critical tasks, including FOIA, in order to formulate budget estimates. As described above, the volume and complexity of FOIA requests vary from agency to agency within USDA, and, as such, staffing levels also vary. USDA agencies with state and local presence have found ways to share resources among offices in order to respond when surges occur throughout the nation. Several USDA

agencies gave specific attention to staffing coordination roles within their program offices during FY 2010 to establish and meet response timelines, increase customer satisfaction, and ensure that backlogs, where they exist, are appropriately addressed.

- d) In many cases USDA agencies are able to manage all aspects of the FOIA with existing staffing and IT support. Nevertheless, several USDA agencies took additional steps in FY 2010 to ensure that FOIA programs are continuously improving.
- When necessary in processing individual requests, the AMS FOIA Officer contacts program offices and appropriate staff members to ensure adequate searches are being performed for responsive documents, determining the originator of information, or to clarify a potential adverse impact of a specific disclosure to an identified government or personal privacy interest (PPI) protected by exemptions in both Acts. The FOIA Officer also, on occasion, provides support and assists in the preparation and/or revision of FOIA responses, as well as the review of responsive documents, ensuring that the appropriate FOIA exemptions are cited and redactions are done in accordance with the FOIA.
 - APHIS has taken a number of strategic and proactive actions, aimed at reducing the number of requests in the backlog, reducing the number of incoming FOIA requests, and increasing the FOIA staff's overall productivity, including:
 - Organized strike teams with additional program staff to assist with processing.
 - Hired contractors to assist with FOIA processing.
 - Worked with programs to reduce response times.
 - Utilized an Access database to accurately keep track of requests.
 - Posted more information and records on the APHIS Web site.
 - The FS will be installing a "Public Access Link" to the agency Web site. Once installed and operational, a requester will be able to review the current status of his/her request at any time during the process. The requester may also be able to upload a request and even download responsive records electronically.
 - OIG recently examined internal work practices in order to better identify delays in their FOIA processing methods. In November, OIG created a spreadsheet using commercial off the shelf spreadsheet program allowing them to streamline their FOIA processes and quickly identify, on a case by case basis, any processing delays. This spreadsheet will enable staff to provide more accurate estimated completion dates to requesters, as required under the FOIA.
 - The REE FOIA Office added a feedback section to the agency Web site to allow requestors the opportunity to provide comments on their experiences as well as suggestions for improvements by submitting an email directly to the REE FOIA Office.

PART III: Steps Taken To Increase Proactive Disclosures

Section Guidance

Describe here the steps your agency has taken to increase the amount of material that is available on your agency website, including providing examples of proactive disclosures that have been made since issuance of the new FOIA Guidelines. In doing so, answer the questions listed below and describe any additional steps taken by your agency to make proactive disclosures of information.

- a) Has your agency added new material to your agency website since last year?
- b) What types of records have been posted?
- c) Give examples of the types of records your agency now posts that used to be available only by making a FOIA request for them.
- d) What system do you have in place to routinely identify records that are appropriate for posting?
- e) How do you utilize social media in disseminating information?
- f) Describe any other steps taken to increase proactive disclosures at your agency.

USDA Response

USDA FOIA Web sites contain a variety of information chosen to proactively satisfy the public need for information about USDA activities, including transcripts, video and audio files. When the graphical display of data is beneficial, it is presented alongside substantive factual information. For example, information regarding USDA's American Recovery and Reinvestment Act (ARRA) activities is prominently linked to USDA's main Web site.

- a) USDA agencies added new content to many and various agency Web sites during FY 2010. Some of USDA's larger agencies add content on a daily basis, while smaller agencies have processes in place to ensure that new content is added as appropriate.
- b) The Department's Open Government Web site was the focus of much attention during FY 2010 as a means to provide new and highly valuable data sets. A simple search for USDA data sets on Data.gov now returns 23 data sets. Many more releases are planned for release in FY 2011. Additionally, examples of USDA efforts to increase the amount of records available through agency Web sites follow below.
 - The ARS website is routinely updated to provide information on current research projects, news releases and publications in order to disseminate ARS information as widely as possible. Information about ARS research projects is uploaded on a regular basis on the ARS website. The ongoing studies on possible causes of the devastating honey bee disease known as Colony Collapse Disorder (CCD) is a topic of great interest to the public. ARS regularly disseminates news reports on its work in this area, and has recently posted its latest compilation of research and results on CCD online at <http://www.ars.usda.gov/is/br/ccd/ccdprogressreport2010.pdf>. ARS research results are regularly uploaded onto the TEKTRAN database, which forecasts the future of food, nutrition, and food safety; crops and livestock; natural resources and sustainable systems; industrial products; and new and emerging technology. ARS publishes Food and Nutrition Research Briefs, which provide information on current research projects. One of the projects featured in the Food and Nutrition Research Briefs reports that blood levels of zinc in the elderly can be a key indicator of an older person's vulnerability to pneumonia (<http://www.ars.usda.gov/is/pr/2010/100810.htm>); another important finding is that lower levels of a particular B vitamin, called folate, in seniors is associated

with symptoms of dementia and poor brain function, also called “cognitive decline,” as determined by standard tests of memory and other factors (<http://www.ars.usda.gov/is/pr/2010/100817.htm>).

- The National Agricultural Library (NAL) is the world's largest library devoted to agriculture, covering crops, animals, food, nutrition, safety, health, water quality, invasives, and much more. NAL updates its extensive Web site on a regular basis, including databases such as AGRICOLA and the Food Safety Research Information database. Examples of REE websites included in Science.gov are Agricultural Research Magazine (ARS); Agricultural Research Service; Agricultural Research Service Photo Gallery; Agriculture in the Classroom (NIFA); Current Research Information System (CRIS) (NIFA); J. Phil Campbell Conservation Research Center; Journal of Extension (NIFA); Quick Stats (NASS); Sustainable Agriculture Research and Education (SARE) National Database of Projects (NIFA); USDA Economic Research Service – Briefing Rooms (ERS); and USDA-NASS Census of Agriculture.
- Economic Research Service’s (ERS) website is updated continually to provide current online databases, data tools, data sets and publications in order to disseminate ERS information as widely as possible. All ERS research reports, market analysis outlook reports and online data tools and databases are posted on the ERS website. The “About ERS” section posts a number of official documents, including important ERS policy documents, data pertaining to information quality guidelines, EEO/No Fear equal opportunity employment data, and peer review information: <http://www.ers.usda.gov/AboutERS>. ERS provides timely research and analysis to public and private decision makers on topics related to agriculture, food, the environment and rural America. The ERS Strategic Plan for FY 2008-2012 can be found at: http://www.ers.usda.gov/AboutERS/ERSstrategicPlan2007_2012.pdf.
- This strategic plan is being updated and will be posted online when completed. ERS has an ongoing Records Management Committee that reviews and updates agency policies and procedures for document retention and disposition. The ERS FOIA officer is a member of this committee, and reviews documents that may have been subject to FOIA requests in the past for their appropriateness for posting.
- NASS routinely views information suitable for release unless it is specifically prohibited by Federal law. Federal law prohibits disclosure of individual survey responses, release of estimates that allow the public to deduce an individual’s information, and release of any sampling lists maintained by the agency. NASS will withhold any information that may cause an unfair advantage in the marketplace. Applications systems include internal checks to identify information that must be suppressed. NASS documentation on methodology, survey questionnaires, policies, and standards has always been available upon request. These are shared freely with the private sector, other government agencies, and their colleagues around the world without a formal FOIA request.
- National Agricultural Statistics Service (NASS) operates a Data Lab which facilitates customer access to existing NASS datasets within the laws prescribed under Title 7 and CIPSEA. Researchers with projects beneficial to all of agriculture may be given supervised access to micro datasets at NASS locations. Any summary product the customer wishes to remove from the lab must be reviewed and approved by NASS staff to ensure respondent confidentiality is not compromised. NASS will establish a Data Lab in a Field Office most convenient to the customer. The Headquarters Data Lab has

two full-time staff that performs special tabulations requested by customers through the web page or directly to their offices. The customer provides the specifications and, if the data requested exists, NASS programs the request. Most requests are for census of agriculture data on very specific subjects for which they do not have a broad user community. Tabulations are reviewed for disclosure before being released. All special tabulations are in the public domain. NASS maintains a bibliography of released tabulations for which anyone may request a copy, usually electronically. In FY2010, NASS posted 69 special tabulations. The bibliography can be found at http://www.nass.usda.gov/Data_and_Statistics/Special_Tabulations/Request_a_Tabulation/data-lab-records.html. These services preclude the need for formal FOIA requests.

- The Statistical Policy Office at the Office of Management and Budget (OMB) is pushing all federal statistical agencies to routinely post survey documentation, policies and standards, and statistical quality measures with every report released. NASS has initiated design and development efforts using guidance provided by OMB. All Policy and Standards Memoranda related to surveys and estimation will be posted. All questionnaires will be available and survey processes and definitions will be documented and posted. Quality measures, such as response rates and precision estimates, associated with commodity estimates will be made available for each report.
- NASS established a Twitter account and began tweeting on February 4, 2009, in conjunction with the release of results of the 2007 Census of Agriculture. We generally tweet at least once a day, providing data highlights from recently released statistical reports, information about surveys currently underway, fun facts from the Census of Agriculture and links to NASS news releases and statistical reports when appropriate.
- National Institute of Food and Agriculture (NIFA) proactively updates their website on a daily basis. Procedures are in place for NIFA staff to submit website materials for editing, program changes and new and/or updated pages as necessary. Information posted to the website includes grant announcements and funding opportunities, Request for Applications (RFAs), budget information, press releases, and newsletters; adding new pages dealing with research, education, and extension programming, pertinent speeches and Congressional testimony, reports and publications; updating individual grant program pages; and annually updating events and directories.
- As of October 1, 2010, NIFA's reorganization became official. NIFA began posting information about the agency's restructuring and reorganization as stipulated in the Food, Conservation, and Energy Act of 2008 (Farm Bill.) Changes occurred on the entire website; included NIFA's name change to identifying their new structure, new programs, the four new institutes, new Center for International Programs and the new divisions under each institute:
 - Institute of Food Production and Sustainability,
 - Institute of Bioenergy, Climate, and Environment,
 - Institute of Food Safety and Nutrition,
 - Institute of Youth, Family, and Community.
- The About NIFA pages consumed a big part of this process. NIFA also developed a printable Staff Directory (by unit or person) which is searchable by unit, program, funding or position. NIFA organization charts are now available online in html or .pdf. Programs pages were also included in many of the mass changes.

- RMA now posts reviews of their ratings analyses which have been requested by agribusiness owners and universities. For example, RMA Revenue Rating: An Analysis of the Combo Rating Method explains how their newest policy type was rated. The Reference Yield Update Methodology Study revealed how RMA determined reference yields when historical yields are not available. The Review of County Yield Trending Procedures and Related Topics instructed their methods for determining County yield trends.
- Information about grant and loan awards are posted for Rural Development programs which are delivered through their Utilities Programs, addressing rural America's need for basic services such as clean running water, sewers and waste disposal, electricity and telecommunications. RD's Housing Programs, which address rural America's need for single-family and multi-family housing as well as health facilities, fire and police stations, and other community facilities, and; RD Business Programs provides help to rural areas that need to develop new job opportunities, allowing businesses and cooperatives to remain viable in a changing economy. RD has Community Development Programs that operate special initiatives to demonstrate effective community development techniques and address unique and pressing economic development issues. In addition to press releases, the program area Internet websites contain a link for frequently requested information, i.e., copies of successful applications of awardees. Rural Development works in partnership with other entities -- such as state, local, and tribal Governments, private and nonprofit organizations and member-owned cooperatives to revitalize rural areas. RD's programs are provided across the nation through 47 state offices and 800 area and local offices.
- APHIS continues to work with the Animal Care office to review and post Inspection Reports to the E-FOIA Reading Room. APHIS created a searchable database that allows the public access to over 50,000 inspection reports covering the last three years. Once the AC inspection reports were posted, the number of incoming FOIA requests were reduced by 35%. The inspection reports are located at http://www.aphis.usda.gov/animal_welfare.
- APHIS reviewed and posted over 1,500 Annual Reports for Research Facilities for 2009.
- APHIS linked to the BRS applications for genetically engineered permits, notifications, and petitions available at www.data.gov.
- APHIS LPA FOIA Office posted over 140 FY10 FOIA responses, including a copy of the request, the FOIA response, and agency records. The public can search their previous responses to quickly obtain records.
- b) FSA posted electronic records containing the names, addresses, and payment amounts of recipients of farm program payments. These are available at the following URL: <http://www.fsa.usda.gov/FSA/webapp?area=newsroom&subject=landing&topic=foi-cr-fri>
- FNS publishes a wide variety of informational and educational periodicals, pamphlets, brochures, leaflets, guides, and educational aids explaining the operation of FNS food assistance programs. FNS also publishes summaries of objectives and findings of completed studies and projects concerning evaluation of FNS food assistance programs. Current and historical information on FNS food assistance program size, monetary

- outlays, geographic distribution, racial and ethnic participation rates, and other data is published throughout the year.
- FSIS continues to expand the amount of data available in its comprehensive Electronic Reading Room Website. In addition to the numerous records already available, an example of frequently requested records that have been posted subsequent to the issuance of the new FOIA Guidelines would be the addition of the Meat, Poultry and Egg Product Inspection (MPI) Directory in a Microsoft Excel format. Due to a large number of FOIA requests received through the MPI directory, FSIS posted the PDF version in the Electronic Reading Room: http://origin-www.fsis.usda.gov/Regulations_&_Policies/Meat_Poultry_Egg_Inspection_Directory/index.asp
 - FAS maintains over 60,000 documents online. Each FAS program has thousands of pages of documents, ranging from educational material to data that report program activity. Other materials include press releases, program notices, regulations, production and trade figures and related data bases.
 - The National Appeals Division (NAD) allows the public to search for Hearing, Review, Appealability and Equal Access to Justice Act (EAJA) determinations at: http://www.nad.usda.gov/public_search.html.
 - OCFO made information on official travel by USDA personnel available to the public for searching, download and manipulation.
- c) Much of the data described above was previously available only by making a FOIA request.
- d) USDA agency FOIA Operational Plans identify several steps to identify appropriate records for proactive posting. Agencies evaluate the requests of media, congressional and FOIA stakeholders to determine the types of information being requested, and specifically target those types of information to be posted. Additionally, FOIA Officers are given a weekly list of upcoming press releases and their office works with the programs to identify and review records that can be posted along with press releases.
- e) USDA's use of social media technologies increased significantly during FY 2010. Highlights of USDA agency progress follows below.
- NAL has utilized social media, including blogs, Facebook accounts and Twitter services, for several years to disseminate information about agriculture. As of February 9, 2011, the NAL Twitter site has 5,633 Followers and 425 Lists that follow NAL; NAL's Food Safety Information Center Twitter site has 11,631 Followers and 745 Lists; and NAL's Animal Welfare Information Center Twitter site has 922 Followers and 42 Lists.
 - ARS uses Twitter to disseminate their research findings. As of February 9, 2011, the ARS Twitter site has 831 Followers and 74 Lists following ARS.
 - ERS uses Twitter to disseminate information about new reports and data resources. Followers of ERS's Twitter feed get notices of new economic and policy analysis and new data as they become available. As of February 9, 2011, the ERS Twitter site has 1,662 Followers and 122 Lists following ERS.
 - As of February 9, 2011, the NASS Twitter site has 2,717 Followers and 174 Lists following NASS. On occasion, NASS produces video feature stories or video news releases in cooperation with the USDA Broadcast Media and Technology Center. These pieces are available to broadcast outlets via satellite upload and are featured on the USDA YouTube channel. NASS also contributes postings to the USDA Blog providing

- information on recently released publications and products, upcoming surveys, and data related to high-interest topics. The blog posts are coordinated with REE and are published as part of the Science Tuesday initiative.
- NIFA uses several tactics in social media to share their message. NIFA has an active Twitter account that is updated almost daily with news, requests for applications and interesting projects from their partners. They maintain a channel on YouTube with videos of projects funded in the past as well as speeches and events. NIFA is a member of the USDA Facebook page and contributes to its content. NIFA is also a member of Science Tuesday, a weekly feature on the USDA Blog that highlights the scientific efforts of USDA. As of February 9, 2011, the NIFA Twitter site has 2,401 Followers and 176 Lists following NIFA.
 - APHIS launched accounts on several social media sites in 2010 and garnered 4,738 views of its YouTube videos, 1,006 Twitter followers, 25,984 Facebook fans and members, and 1,195 views of its Flickr photo sets. Social media like these are helping APHIS reach new audiences, increasing public awareness and understanding of its mission and activities to protect animal and plant health. As a primary example, APHIS Twitter messages are being forwarded by the Agency's 1,000+ followers, amplifying the messages to reach an average of 11,000 additional people each month. Post links to announcements about press releases, blog postings, YouTube videos, outreach campaigns used to educate their stakeholders and the public on APHIS regulations.
 - FSIS increasingly used social media to disseminate information. RSS Feeds are but one method utilized to summarize the latest news and information from its website in a lightweight form that can be easily read by any of a number of news readers or news aggregators. One can subscribe to these feeds and be notified when new information is available. FSIS also utilizes podcasts which can be followed on Twitter.
 - Social media links including Twitter, Facebook, the USDA Blog, Flickr, and YouTube have been added to the FAS Web site home page.
- f) As stated above USDA is earnestly committed to proactively disclosing information to the public. Several notable examples from USDA agencies follow below.
- The ARS News Service provides news reports throughout the week for journalists, educators, scientists, consumers and anyone who with access to the Internet or an e-mail address. Their goal is to regularly send the subscribers something new, interesting and scientifically significant. The ARS News Service is also available in Spanish as El Servicio Noticiero. Every item that the ARS disseminates on the ARS News Service is also available as an RSS feed, a social media tool in which interested parties can sign up to receive any items we post on specified topics relating to research news, available technologies and partnering opportunities. ARS uses Twitter to "tweet" every item that is disseminated on the ARS News Service. ARS also contributes postings to the USDA Blog providing information on the latest news about the research findings. The blog posts are coordinated with REE and are published as part of the Science Tuesday initiative.
 - One example of NAL's proactive information services is the Nutrition Evidence Library, which provides supporting data and information for the 2010 Dietary Guidelines, released on January 31, 2011. NAL also plays a leadership role in cross-governmental information dissemination initiatives. These include nutrition.gov, invasivespeciesinfo.gov and science.gov, the Federal Web portal that provides unified

and simplified access to authoritative U.S. government science information including REE websites and databases.

- Quick Stats is the USDA's NASS online self-service tool to access complete results from the 1997, 2002, and 2007 Censuses of Agriculture and other annual surveys, U.S., State, and county agricultural information, published by NASS. Quick Stats was made available in an online database via www.Data.Gov under the Tool Catalog. This new tool allows custom extracts based on commodity, year, State, and other selection criteria and produces an output file compatible for updating databases and spreadsheets for selected commodities or geographic areas.

PART IV: Steps Taken To Greater Utilize Technology

A key component of the President's FOIA Memorandum was the direction to "use modern technology to inform citizens about what is known and done by their Government." In addition to using the internet to make proactive disclosures, agencies should also be exploring ways to utilize technology in responding to requests. In 2010 agencies reported widespread use of technology in handling FOIA requests. For this section of your Chief FOIA Officer Report for 2011, please answer the following more targeted questions:

Section Guidance

1. Electronic receipt of FOIA requests:
 - a) What proportion of the components within your agency which receive FOIA requests have the capability to receive such requests electronically?
 - b) To what extent have you increased the number of components doing so since the filing of your last Chief FOIA Officer Report?
 - c) What methods does your agency use to receive requests electronically?
2. Electronic tracking of FOIA requests:
 - a) What proportion of components within your agency which receive FOIA requests have the capability to track such requests electronically?
 - b) To what extent have you increased the number of components doing so since the filing of your last Chief FOIA Officer Report?
 - c) What methods does your agency use to track requests electronically?
3. Electronic processing of FOIA requests:
 - a) What proportion of components within your agency which receive FOIA requests have the capability to process such requests electronically?
 - b) To what extent have you increased the number of components doing so since the filing of your last Chief FOIA Officer Report?
 - c) What methods does your agency use to process requests electronically?
4. Electronic preparation of your Annual FOIA Report:
 - a) What type of technology does your agency use to prepare your agency Annual FOIA Report, i.e., specify whether the technology is FOIA-specific or a generic data-processing system.
 - b) If you are not satisfied with your existing system to prepare your Annual FOIA Report, describe the steps you have taken to increase your use of technology for next year.

USDA Response

1. Electronic receipt of FOIA requests:
 - a) All USDA agencies are able to receive FOIA requests delivered electronically by email and facsimile. Some agencies are also able to accept requests via agency Web sites.
 - b) The percent of USDA agencies that are able to receive requests electronically is unchanged from last year's Chief FOIA Officer Report.
 - c) USDA agencies utilize email, facsimile, and agency Web sites to receive electronic FOIA requests.
2. Electronic tracking of FOIA request:

- a) All USDA agencies have the ability to track FOIA requests electronically to some degree.
 - b) The percent of USDA agencies that are able to track requests electronically is unchanged from last year's Chief FOIA Officer Report.
 - c) Agencies that receive small volumes of requests rely on simple commercial off the shelf software to track requests, while larger agencies utilize more sophisticated FOIA procured systems. As USDA implements a departmental FOIA management system in FY 2011, all USDA agencies will be able to track electronic requests in a consistent manner.
3. Electronic processing of FOIA requests:
- a) All USDA agencies have access to software that allows for electronic processing of FOIA requests, but the extent to which technology is utilized varies depending on the volume and complexity of the requests received.
 - b) The proportion of USDA agencies using technology to process FOIA requests electronically increased in FY 2010. The FS implemented electronic processing in approximately 50% of offices nationwide as compared to 0% in FY 2009. FSA expanded the use of electronic FOIA redaction to all of its 51 state offices during FY 2010.
 - c) USDA agencies most commonly use commercial off the shelf software to perform redactions. These tools allow agencies to mark records for permanent redaction in a manner that allows agencies to release segregable information to the public. As USDA implements a departmental FOIA management system in FY 2011, all USDA agencies will be able to process requests electronically in a consistent manner. USDA agencies increasingly rely on electronic content management and records systems to locate responsive records by key word searches.
4. Electronic preparation of your annual FOIA Report:
- a) The use of technology to produce the USDA annual FOIA report varies depending the volume and complexity of requests received. Commercial off the shelf software provides sufficient functionality for most USDA agencies to record and produce the data that composes the annual FOIA report. As needed, USDA agencies rely on more sophisticated FOIA procured systems.
 - b) As USDA implements a departmental FOIA management system in FY 2011, all USDA agencies will be able to produce the data that composes the annual FOIA report in an automated fashion. The annual FOIA report data requirements have been included in USDA's plans for system development.

PART V: Steps Taken to Reduce Backlogs and Improve Timeliness in Responding to Requests

Section Guidance

1. If your agency has a backlog, report here whether that backlog is decreasing. That reduction should be measured in two ways:
 - a) Report whether the number of backlogged requests and backlogged administrative appeals that remain pending at the end of the fiscal year decreased or increased, and by how many, when compared with last fiscal year.
 - b) Report whether your agency closed in Fiscal Year 2010 the ten oldest of those pending requests and appeals from Fiscal Year 2009, and if not, report how many of them your agency did close.
2. If there has not been a reduction in the backlog as measured by either of these metrics, describe why that has occurred. In doing so, answer the following questions and then include any other additional explanation:
 - a) Is the backlog increase a result of an increase in the number of incoming requests or appeals?
 - b) Is the backlog increase caused by a loss of staff?
 - c) Is the backlog increase caused by an increase in the complexity of the requests received?
 - d) What other causes, if any, contributed to the increase in backlog?
3. Describe the steps your agency is taking to reduce any backlogs and to improve timeliness in responding to requests and administrative appeals. In doing so answer the following questions and then also include any other steps being taken to improve timeliness.
 - a) Does your agency routinely set goals and monitor the progress of your FOIA caseload?
 - b) Has your agency increased its FOIA staffing?
 - c) Has your agency made IT improvements to increase timeliness?
 - d) Has your agency Chief FOIA Officer been involved in overseeing your agency's capacity to process requests?

USDA Response

1. USDA reports the following backlog measurements:
 - a) The total number of backlogged requests within USDA increased by a total of 376 from the end of fiscal year 2009 to the end of fiscal year 2010. The total number of backlogged administrative appeals was reduced from 150 to 136 during the same time period.
 - b) During FY 2010, USDA closed 9 of the 10 oldest pending perfected requests from 2009. USDA closed 7 of the 10 oldest administrative appeals during the same time period.
2. USDA's total backlog of pending requests did increase from FY 2009 to FY 2010. The reasons for this increase are described below.
 - a) The primary cause of USDA's backlog increase was a dramatic rise in the volume of requests received in FY 2010. USDA received a total of 12,946 requests in FY 2009 and 20,368 requests in FY 2010 - an increase of 7,422 requests. USDA was able to process 6,552 more requests in FY 2010 than in FY 2009, but that increase in productivity was outweighed by the increase in volume of incoming requests.

- b) USDA FOIA staffing levels did not change significantly during FY 2010. Overall, the number of full-time and full-time equivalent FOIA personnel in USDA was reduced by 2% from FY 2009 to FY 2010.
 - c) While USDA certainly receives complex requests, FY 2010 requests were not significantly more complex than requests received in previous years. However, USDA does note several specific instances where complexity of requests received contributed to an increase in the time required to process such requests.
 - FSIS experienced an increase in the number of requests received via subpoena. These requests involve voluminous records.
 - OGC experienced an increase in the number of requests involving disputes over the use of Exemption 4.
 - RD encountered a significant increase in quantity and scope of FOIA requests filed by FOIA requesters. These requests are voluminous and require an extensive amount of resources in order to collect and review the responsive data. These requests are multi-faceted and require the coordination of effort to search for responsive records.
 - d) A portion of USDA's backlog request increase may also be attributable to difficulties related to the Forest Service's migration of IT systems that support the tracking of FOIA requests. As a result of multiple data migrations, some open requests may have been inadvertently recorded as backlogged when, in fact, they should have been counted only as pending. This could have falsely increased USDA's reported backlogged requests in FY 2010. USDA will amend its reported backlog volume if any errors are positively identified.
3. USDA has taken the following steps to improve timeliness in responding to requests and to administrative appeals.
- a) USDA agencies develop annual FOIA Operational Plans. The plans include programmatic goals, realistic measures, actions items, due dates and accomplishments. FOIA officers routinely meet with senior management to discuss the status of FOIA cases.
 - b) As described above, the number of full-time and full-time equivalent FOIA personnel in USDA was reduced by 2% from FY 2009 to FY 2010.
 - c) In FY 2010, USDA procured a departmental FOIA management system, a comprehensive Web-based application designed to automate USDA's management of the FOIA process. The system allows the public to access and interface with USDA FOIA staff regarding their request, tracks FOIA appeals and litigations and automates compliance reports for the DOJ. Timeliness for request processing has become the default product of implementing a robust FOIA management tool.
 - d) USDA's Office of the Executive Secretariat has become very closely involved in FOIA oversight during FY 2010. This provides oversight and support from USDA's most senior executives, including the Deputy Secretary and Chief of Staff. USDA agency FOIA officers meet regularly with management teams and staff to coordinate FOIA processing throughout USDA's network of state and local offices. Recently, all USDA agencies began providing bi-weekly reports of all pending FOIA requests to USDA's Chief FOIA Officer, which gives the information necessary to focus attention where it is most needed.

SPOTLIGHT ON SUCCESS

Section Guidance

Out of all the activities undertaken by your agency in this last year to increase transparency, describe here one success story that you would like to highlight as emblematic of your efforts.

USDA Response

In FY 2009 and 2010, APHIS proactively posted on the Internet: AC inspection reports, AC annual reports, lists of all AC licensees, Horse Industry Organization Suspension Lists and Audit Reports, Investigative and Enforcement Services enforcement actions, and copies of all redacted FOIA responses. These postings have resulted in a significant reduction in the number of incoming FOIA requests – 525 fewer requests between FY 2009 and FY 2010, or approximately a 42% reduction in the number of requests received.

In FY 2010 – through a combination of efforts, APHIS reduced the Agency’s overall backlog of FOIA requests by almost 43% - unprecedented in more than a 10-year backlog and far exceeding our 25% goal for the year.

APHIS’ goal for 2011 is to reduce the total number of FOIA cases in the backlog at the start of Fiscal Year 2010 by 40% - so, from 222 cases to 134 cases, as well as reorganize the Agency’s FOIA reading room website and continue to work with programs to increase the data and amount of information posted to that site. As of December 2010, the backlog has been reduced to 137 – already a 38.2% reduction.

In FY 2010, FSA finally succeeded in posting electronic “payment information” on its Frequently Requested Records page on the internet. This information includes the names, addresses, and payment amounts of recipients of farm program payments. These are available at <http://www.fsa.usda.gov/FSA/webapp?area=newsroom&subject=landing&topic=foi-er-fri>. FSA has been working on this initiative for several years. Beginning in FY 2010, this information is updated quarterly and available for downloading by the public without charge.

The U.S. Department of Agriculture’s (USDA) Grain Inspection, Packers and Stockyards Administration (GIPSA or Agency) provided 10 interim responses and a final response to a May 21, 2007, Freedom of Information Act (FOIA) request, which Schiff Hardin (Schiff) submitted to USDA’s Animal and Plant Health Inspection Service (APHIS). That May 21, 2007, is now the basis for the complaint that Schiff filed on January 26, 2010, against USDA and APHIS. See Schiff Hardin, L.L.P. v. United States Department of Agriculture, et al., Case No. 1:10-cv-00540 (JBZ)(N.D. Ill.)(filed Jan. 26, 2010). USDA was under a court ordered mandate to process completely Schiff’s request by October 14, 2010. GIPSA met the target date by providing its final response to the requester on October 13, 2010.

RMA recently embarked on an aggressive initiative to upgrade and improve its public website to provide better information and improve overall customer satisfaction. RMA began an effort to update and modernize its website with the purpose of improving accessibility, navigability, and facilitate the customer’s experience, making sure timely, relevant data and information are available to users and removing outdated information and links. Our IT modernization team is currently waiting for USDA approval to finalize these new ‘instructions’ so that we can begin implementing the new protocols and standards.

Appendix A

Component Agency Acronyms

- USDA – United States Department of Agriculture
- AMS – Agricultural Marketing Service
- APHIS – Animal and Plant Health Inspection Service
- DM – Departmental Management
- FSA – Farm Service Agency
- FNCS – Food, Nutrition, and Consumer Services
- FSIS – Food Safety and Inspection Service
- FAS – Foreign Agricultural Service
- FS – Forest Service
- GIPSA – Grain Inspection, Packers, and Stockyards Administration
- NAD – National Appeals Division
- NRCS – Natural Resource Conservation Service
- OCR – Office of the Assistant Secretary for Civil Rights
- OBPA – Office of Budget and Program Analysis
- OIG – Office of the Inspector General
- OCFO – Office of the Chief Financial Officer
- OCIO – Office of the Chief Information Officer
- REE – Research, Education, and Economics
- RMA – Risk Management Agency
- RD – Rural Development