



2016 Chief FOIA Officer Report

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The U.S. Trade and Development Agency (USTDA or the Agency) submits this report at the request of the Office of Information Policy of the U.S. Department of Justice.

SECTION I: STEPS TAKEN TO APPLY THE PRESUMPTION OF OPENNESS

The guiding principle underlying the President's FOIA Memorandum and the Attorney General's 2009 FOIA Guidelines is the presumption of openness.

Please answer the following questions in order to describe the steps your agency has taken to ensure that the presumption of openness is being applied to all decisions involving the FOIA. You may also include any additional information that illustrates how your agency is working to apply the presumption of openness.

USTDA is a small, independent federal agency with approximately 50 full-time employees. The Agency's mission is to help companies create U.S. jobs through the export of U.S. goods and services for priority development projects in emerging economies. Given the nature of USTDA's work, the Agency has a strong interest in making sure that accurate, relevant information about its activities is available to and easily accessible by the public. Available via USTDA's website, for instance, is a virtual library where any person can search for and request reports on Agency-funded feasibility studies and technical assistance projects, <https://www.ustda.gov/ustda-library>.

For a number of years, USTDA has assigned one Assistant General Counsel, who acts as the Agency's FOIA Public Liaison, to review FOIA requests as part of his or her overall agency responsibilities. Because the number of FOIA requests USTDA receives is small, the Assistant General Counsel is able to review each request directly, applying the presumption of openness to each one. In addition, for some time, USTDA has assigned an Information Resource Assistant to help the Assistant General Counsel log and process FOIA requests. USTDA has found that its system for processing FOIA requests is efficient and ensures the meaningful application of the presumption of openness to each request. In FY2015, as in FY2014 and FY2013, USTDA responded to nearly half the requests it processed with full record grants.

FOIA TRAINING:

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

Yes. The Assistant General Counsel in charge of FOIA matters attended the two-day "Freedom of Information Act for Attorneys and Access Professionals" training provided by the Office of Information Policy of the U.S. Department of Justice on November 3 and 4, 2015.

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

USTDA's Assistant General Counsel in charge of FOIA matters is the only FOIA professional in the Agency. He attended substantive FOIA training during the reporting period, as mention in #1 above. Therefore, the percentage of FOIA professionals who attended training during this reporting period is 100%.

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

As mentioned above, USTDA's Assistant General Counsel in charge of FOIA matters is the only FOIA professional in the Agency, and this individual attended substantive FOIA training during the reporting period, as noted in the response to #1 above. USTDA has sent the USTDA employee in charge of FOIA matters to substantive training each of the past three fiscal years, and plans to continue that practice in the future.

DISCRETIONARY RELEASES:

4. Does your agency have a distinct process or system in place to review records for discretionary release? If so, please briefly describe this process. If your agency is decentralized, please specify whether all components of your agency have such a process or system in place?

USTDA is a centralized agency and processes all of its FOIA requests through its Assistant General Counsel in charge of FOIA matters. The Assistant General Counsel reviews every FOIA request directly, applying the presumption of openness to each one. In doing so, the Assistant General Counsel seeks to identify instances in which discretionary disclosures would be appropriate and consistent with the Attorney General's 2009 FOIA Guidelines.

5. During the reporting period, did your agency make any discretionary releases of information?

USTDA did not make any discretionary releases of otherwise exempt information during the reporting period.

6. What exemption(s) would have covered the material released as a matter of discretion? For a discussion of the exemptions that allow for discretionary releases, please see OIP's guidance on implementing the President's and Attorney General's 2009 FOIA Memoranda.

Not Applicable.

7. Provide a narrative description, as well as some specific examples, of the types of information that your agency released as a matter of discretion during the reporting year.

USTDA did not make any discretionary releases of otherwise exempt information during the reporting period.

8. If your agency was not able to make any discretionary releases of information, please explain why. For example, you should note here if your agency did not have an opportunity to make discretionary disclosures because you provided full releases in response to all requests or the only exemptions that were applied were those that do not lend themselves to discretionary release (i.e. Exemptions 1, 3, 4, 6, 7A, 7B, 7C, 7F).

For the vast majority of the FOIA requests USTDA has processed in the reporting period, USTDA either disclosed all records or determined that it had no responsive records. In the few instances that USTDA disclosed partial records, USTDA has applied the presumption of openness to each one and determined that discretionary releases of otherwise exempt information was not appropriate in such cases.

OTHER INITIATIVES:

9. If there are any other initiatives undertaken by your agency to ensure that the presumption of openness is being applied, please describe them here. If any of these initiatives are online, please provide links in your description.

USTDA provides individualized legal attention to each FOIA request. Specifically, the Assistant General Counsel in charge of FOIA matters reviews each FOIA request and all potentially responsive agency records, and applies the presumption of openness in processing the request. USTDA believes that the individualized legal attention to each request ensures the consistent and proper application of the presumption of openness.

SECTION II: STEPS TAKEN TO ENSURE THAT YOUR AGENCY HAS AN EFFECTIVE SYSTEM IN PLACE FOR RESPONDING TO REQUESTS

The Attorney General's 2009 FOIA Guidelines emphasized that "[a]pplication of the proper disclosure standard is only one part of ensuring transparency. Open government requires not just a presumption of disclosure, but also an effective system for responding to FOIA requests." It is essential that agencies effectively manage their FOIA program.

Please answer the following questions to describe the steps your agency has taken to ensure that the management of your FOIA program is effective and efficient. You should also include any additional information that that describes your agency's efforts in this area.

When a new FOIA request is received by USTDA, the request is logged into the Agency's electronic FOIA log and forwarded to the Assistant General Counsel in charge of FOIA matters, who reviews the request. The search for responsive documents is initiated promptly by the Information Resource Assistant in consultation with the Assistant General Counsel. Subsequently, the Assistant General Counsel determines whether USTDA has any responsive documents and applies the presumption of openness in determining which documents are releasable, as illustrated by the fact that USTDA responded to nearly half the requests it processed during the reporting period with full record grants. The Assistant General Counsel continuously works to ensure that the system for responding to requests is effective and efficient, and if necessary implements changes or improvements as appropriate.

PROCESSING PROCEDURES:

1. For Fiscal Year 2015, what was the average number of days your agency reported for adjudicating requests for expedited processing? Please see Section VIII.A. of your agency's Fiscal Year 2015 Annual FOIA Report. Please note here if your agency did not adjudicate any requests for expedited processing during Fiscal Year 2015.

N/A. USTDA did not receive or process any requests for expedited processing in FY2015.

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

N/A. USTDA did not receive or process any requests for expedited processing in FY2015.

3. On July 2, 2015, OIP issued new guidance to agencies on the proper procedures to be used in the event an agency has a reason to inquire whether a requester is still interested in the processing of his or her request. Please confirm here that to the extent your agency may have had occasion to send a "still interested" inquiry, it has done so in accordance with the new guidelines for doing so, including affording requesters thirty working days to respond.

N/A. USTDA has not yet had occasion to send a "still interested" inquiry.

REQUESTER SERVICES:

4. Agency FOIA Requester Service Centers and FOIA Public Liaisons serve as the face and voice of an agency. In this capacity they provide a very important service for requesters, informing them about how the FOIA process works and providing specific details on the handling of their individual requests. The FOIA also calls on agency FOIA Requester Service Centers and FOIA Public Liaisons to assist requesters in resolving disputes. Please explain here any steps your agency has taken to strengthen these services to better inform requesters about their requests and to prevent or resolve FOIA disputes. If your agency has not taken any steps recently to strengthen these services, either because there has been no need to due to low demand or because these services are already robust, please briefly explain that that here.

As a small agency with a relatively low volume of FOIA requests, USTDA has not found a need to strengthen already-existing requester services. This is in part due to the fact that the Assistant General Counsel responsible for FOIA matters is able to devote attention to each individual FOIA request, thereby working on a request-by-request basis to ensure that any requester services that may be necessary are provided.

OTHER INITIATIVES:

5. If there are any other steps your agency has undertaken to ensure that your FOIA system operates efficiently and effectively, such as conducting self-assessments to find greater efficiencies, improving search processes, eliminating redundancy, etc., please describe them here.

USTDA continually monitors its system for processing FOIA requests with an eye towards making it more efficient and effective. The Agency has found that its system of individualized legal attention coupled with adequate administrative support is both efficient and effective.

SECTION III: STEPS TAKEN TO INCREASE PROACTIVE DISCLOSURES

Both the President's and Attorney General's FOIA memoranda focused on the need for agencies to work proactively to post information online without waiting for individual requests to be received.

Please answer the following questions to describe the steps your agency has taken to increase the amount of material that is available on your agency websites. In addition to the questions below, you should also describe any additional steps taken by your agency to make and improve proactive disclosures of information.

POSTING MATERIAL:

1. Describe your agency's process or system for identifying "frequently requested" records required to be posted online under Subsection (a)(2) of the FOIA. For example, does your agency monitor its FOIA logs or is there some other system in place to identify these records for posting.

USTDA is a commercially-focused Agency with a significant interest in disseminating clear and useful information about its activities to the public, and therefore maintains an organized, searchable and regularly updated website with information on past and ongoing projects and activities. The Agency website was re-designed during FY2015 in order to make it even more informative, engaging and user-friendly.

Given the nature of USTDA's work (including providing grant funding for feasibility studies and technical assistance projects), the most frequent requests are for the reports detailing the results of such studies and projects. These reports are made public through the USTDA library, the index to which is publicly available on the USTDA's website at <https://www.ustda.gov/ustda-library>. Members of the public may browse the index on our website and may request a copy of these reports via email. In addition, because the Assistant General Counsel responsible for FOIA matters is able to devote attention to each individual FOIA request, this individual is able to continuously consider and note whether additional topics or records are being "frequently requested".

2. Does your agency have a distinct process or system in place to identify other records for proactive disclosure? If so, please describe your agency's process or system. Please note that this question is directed towards proactive disclosure of records that go beyond frequently requested records required to be posted under Subsection (a)(2) of the FOIA.

USTDA continually strives to identify and make more information about its activities available to the public, as illustrated by the increased amount and usefulness of the material posted on its website during the reporting period. For example, the Agency website provides an index listing final reports for completed feasibility studies and

technical assistance projects funded by the Agency, which reports are publicly available upon request. The website also provides updates on Agency initiatives such as the “Global Procurement Initiative: Understanding Best Value” and “Making Global Local”, and provides numerous press releases regarding projects funded by the Agency.

USTDA does not have a formal system in place to identify other records for proactive disclosure. Nevertheless, because USTDA is a commercially-focused Agency with an interest in disseminating information about its activities to the public, its FOIA personnel and other staff work continually to identify material that is suitable for public distribution as well as to improve the accessibility and usability of the material that is publicly available. In particular, USTDA’s public affairs staff plays an active role in identifying such material.

3. When making proactive disclosures of records, are your agency's FOIA professionals involved in coding the records for Section 508 compliance or otherwise preparing them for posting? If so, provide an estimate of how much time is involved for each of your FOIA professionals and your agency overall. Please note that this question is directed at the efforts of actually posting the records online once all disclosure determinations have been made. For example, efforts to load the records in your web content platform or making the releasable documents accessible in compliance with Section 508 of the Rehabilitation Act.

As part the re-design of the Agency’s website during FY2015, all content posted on USTDA’s website is Section 508 compliant. USTDA’s FOIA professionals are not involved in coding the records for Section 508 compliance.

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

N/A. The Agency has not noted any challenges that make it difficult to post records that the Agency would otherwise like to post.

5. If so, please briefly explain those challenges.

N/A. The Agency has not noted any challenges that make it difficult to post records that the Agency would otherwise like to post.

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

In FY2015, the Agency re-designed its website in order to make it even more informative, engaging and user-friendly.

The Agency proactively provides updates on the following activities through its website:

- USTDA Evaluations Portal, <https://www.ustda.gov/program/office-program-monitoring-and-evaluation>
- USTDA Project Proposals Portal, <https://www.ustda.gov/program/project-proposals>;
- USTDA Global Procurement Initiative Portal, <https://www.ustda.gov/program/global-procurement-initiative-0>; and
- USTDA Making Global Local Portal, <https://www.ustda.gov/program/making-global-local>.

Further, USTDA posted numerous press releases and provided information about numerous business opportunities and events on its website during the reporting period. Press releases are available at <https://www.ustda.gov/news/press-releases> and descriptions of events are available at <https://www.ustda.gov/events>. Contracting opportunities with USTDA grant recipients in host countries are advertised on the Federal Business Opportunities (FedBizOpps) website at www.fbo.gov.

7. Did your agency use any means to publicize or highlight important proactive disclosures for public awareness? If yes, please describe those efforts. For example, this can be done through social media or with the offering of e-mail subscription services.

Yes. USTDA uses a variety of social media tools and platforms to publicize and highlight its disclosures and other information regarding its ongoing activities, including through regular updates on the Agency's blog and its Twitter, Facebook and YouTube pages.

In addition, as part of the re-design of the Agency website in FY2015, the new website uses APIs to disseminate Agency information to an increasingly broader audience. Through APIs, USTDA posts the latest information on its programs, projects and events on other websites with greater user traffic (such as the website of the U.S. Department of Commerce), so that the information released by the Agency reaches a larger portion of the public.

OTHER INITIATIVES:

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

USTDA continually strives to increase proactive disclosures with respect to USTDA's library database of USTDA-funded activities, available online at <https://www.ustda.gov/ustda-library>.

The USTDA online library allows individuals to electronically search USTDA's library database for completed USTDA-funded studies by region, country or sector.

SECTION 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.

Please answer the following questions to describe how your agency is utilizing technology to improve its FOIA administration and the public's access to information. You should also include any additional information that that describes your agency's efforts in this area.

MAKING MATERIAL POSTED ONLINE MORE USABLE:

1. Beyond posting new material, is your agency taking steps to make the posted information more useable to the public, especially to the community of individuals who regularly access your agency's website? Steps can include soliciting feedback on the content and presentation of posted material, improving search capabilities on your agency website, posting material in open formats, making information available through mobile applications, providing explanatory material, etc.

In FY2015, the Agency re-designed its website in order to make it even more informative, engaging and user-friendly. The new website is also designed to provide an optimal "user experience" interface specifically when accessed using smartphones and other mobile devices. In addition, the Agency posts information on a regular basis on the Agency's blog and its Twitter, Facebook and YouTube pages. One of the main goals of these initiatives is to solicit and facilitate feedback and comments on the content and presentation of posted material.

Given the increasing focus on online engagement and the use of multiple social media platforms and formats, USTDA believes that its current system makes appropriate use of technology.

2. If yes, please provide examples of such improvements. If your agency is already posting material in its most useful format, please describe these efforts.

In FY2015, the Agency re-designed its website in order to make it even more informative, engaging and user-friendly. The Agency is constantly striving to improve access and usefulness to Agency information and to facilitate openness and engagement with the public. For example, and in addition to the various social media platforms as mentioned in #1, USTDA engages in “Live Google Hangouts” in which members of the public can participate in online Q&A sessions with Agency officials and other participants in the Agency’s activities. An example can be found at <https://www.ustda.gov/events/2015/south-and-southeast-asia/live-google-hangout-opportunities-india-smart-city-development>.

OTHER INITIATIVES:

3. Did your agency successfully post all four quarterly reports for Fiscal Year 2015? Please see OIP’s guidance for posting of quarterly reports to ensure that your agency is following all required steps (including using the correct file type and URL structure) so that your quarterly reports are properly appearing on FOIA.gov. (If your reports are posted to your website, but not appearing on FOIA.gov, please contact OIP in order to resolve the issue.)

USTDA did not post all quarterly reports for Fiscal Year 2015. This was due to a loss of staff that resulted in the transition of new personnel to work on FOIA matters. This transition is now complete and the Agency was able to post its quarterly report for the fourth quarter of FY2015 and will ensure that it posts all quarterly reports in the future.

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

USTDA did not post all quarterly reports for Fiscal Year 2015. This was due to a loss of staff that resulted in the transition of new personnel to work on FOIA matters. This transition is now complete and the Agency was able to post its quarterly report for the fourth quarter of FY2015 and will ensure that it posts all quarterly reports in the future. In addition, the Agency will utilize the list of “Upcoming Deadlines” provided on the Office of Information Policy’s website in order to track all applicable deadlines and will utilize calendar reminder in order to ensure that reporting is successful in Fiscal Year 2016.

5. Do your agency's FOIA professionals use e-mail or other electronic means to communicate with requesters whenever feasible? See OIP Guidance, "The Importance of Good Communication with FOIA Requesters 2.0: Improving Both the Means and the Content of Requester Communications." (Nov. 22, 2013) If yes, what are the different types of electronic means that are utilized by your agency to communicate with requesters?

Yes. USTDA's FOIA professional communicates with requesters by email and phone when feasible.

6. If your agency does not communicate electronically with requests as a default, are there any limitations or restrictions for the use of such means? If yes, does your agency inform requesters about such limitations? See *id.*

N/A.

SECTION V: STEPS TAKEN TO IMPROVE TIMELINESS IN RESPONDING TO REQUESTS AND REDUCING BACKLOGS

The President's FOIA Memorandum and the Attorney General's 2009 FOIA Guidelines have emphasized the importance of improving timeliness in responding to requests. This section of your Chief FOIA Officer Report addresses both time limits and backlog reduction. Backlog reduction is measured both in terms of numbers of backlogged requests or appeals and by looking at whether agencies closed their ten oldest requests, appeals, and consultations.

For the figures required in this Section, please use the numbers contained in the specified sections of your agency's 2015 Annual FOIA Report and, when applicable, your agency's 2014 Annual FOIA Report.

***Simple Track:* Section VII.A of your agency's Annual FOIA Report, entitled "FOIA Requests – Response Time for All Processed Requests," includes figures that show your agency's average response times for processed requests. For agencies utilizing a multi-track system to process requests, there is a category for "simple" requests, which are those requests that are placed in the agency's fastest (non-expedited) track, based on the low volume and/or simplicity of the records requested.**

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

Yes.

2. If so, for your agency overall in Fiscal Year 2015, was the average number of days to process simple requests twenty working days or fewer?

N/A. For FY2015, USTDA did not receive any FOIA requests which fell within the "simple" category. Accordingly, the number of days to process simple requests reported on the Agency's 2015 Annual FOIA Report is 0.

3. Please provide the percentage of requests processed by your agency in Fiscal Year 2015 that were placed in your simple track.

0%

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

Not Applicable.

***Backlogs:* Section XII.A of your agency's Annual FOIA Report, entitled "Backlogs of FOIA Requests and Administrative Appeals" shows the numbers of any backlogged requests or appeals from the fiscal year. You should refer to these numbers from your Annual FOIA Reports for both Fiscal Year 2014 and Fiscal Year 2015 when completing this section of your Chief FOIA Officer Report.**

BACKLOGGED REQUESTS

5. If your agency had a backlog of requests at the close of Fiscal Year 2015, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2014?

Backlogged requests increased from six at the close of FY2014 to 21 at the close of FY2015.

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

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

The increase was due to (i) an increase in the number of requests pending as of the start of the Fiscal Year, which increased from 2 requests at the start of FY2014 to 10 requests at the start of FY2015 and (ii) a decrease in the number of requests processed during FY2015, which was the result of a loss of staff, resulting in a transition in staffing responsible for processing FOIA requests.

In the first quarter of FY2016, USTDA received two requests and processed nine, thereby reducing the FOIA backlog from 21 at the start of the first quarter of FY2016 to 14 at the end of the first quarter of FY2016.

7. If you had a request backlog please report the percentage of requests that make up the backlog out of the total number of requests *received* by your agency in Fiscal Year 2015.

- **To calculate your agency's percentage, you must divide the number of backlogged requests reported in Section XII.A. of your Fiscal Year 2015 Annual FOIA Report by the number of requests received in Fiscal Year 2015, which can be found in Section V.A. of your Annual FOIA Report. Once divided, you can multiply that number by 100 to get the percentage.**

The percentage is 116% ($21/18 \times 100$).

BACKLOGGED APPEALS

8. If your agency had a backlog of appeals at the close of Fiscal Year 2015, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2014?

USTDA's appeal backlog remained at 0, since there was no backlog in FY2014 or FY2015.

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

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

N/A. USTDA did not have any backlogged FOIA appeals at the end of FY2015.

10. If you had an appeal backlog please report the percentage of appeals that make up the backlog out of the total number of appeals *received* by your agency in Fiscal Year 2015. If your agency did not receive any appeals in Fiscal Year 2015 and/or has no appeal backlog, please answer with "N/A."

- **To calculate your agency's percentage, you must divide the number of backlogged appeals reported in Section XII.A. of your Fiscal Year 2015 Annual FOIA Report by the number of appeals received in Fiscal Year 2015, which can be found in Section V.A. of your Annual FOIA Report. Once divided, you can multiply that number by 100 to get the percentage.**

N/A. USTDA did not have any backlogged FOIA appeals at the end of FY2015.

STATUS OF TEN OLDEST REQUESTS, APPEALS, AND CONSULTATIONS:

Section VII.E, entitled "Pending Requests – Ten Oldest Pending Requests," Section VI.C.(5), entitled "Ten Oldest Pending Administrative Appeals," and Section XII.C., entitled "Consultations on FOIA Requests – Ten Oldest Consultations Received from Other Agencies and Pending at Your Agency," show the ten oldest pending requests, appeals, and consultations. You should refer to these numbers from your Annual FOIA Reports for both Fiscal Year 2014 and Fiscal Year 2015 when completing this section of your Chief FOIA Officer Report.

TEN OLDEST REQUESTS

11. In Fiscal Year 2015, did your agency close the ten oldest requests that were reported pending in your Fiscal Year 2014 Annual FOIA Report?

No. In Fiscal Year 2015, USTDA closed four of the ten oldest requests that were pending at the end of Fiscal Year 2014.

12. If no, please provide the number of these requests your agency was able to close by the end of the fiscal year, as listed in Section VII.E of your Fiscal Year 2014 Annual FOIA Report. If you had less than ten total oldest requests to close, please indicate that. For example, if you only had seven requests listed as part of your "ten oldest" in Section VII.E. and you closed six of them, you should note that you closed six out of seven "oldest" requests.

In Fiscal Year 2015, USTDA closed four of the ten oldest requests that were pending at the end of Fiscal Year 2014.

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

No requests were withdrawn.

TEN OLDEST APPEALS

14. In Fiscal Year 2015, did your agency close the ten oldest appeals that were reported pending in your Fiscal Year 2014 Annual FOIA Report?

N/A. USTDA did not have any appeals pending at the end of Fiscal Year 2014.

15. If no, please provide the number of these appeals your agency was able to close by the end of the fiscal year, as listed in Section VII.C.(5) of your Fiscal Year 2014 Annual FOIA Report. If you had less than ten total oldest appeals to close, please indicate that. For example, if you only had seven appeals listed as part of your "ten oldest" in Section VII.C.(5) and you closed six of them, you should note that you closed six out of seven "oldest" appeals.

N/A. USTDA did not have any appeals pending at the end of Fiscal Year 2014.

TEN OLDEST CONSULTATIONS

16. In Fiscal Year 2015, did your agency close the ten oldest consultations that were reported pending in your Fiscal Year 2014 Annual FOIA Report?

Yes: the one pending consultation at the end of FY2014 was closed in FY2015.

17. If no, please provide the number of these consultations your agency was able to close by the end of the fiscal year, as listed in Section XII.C. of your Fiscal Year 2014 Annual FOIA Report. If you had less than ten total oldest consultations to close, please indicate that. For example, if you only had seven consultations listed as part of your "ten oldest" in Section XII.C. and you closed six of them, you should note that you closed six out of seven "oldest" consultations.

Not Applicable.

ADDITIONAL INFORMATION ON TEN OLDEST REQUESTS, APPEALS, AND CONSULTATIONS & PLANS:

18. Briefly explain any obstacles your agency faced in closing its ten oldest requests, appeals, and consultations from Fiscal Year 2014.

The main obstacle faced during FY2015 was a loss of staff, which resulted in a transition in personnel assigned to processing FOIA requests. This reduced the number of requests that the Agency was able to process during FY2015. However, this transition is now complete and the Agency will work to close more of these requests in FY2016.

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

USTDA received its oldest pending FOIA request on June 7, 2010, and referred it to another agency for consultation on June 11, 2010. That consultation remains pending. USTDA contacted the other agency regarding the status of the consultation in March 2014 and again in January 2016. As of the date of this report, USTDA had not received a response from the other agency.

20. If your agency did not close its ten oldest pending requests, appeals, or consultations, please provide a plan describing how your agency intends to close those "ten oldest" requests, appeals, and consultations during Fiscal Year 2016.

The main obstacle faced during FY2015 was a loss of staff, which resulted in a transition in personnel assigned to processing FOIA requests. This reduced the number of requests

that the Agency was able to process during FY2015. However, this transition is now complete and the Agency believes that it now has sufficient staff dedicated to process FOIA requests efficiently and effectively. Given that in FY2015 USTDA maintained no backlog of appeals or pending consultations, in FY2016 the Agency will be directing its FOIA resources towards reducing USTDA's backlog of "oldest" requests, while simultaneously responding to new requests.

USE OF THE FOIA'S LAW ENFORCEMENT EXCLUSIONS

21. Did your agency invoke a statutory exclusion, 5 U.S.C. § 552(c)(1), (2), (3), during Fiscal Year 2015?

N/A. USTDA did not invoke law enforcement exclusions during FY2015.

22. If so, please provide the total number of times exclusions were invoked.

N/A. USTDA did not invoke law enforcement exclusions during FY2015.

SUCCESS STORY

Not required, but agencies may answer the questions for this section from the high-volume guidelines if they have information they would like to include.

The Agency will continue to proactively disclose a substantial amount of relevant information about its activities on its website, www.ustda.gov. That website contains a "virtual library" where members of the public can search for reports on USTDA-funded feasibility study and technical assistance projects by sector, subsector, region, country and/or date. It also contains USTDA's Annual Report and a Report of USTDA-sponsored events and conferences for the Fiscal Year. USTDA believes that its proactive disclosure of a large amount of relevant information substantially lessens the need for members of the public to utilize FOIA to obtain information about its activities. Overall, USTDA employed its best efforts to process all FOIA requests promptly and thoroughly and to apply the presumption of openness to all FOIA determinations, and will continue to do so in FY2016.
