

2024 USDA EXPLANATORY NOTES – OFFICE OF INFORMATION AFFAIRS

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PREFACE

This publication summarizes the fiscal year (FY) 2024 Budget for the U.S. Department of Agriculture (USDA). Throughout this publication any reference to the “Budget” is in regard to the 2024 Budget, unless otherwise noted. All references to years refer to fiscal year, except where specifically noted. The budgetary tables throughout this document show actual amounts for 2021 and 2022, enacted levels for 2023, and the President’s Budget request for 2024. Amounts for 2023 estimated levels include: non-enacted amounts such as Full-Time Equivalent levels, fleet levels, information technology investment levels, recovery levels, transfers in and out, balances available end of year, and obligation levels.

Throughout this publication, the “2018 Farm Bill” is used to refer to the Agriculture Improvement Act of 2018. Most programs funded by the 2018 Farm Bill are funded through 2023. Amounts shown in 2024 for most Farm Bill programs reflect those confirmed in the baseline.

Pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, sequestration is included in the numbers for mandatory programs in 2021, 2022, 2023 and 2024.

AGENCY-WIDE

PURPOSE STATEMENT

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

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

USDA’s Departmental Records Management (RM) program was also realigned to the OIA with the hope of correcting multiple deficiencies as reported in the National Archives and Records Administration’s (NARA) most recent inspection report. These deficiencies include a lack of (1) fundamental records management program requirements, specifically, strategic plans, policies, guidance, schedules, and training; (2) internal controls, policy, guidance, and procedures for the maintenance of permanent electronic records; (3) resources to effectively manage and oversee RM programs; and (4) senior leadership advocacy and support.

The OIA currently has no employees as the existing 4 FTEs are funded entirely through reimbursable agreements. The increase in funding will aid the agency in providing day-to-day oversight over USDA’s FOIA program, responding to the increasing number of complex records requests for those FOIA functions realigned to the OIA, creating FOIA policy and training directives, and preparing all statutorily required reports. With respect to RM, the increased funding will allow the USDA to regain control of its intellectual property and essentially reimagine and rebuild its RM program.

OIA did not have any Office of Inspector General reports but did have one from the Government Accountability Office (GAO) regarding the processing of FOIA requests during the COVID-19 pandemic that was closed in 2022. GAO’s review produced one recommendation, which is that USDA should better document its backlog reduction efforts, including its milestones and planned actions for reducing its FOIA backlog, and address challenges and risks to the Departmental FOIA backlog.

AVAILABLE FUNDS AND FTES

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

Item	2021		2022		2023		2024	
	Actual	FTE	Actual	FTE	Estimated	FTE	Estimated	FTE
Salaries and Expenses:								
Office of Information Affairs	-	-	-	-	-	-	\$9,966	9
Total Obligations, OIA	-	-	-	-	-	-	9,966	9

Item	2021		2022		2023		2024	
	Actual	FTE	Actual	FTE	Estimated	FTE	Estimated	FTE
Other USDA:								
FOIAXpress.....	-	-	-	-	-	-	210	-
DOJ Portal.....	-	-	-	-	-	-	38	-
Total, Other USDA.....	-	-	-	-	-	-	248	-
Total Available, OIA.....	-	-	-	-	-	-	10,214	9

PERMANENT POSITIONS BY GRADE AND FTEs

Table OIA-2. Permanent Positions by Grade and FTEs

Item	2021			2022			2023			2024		
	D.C.	Field	Actual Total	D.C.	Field	Actual Total	D.C.	Field	Estimated Total	D.C.	Field	Estimated Total
SES.....	-	-	-	-	-	-	-	-	-	1	-	1
GS-15.....	-	-	-	-	-	-	-	-	-	1	-	1
GS-14.....	-	-	-	-	-	-	-	-	-	4	-	4
GS-13.....	-	-	-	-	-	-	-	-	-	2	-	2
GS-12.....	-	-	-	-	-	-	-	-	-	1	-	1
Total Permanent.....	-	-	-	-	-	-	-	-	-	9	-	9
Unfilled, EOY.....	-	-	-	-	-	-	-	-	-	-	-	-
Total Perm. FT EOY.....	-	-	-	-	-	-	-	-	-	9	-	9
FTE.....	-	-	-	-	-	-	-	-	-	9	-	9

ACCOUNT 1: SALARIES AND EXPENSES

APPROPRIATIONS LANGUAGE

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

Salaries and Expenses

For expenses necessary to the Office of Information Affairs, \$9,966,000.

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

Item	Amount
Estimate, 2023	-
Change in Appropriation	<u>+\$9,966,000</u>
Budget Estimate, 2024	<u>9,966,000</u>

PROJECT STATEMENTS

Table OIA-4. Project Statement on Basis of Appropriations (thousands of dollars, FTE)

Item	2021		2022		2023		2024		Inc. or Dec.	FTE Inc. or Dec.	Chg Key
	Actual	FTE	Actual	FTE	Estimated	FTE	Estimated	FTE			
Discretionary Appropriations:											
Office of Information Affairs.....	-	-	-	-	-	-	\$9,966	9	+\$9,966	+9	(1)
Total Available.....	-	-	-	-	-	-	9,966	9	+9,966	+9	
Lapsing Balances.....	-	-	-	-	-	-	-	-	-	-	
Total Obligations.....	-	-	-	-	-	-	9,966	9	+9,966	+9	

Table OIA-5. Project Statement on Basis of Obligations (thousands of dollars, FTE)

Item	2021		2022		2023		2024		Inc. or Dec.	FTE Inc. or Dec.
	Actual	FTE	Actual	FTE	Estimated	FTE	Estimated	FTE		
Discretionary Obligations:										
Office of Information Affairs	-	-	-	-	-	-	\$9,966	9	+\$9,966	+9
Lapsing Balances.....	-	-	-	-	-	-	-	-	-	-
Total Available	-	-	-	-	-	-	9,966	9	+9,966	+9
Total Appropriations.....	-	-	-	-	-	-	9,966	9	+9,966	+9

Office of Information Affairs

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

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

The numbers and letters of the following listing relates to values in the Change (Chg) Key column of the Project Statement:

- (1) An increase of \$9,966,000 and 9 FTEs in 2024 (\$0 available in 2023).

The funding change is requested for the following items:

- A) An increase of \$9,966,000 and 9 FTEs for the Office of Information Affairs.

This increase will support staff and continued usage of an Electronic Records Management System (ERMS) for the Department’s physical and electronic records; An ERMS solution will provide the requisite control to effectively manage all of USDA’s electronic records and correct the deficiencies listed in the National Archives and Records Administration’s 2022 Inspection Report if fully deployed and maintained. USDA’s ERMS solution has the ability to effectively organize and store electronic records with auto-calculated retention dates, perform content and metadata searching in response to records requests, issue holds, and provide immediate reports on records inventories, it is unquestionably the foundation for USDA’s Records Management Program moving forward. If maintained, the ERMS solution will provide the confidence to champion change and usher in a new era in USDA. This is an era whereby our senior leaders and Records Management champions can maximize USDA’s value with integrity and provide all Americans access to USDA programs. If maintained, the ERMS solution will also reduce the operational and legal risks associated with poor records management like criminal penalties pursuant to 18 U.S.C. §2071 for the unlawful destruction of records. For these reasons, funding at the appeal level is both critical and essential.

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

GEOGRAPHIC BREAKDOWN OF OBLIGATIONS AND FTE

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

State/Territory/Country	2021		2022		2023		2024	
	Actual	FTE	Actual	FTE	Estimated	FTE	Estimated	FTE
District of Columbia	-	-	-	-	-	-	\$9,966	9
Obligations	-	-	-	-	-	-	9,966	9

CLASSIFICATION BY OBJECTS

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

Item No.	Item	2021 Actual	2022 Actual	2023 Estimated	2024 Estimated
	Personnel Compensation:				
	Washington D.C.....	-	-	-	\$1,338
11	Total personnel compensation	-	-	-	1,338
12	Personal benefits	-	-	-	478
	Total, personnel comp., and benefits	-	-	-	1,816
	Other Objects:				
23.3	Communications, utilities, and misc. charges	-	-	-	4
25.2	Other services from non-Federal sources	-	-	-	8,100
25.3	Other goods and services from Federal sources	-	-	-	43
26.0	Supplies and materials	-	-	-	3
	Total, Other Objects.....	-	-	-	8,150
99.9	Total, new obligations.....	-	-	-	9,966
	Position Data:				
	Average Salary (dollars), ES Position	-	-	-	\$209,869
	Average Salary (dollars), GS Position	-	-	-	\$130,806
	Average Grade, GS Position	-	-	-	13.6

STATUS OF PROGRAMS

The Departmental Freedom of Information Act (FOIA) and Records Management (RM) programs were realigned under the Office of the General Counsel (OGC), specifically in a new stand alone, the Office of Information Affairs (OIA) pursuant to Secretary Memorandums issued in 2019 and 2020 pertinent to the FOIA Realignment referencing <https://www.usda.gov/directives/sm-1076-033> and, in 2020, support to the RM Realignment, can be found at https://www.usda.gov/sites/default/files/documents/SM1076-036_OES_Realignment-Final.pdf. The OIA's FOIA and RM divisions are responsible for the development of USDA's FOIA and RM policies, training, and agency-wide compliance.

Current Activities

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

Similarly, the OIA's Records Management Division (OIA-RM) serves as the focal point for USDA's (RM) program and is responsible for overseeing proper records and file management within the Department. This division coordinates with each USDA component's Agency Records Officer to enhance and standardize records management best practices. This division also formulates and oversees the implementation of Departmental policy and guidance to ensure effective records creation, maintenance and use, and disposition occur in accordance with the Federal Records Act.

Select Examples of Recent Progress by OIA

The OIA-FOIA continues to greatly impact performance on the Department's FOIA portfolio. Under its leadership, USDA was able to reduce its overall initial FOIA request backlog by 4.32 percent and its administrative appeal backlog by 15.9 percent. The Department was also able to close its ten oldest FOIA requests, consultations, and administrative appeals. As for its own FOIA portfolio, the OIA-FOIA was able to process more than 600 initial FOIA requests, reduce the OIA's initial request backlog by 12.3 percent, completely zero out the backlog queues for our National Finance Center, the Office of the Chief Financial Officer, the Office of Budget and Program Analysis, and the Office of Hearing and Appeals clients, and coordinate over 60 multi-component complex records requests.

The OIA-RM welcomed a RM inspection from the National Archives and Records Administration (NARA). This inspection required coordination with multiple Agency Records Officers (AROs) and senior program officials to include OGC and Senior Agency Official on Records Management. The OIA-RM oversaw more than 30 interviews in addition to the production of several hundred records. The OIA-RM also coordinated extensively with NARA's inspection team on the review and editing of its two preliminary reports. The OIA-RM also commenced work on its plan of corrective action in response to NARA's final November report to address existing deficiencies.

The OIA-RM also successfully prepared and executed an acquisition strategy plan to ensure the timely award of \$6 million for an enterprise-wide Electronic Records Management System (ERMS). An ERMS solution is the foundation for any comprehensive RM program. It allows for the effective management of electronic records in compliance with the NARA and the Office of Management and Budget (OMB)'s mandate, M-19-21. This mandate ends traditional paper records management and charges Federal agencies with fully committing to a completely digital infrastructure by December 31, 2022. As part of the acquisition strategy plan, the OIA-RM performed extensive market research, prepared a market research analysis report, finalized a performance work statement, and coordinated with both the Office of the Chief Information Officer and the Office of Contracting and Procurement. The award represents a \$6 million cost savings as an earlier proposed solution was assessed at \$12 million.

The OIA also continued to build its public facing Departmental RM page by working with the Departmental Records Management Officer on training materials for onboarding senior officials, like the Entry and Exit RM Quick Guides. These same materials were shared as part of the OIA's onboarding training for all USDA political appointees. Additional items on the OIA-RM public facing page are select communications from OGC in support of the USDA RM program as well as other messaging developed by the OIA-RM for USDA records champions. On the FOIA side, the OIA-FOIA added training sponsored by the Department of Justice, Office of Information Policy in response to the Associate Attorney General's recent memorandum emphasizing the importance of FOIA training to its public facing page.