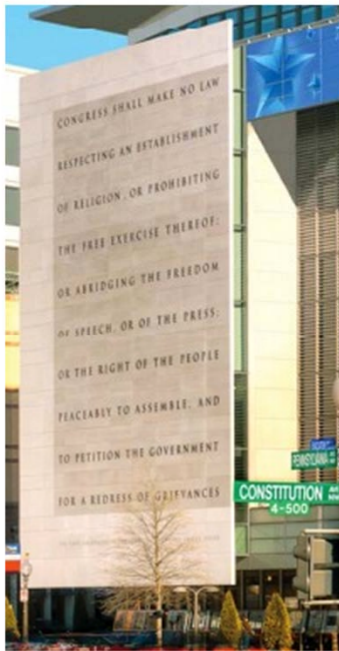




# Public records primer: federal edition

Sarah Cohen, for Columbia University  
February 2014



*Congress shall make no law ...  
abridging the freedom of speech, or  
of the press....*

*"The basic purpose of FOIA is to ensure an informed citizenry, vital to the functioning of democratic society, needed to check against corruption and to hold the governors accountable to the governed,"*



- Supreme Court of the United States, NLRB v. Robbins Tire Co., 1978

*"A democracy requires accountability, and accountability requires transparency,"*

- President Barack Obama, Jan. 21, 2009

## What is FOIA?



- FOIA IS:

- A law created to ensure access to documents and other artifacts created and held by government agencies
- A formal process to obtain records

- FOIA IS NOT:

- An efficient process
- A well understood or consistently administered law
- The right to “information.” It only gives you the right to records that already exist, not to questions you might have.



#### Introduction

#### The Federal Freedom of Information Act

- How FOIA works
- Filing a request
- Which agencies are covered?
- Asking for records
- Do you actually have to file a request?
- Who may use FOIA?
- Try the informal approach first
- Making a formal request
- Paying fees
- Fee waivers
- Response times
- Expedited processing and fast-tracking your request
- Personally inspecting records
- Appealing an initial denial
- How to file a FOIA lawsuit



Vice President Joe Biden looks on as President Barack Obama signs executive orders during a meeting with their senior staff, Jan. 21, 2009. At the meeting, Obama issued memos on government transparency and FOIA. "For a long time now, there's been too much secrecy in this city," Obama said. "The old rules said that if there was a defensible argument for not disclosing something to the American people, then it should not be disclosed. That era is now over."

AP Photo by J. Scott Applewhite

## Federal Open Government Guide

[Reporters' Committee for the Freedom of the Press](#): best guide to federal FOIA and help for reporters

Get the basics of what you can and can't get from RCFP. Look especially at a few exemptions of interest to reporters in the security realm:

# FOIA exemptions: what's secret

FOIA says records must be released.... except when they're not.



An inmate of Camp X-Ray is escorted by two guards while other inmates are seen in their cells at the military prison in Guantanamo Bay, Cuba, in this 2002 photo. Several FOIA lawsuits have arisen against the Defense Department for its denials of records pertaining to treatment and identification of Guantanamo detainees.

AP Photo by Tomas van Houtryve.

## 1. National security

This exemption is designed to prevent disclosure of properly classified records, release of which would cause some "damage" to the national security.

It covers records that are:

(A) specifically authorized under criteria established by an executive order to be kept secret in the interest of national defense or foreign policy and (B) are in fact properly classified pursuant to such an executive order.

## Other exemptions



- Exemption 4: Trade secrets come into play in contracts and their associated records.
- Exemption 5: Internal agency memos are up to each administration to decide.
- Exemption 6: “*Personnel* and *medical files* and *similar* files the disclosure of which would constitute a *clearly unwarranted* invasion of personal privacy.”
- Exemption 7(c): Similar wording, this time for law enforcement and and investigative records.

## Common federal records



- Agency "control correspondence," or records of Congressional office communication with agencies. This is the only way to get records of Congress.
- Schedules and calendars of high-level government officials.
- Contract payments and some contract language.
- Grant payments, audits and reports.
- Names, positions and pay records of agency personnel
- Comments made by lobbyists and others on agency activities
- Operating manuals, directives to employees and other official procedures.
- FOIA logs (requests made by others)



## Finding records

- Actors in the process
- Inspector general, auditor reports methodology section
- Inventories of record collections
- Blank forms (online and on paper)
- Case management and tracking systems
- Take a tour – virtual or in-person, including FOIA site
- Regulations, the law
- Statistical reports (sources)
- Look for outside sources of the same thing – other agencies, state and local records.

Figuring out what to look for is the most difficult part of the process. Here are some examples from DOD programs. When interviewing people, always ask for the title of the record or the name of the form, ask them to look at it closely or get a copy of it. You need to know what to ask for.



The screenshot shows the Reginfo.gov website interface. At the top, there is a blue header with the Presidential Seal on the left, the text 'OFFICE of INFORMATION and REGULATORY AFFAIRS', 'OFFICE of MANAGEMENT and BUDGET', and 'EXECUTIVE OFFICE of the PRESIDENT' in the center, and 'U.S. General Services Administration' and 'GSA' on the right. Below the header is a navigation bar with links: Home, Unified Agenda, Regulatory Review, Information Collection Review, FAQs / Resources, and Contact Us. A search bar is located on the right side of the header. The main content area is titled 'Search of Information Collection Review' and includes a link 'Information Collection Review Data on Reginfo.gov'. The form contains several input fields: 'OMB Control Number', 'ICR Reference Number', and 'Agency Tracking Number'. There are also dropdown menus for 'Agency' (with 'Department of Defense' selected) and 'Sub Agency' (with 'Defense Finance and Accounting Service' selected). A text box labeled 'Text (Majority of Text Boxes)' is present. At the bottom, there is a 'Type of Request' dropdown menu and an 'ICR Status' section with a 'Received in OIRA' checkbox. A red square is visible in the top right corner of the page.

[Reginfo.gov](http://Reginfo.gov) is the site used by the Office of Management and Budget to store its reviews under Paperwork Reduction Act. All information collections (most forms, databases) must be logged here.

Finding forms

Reginfo.gov									
<div> <div> </div> <div> <div>Search: <span>Agenda</span> <span>Reg Review</span> <span>ICR</span></div> <div> <input type="text"/> <input type="button" value="Go"/> </div> </div> </div>									
<div> <a href="#">Home</a> <a href="#">Unified Agenda</a> <a href="#">Regulatory Review</a> <a href="#">Information Collection Review</a> <a href="#">FAQs / Resources</a> <a href="#">Contact Us</a> </div>									
Information Collection Search Results									
PRA Search Criteria: Agency=Department of Defense; ICR Status=(Active) Number Of Records Found: 156 Number of Distinct OMB Control Numbers: <a href="#">View All</a> <a href="#">New Search</a> <a href="#">Refine Search Result</a>									
OMB Control No	Agency/Sub	Title	Request Type	Date Received	Concluded Date	Conclusion Action	Current Expiration Date	No. of ICRs	No. of Forms
0701-0026	DOD/AF	Nomination for Appointment to the United States Military Academy, Naval Academy, and Air Force Academy	Extension without change of a currently approved collection	08/31/2008	10/07/2008	Approved without change	10/31/2011	1	1
0701-0050	DOD/AF	Civil Aircraft Landing Permit System	Extension without change of a currently approved collection	12/16/2010	01/18/2011	Approved without change	01/31/2012	1	3
0701-0063	DOD/AF	Air Force Academy Candidate Activities Record	Extension without change of a currently approved collection	02/28/2011	04/05/2011	Approved without change	04/30/2012	1	1
0701-0064	DOD/AF	Air Force Academy Candidate Personal Data Record	Extension without change of a currently approved collection	02/28/2011	04/05/2011	Approved without change	04/30/2012	1	1
0701-0066	DOD/AF	Air Force Academy Request for Secondary School Transcript	Extension without change of a currently approved collection	02/28/2011	04/05/2011	Approved without change	04/30/2012	1	1
			Extension						

Look for interesting ones by agency

Display additional information by clicking on the following:
 ☐ All
 ☒ Brief and OIRA conclusion
 ☒ Abstract/Justification
 ☒ Legal Statutes
 ☒ Rulemaking
 ☒ FR Notices/Comments
 ☐ IC List
 ☐ Burden
 ☐ Misc.
 ☒ Certifications
 [View Information Collection \(IC\) List](#)
[View Supporting Statement and Other Documents](#)

Please note that the OMB number and expiration date may not have been determined when this Information Collection Request and associated Information Collection forms were submitted to OMB. The approved OMB number and expiration date may be found by clicking on the Notice of Action link below.

### View ICR - OIRA Conclusion

OMB Control No: 0701-0078

Status: Active

Agency/Subagency: DOD/AF

Title: Personal Interview - USAF Health Professions Applicant

Type of Information Collection: Extension without change of a currently approved collection

Type of Review Request: Regular

OIRA Conclusion Action: Approved without change

[Retrieve Notice of Action \(NOA\)](#)

ICR Reference No: 201101-0701-001

Previous ICR Reference No: [200705-0701-002](#)

Agency Tracking No:

Conclusion Date: 04/06/2011

Date Received in OIRA: 01/31/2011

Terms of Clearance: This collection is cleared for one year and needs to be re-submitted with a privacy act statement on the form.

	Inventory as of this Action	Requested	Previously Approved
Expiration Date	04/30/2012	36 Months From Approved	04/30/2011
Responses	3,600	3,600	3,600
Time Burden (Hours)	1,800	1,800	1,800
Cost Burden (Dollars)	111,564	111,564	111,564

**Abstract:** Respondents are civilian candidates applying for a commission in the U.S. Air Force as a health professions officer. These forms provide pertinent information to facilitate selection of candidates for a commission. The AETC Form 1402 is obsolete and no longer used.

Authorizing Statute(s): None


IC Title	Status	Responses	Hours	Dollars	Document Type	Form No.	Form Name
<a href="#">Personal Interview - USAF Health Professions Applicant</a>	Modified	3600	1800	111564	Form	AFRS IMT 1437	<a href="#">Personal Interview - USAF Health Professions Applicant</a>
Total burden requested under this ICR:		3600	1800	111564			

Then click on the “view information collection” to see a copy of the form. If there isn’t one, it will instead often give you the form number you need to google.

PERSONAL INTERVIEW - USAF HEALTH PROFESSIONS APPLICANT						Form Approved OMB NO. 0701-0078 Expires 28 Feb 2007	
<small>(This form is subject to the Privacy Act of 1974 - Use Blanket PAS - AF Form 883)</small> <small>Public reporting burden for this collection of information is estimated to average 30 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Department of Defense, Washington Headquarters Services, Directorate for Information Operations and Reports (0701-0078), 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302. Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a current valid OMB control number. Please DO NOT RETURN your form to the above address. Return your completed form to: HQ AFHS/RSOCA, Randolph AFB TX 78150-5421.</small>							
NAME (Last, First, MI) SSN		MAILING ADDRESS		SUBMITTING UNIT/OFFICE LOCATION			
HOME TELEPHONE NO	WORK TELEPHONE NO	DESIRED COT DATE/AFSC	RECRUITER/RIC CODE/TELEPHONE NUMBER				
CURRENT EMPLOYMENT (Specific activity, employer, private practice, etc.)			PROGRAM APPLYING FOR (AFSC)				
			TYPE FACILITY DESIRED <input type="checkbox"/> SM <input type="checkbox"/> MED <input type="checkbox"/> LG				
STAFF PRIVILEGES HELD (Institution(s), location, Chief of Staff, telephone no)			PROFESSIONAL INTEREST				
			1ST CHOICE		2D CHOICE		
<b>SECTION II. EDUCATION DATA</b>							
NAME/ADDRESS OF SCHOOL		GRAD DATE	CLASS STANDING	GPA	MCAT/GRE/GMAT/NDE/INDEI	YRS PROF EXPERIENCE	
<b>SECTION III. ASSIGNMENT PREFERENCE DATA</b>							
CONUS BASES/GEOGRAPHIC AREAS OF CHOICE (Order of preference)				OVERSEAS BASES/COUNTRIES OF CHOICE (Order of preference) <input type="checkbox"/> VOL <input type="checkbox"/> NON-VOL			
1. _____				1. _____			
2. _____				2. _____			
3. _____				3. _____			
4. _____				4. _____			
5. _____				5. _____			
6. _____				6. _____			
<b>SECTION IV. NURSE CORPS APPLICANTS ONLY</b>							
I understand that I may compete for any AF sponsored education program, as soon as I am eligible, and will incur an ADSC as outlined in AF 36-2107. <span style="float: right;">(Applicant's initials)</span>							
a. If I have dependent children, I understand that child care is my personal responsibility on a daily basis as well as in a deployment. Child care will not adversely impact my ability to perform my duties as required at my home station or during a deployment.							
b. If married, I understand that I will compete for assignments as an Air Force officer independent of my spouse.							


Now you know what's collected during each interview.

[Contact Us](#) | [Site Map](#) | [Search Forms](#)



# DoD Forms Management Program

The Official Web Site for DoD Forms



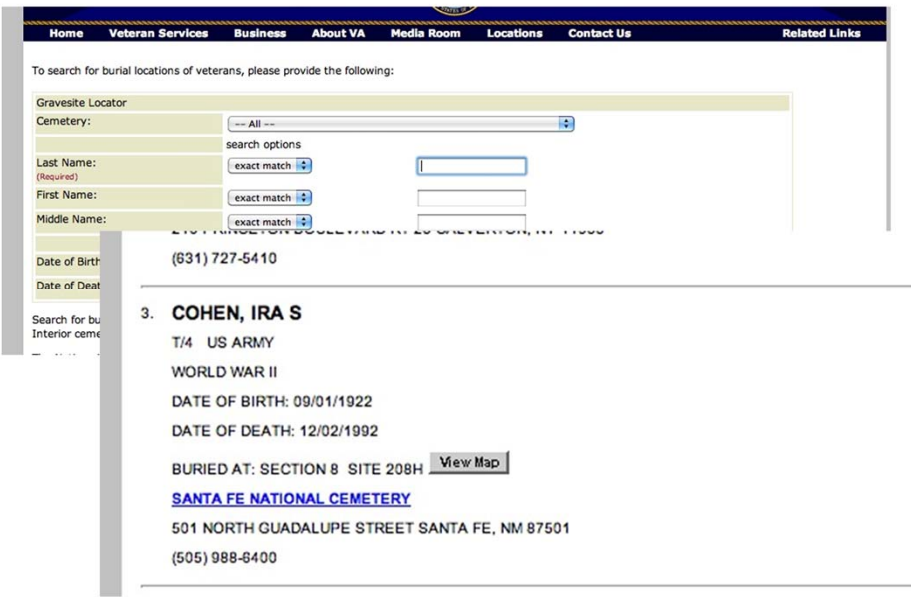

SF380	REPORTING AND PROCESSING MEDICAL MATERIEL COMPLAINTS QUALITY IMPROVEMENT REPORT (DEC 81) ( <a href="#">PerForm Pro</a> ) or ( <a href="#">Form Flow 2.0</a> ) or ( <a href="#">Adobe PDF</a> )	VA
SF509	MEDICAL RECORD - PROGRESS NOTES (JUL 91) ( <a href="#">PerForm Pro</a> ) or ( <a href="#">Form Flow 2.0</a> ) or ( <a href="#">Adobe PDF</a> )	GSA/ICMR
SF523	MEDICAL RECORD - AUTHORIZATION FOR AUTOPSY (DEC 93) ( <a href="#">PerForm Pro</a> ) or ( <a href="#">Form Flow 2.0</a> ) or ( <a href="#">Adobe PDF</a> )	GSA/ICMR
SF603	HEALTH RECORD - DENTAL (AUG 10) (DoD Exception approved by GSA/IRMS 1-91)	GSA/ICMR

Some agencies have forms management sections. Look through them. Here's one: medical materiel complaints.. It gives you the basics of what you can ask for.

STANDARD FORM 380 (12-81) (EG)  
Prescribed by VA and DOD  
VAPR 8-14-80 and MP-2, 108-28;  
GLAS 4155-28

REPORTING AND PROCESSING MEDICAL MATERIEL COMPLAINTS/ QUALITY IMPROVEMENT REPORT			DATE
			NO.
TO			FROM
TYPE OF COMPLAINT ▶		1A. FOR DOD USE <input type="checkbox"/> I <input type="checkbox"/> II <input type="checkbox"/> III	1B. FOR VA USE <input type="checkbox"/> QUALITY COMPLAINT <input type="checkbox"/> NEW ITEM <input type="checkbox"/> SIMILAR ITEM
2. NATIONAL STOCK NO.	3. ITEM DESCRIPTION		
4. NAME AND ADDRESS OF MANUFACTURER		5. NAME OF CONTRACTOR (if other than the manufacturer)	
		6. CONTRACT NO. OR PURCHASE ORDER NO.	
7A. VA DEPOT VOUCHER NO.	7B. DOD REQUISITION NO.	8. LOT NO.	
9. CONTROL NO.	10. MANUFACTURER'S SERIAL NO.	11. MODEL NO.	
12. DATE MANUFACTURED	13. DATE PACKED	14. EXPIRATION DATE	
15. SOURCE (Name of Depot)	16. QUANTITY ON HAND	17. QUANTITY SUSPENDED	
COMPLETE ITEM 18A. THROUGH 18F. FOR DOD TYPE I COMPLAINTS ONLY			
18A. TOTAL NO. PATIENTS INVOLVED	18B. TOTAL NO. REACTIONS	18C. SEVERE OR UNUSUAL REACTIONS	
18D. REACTIONS REQUIRING HOSPITALIZATION	18E. LENGTH OF HOSPITALIZATION	18F. VACCINE <input type="checkbox"/> INITIAL <input type="checkbox"/> BOOSTER INTERVAL	
19. CAUSE OF COMPLAINT (Explanation of unsatisfactory condition, deficiency, or description of reaction. Complete 19 through 22 for ALL complaints.)			

The best ones will also have instructions with them, allowing you to see where it gets filed.



The screenshot shows the VA Gravesite Locator search results for Ira S. Cohen. The search criteria include Last Name: COHEN, First Name: IRA, and Middle Name: S. The results show he was buried at Santa Fe National Cemetery, Section 8, Site 208H. The search results are as follows:

Search Criteria	Results
Gravesite Locator	
Cemetery:	--- All ---
search options	
Last Name: (Required)	exact match: COHEN
First Name:	exact match: IRA
Middle Name:	exact match: S
Date of Birth:	
Date of Death:	
Search for burial location	
Interior cemetery	

3. **COHEN, IRA S**

T/4 US ARMY

WORLD WAR II

DATE OF BIRTH: 09/01/1922

DATE OF DEATH: 12/02/1992

BURIED AT: SECTION 8 SITE 208H [View Map](#)

[SANTA FE NATIONAL CEMETERY](#)

501 NORTH GUADALUPE STREET SANTA FE, NM 87501

(505) 988-8400

Don't forget online searches – these forms show you what the government has and what you can get without a FOIA. (My father's record)



**Commander's Emergency Response Program in  
Laghman Province Provided Some Benefits, but  
Oversight Weaknesses and Sustainment Concerns Led  
to Questionable Outcomes and Potential Waste**



Read footnotes, methodology and all source notes to find  
the paper trail

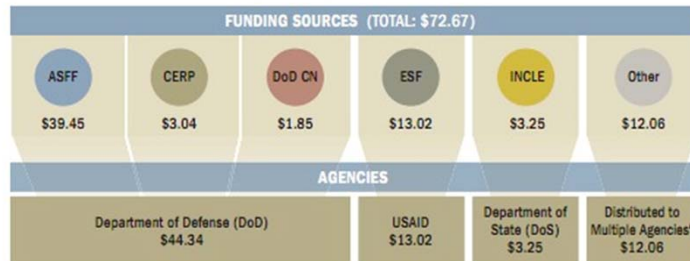
Inspector general, GAO, audit reports



## THE SPECIAL INSPECTOR GENERAL For Afghanistan Reconstruction

FIGURE 3.1

U.S. FUNDS SUPPORTING AFGHANISTAN RECONSTRUCTION EFFORTS (\$ BILLIONS)



Notes: Numbers affected by rounding.

a. Multiple agencies include DoD, DoJ, USAID, Treasury, and USDA.

Sources: DoD, responses to SIGAR data call, 7/15/2011, 7/14/2011, 6/29/2011, 10/14/2009, and 10/1/2009; DoS, responses to SIGAR data call, 7/19/2011, 7/8/2011, and 4/14/2011; Treasury, response to SIGAR data call, 7/8/2011; OMB, responses to SIGAR data call, 7/19/2011 and 4/19/2010; USAID, responses to SIGAR data call, 7/19/2011, 10/15/2010, 1/15/2010, and 10/9/2009; DoJ, response to SIGAR data call, 7/7/2009; USDA, response to SIGAR data call, 4/2009; P.L. 112-10, 4/15/2011; P.L. 111-212, 10/29/2010; P.L. 111-118, 12/19/2009; FY 2010 Defense Explanatory Statement.

This gives you the basics of where the money comes from and how SIGAR gets it.



Take a virtual tour. When you're starting on a project or beat, do a good, disciplined review of the websites. Ignore anything that tries to push you into a role – instead, go right to any lists you can find.

[Feedback](#)
[Site Map](#)

Look for site map

[Home](#)
[Acquisition Process](#)
[Workforce](#)
[Policy](#)
[Communities of Practice](#)
[Training and Continuous Learning](#)
[Industry](#)
[Submit Feedback](#)
[DAU Home Page](#)

Featured - Site Map

<b>Acquisition Process</b> <b>What's ACQ ...</b> <ul style="list-style-type: none"> <li>Big "A" Process</li> <li>Defense Acquisition Policy Center</li> <li>John Hickok's Blog</li> <li>Steve Skotte's Blog</li> <li>Acquisition Centers of Excellence</li> </ul> <b>ACAT I/IA Support</b> <ul style="list-style-type: none"> <li>Milestone Document Identification (MDID)</li> <li>Major Defense Acquisition Program</li> <li>Major Automated Information System</li> </ul> <b>JCIDS</b> <ul style="list-style-type: none"> <li>JCIDS Process Diagram</li> <li>Related Topics</li> <li>Requirements</li> <li>Statutory Information Requirements</li> <li>Related Training</li> </ul> <b>Defense Acquisition System</b> <ul style="list-style-type: none"> <li>Life Cycle Framework</li> <li>Policy Documents</li> <li>Guidebooks &amp; Handbooks</li> <li>AT&amp;L Web Sites</li> <li>News and Publications</li> </ul>	<b>Workforce</b> <b>Workforce Development</b> <ul style="list-style-type: none"> <li>Overview</li> <li>AT&amp;L Legislation</li> <li>Published AT&amp;L Reports</li> <li>Published AT&amp;L Analysis</li> </ul> <b>Human Capital Initiatives</b> <ul style="list-style-type: none"> <li>Overview</li> <li>Workforce Policy and Guidance</li> </ul> <b>Career Management</b> <ul style="list-style-type: none"> <li>Overview</li> <li>Professional Organizations</li> <li>DAU Career Knowledge Gateways</li> </ul> <b>Director, Acquisition Career Management</b> <ul style="list-style-type: none"> <li>Overview</li> <li>Student Registration</li> <li>Workforce Competency Management</li> <li>Workforce Performance Management</li> </ul>	<b>Policy</b> <b>Policy</b> <ul style="list-style-type: none"> <li>Overview</li> <li>All Policy Documents</li> </ul> <b>Filter by Organizations</b> <ul style="list-style-type: none"> <li>Statutory Law</li> <li>Federal</li> <li>Federal Acquisition Regulation</li> <li>Defense Federal Acquisition Regulation Supplement</li> <li>Other FAR Supplements</li> <li>DoD</li> <li>DoD Policy Letters and Memos</li> <li>OSD</li> <li>USD (A&amp;T)</li> <li>USD (AT&amp;L)</li> <li>SECDEF</li> <li>Multi Component</li> <li>Army</li> <li>Navy/Marine Corps Common</li> <li>Navy Specific</li> <li>Marine Corps Specific</li> <li>Air Force</li> <li>Unified Command</li> <li>Defense Logistics Agency</li> <li>Defense Contract Management Agency</li> <li>Defense Finance Acquisition Service</li> </ul>	<b>Communities of Practice</b> <b>ACC Communities</b> <ul style="list-style-type: none"> <li>Overview</li> <li>Ammunition Forum</li> <li>Contingency Contracting</li> <li>Continuous Process Improvement</li> <li>Contracting</li> <li>Data Management</li> <li>DoD Wireless KM CoP</li> <li>EVM (Earned Value Management)</li> <li>Facilities Engineering</li> <li>IT CoP</li> <li>Life Cycle Logistics</li> <li>Production Quality &amp; Manufacturing</li> <li>Program Management</li> <li>Risk Management</li> <li>Science and Technology Management</li> <li>Small Business</li> <li>Systems Engineering</li> </ul> <b>Special Interest Areas</b> <ul style="list-style-type: none"> <li>Overview</li> <li>A-76, Competitive Sourcing Process</li> <li>ACE for Services</li> <li>Acquisition Law</li> <li>Acquisition Research</li> <li>Alternative Dispute Resolution</li> </ul>	<b>Training and Education</b> <b>Training</b> <ul style="list-style-type: none"> <li>Overview</li> </ul> <b>I Need Training</b> <ul style="list-style-type: none"> <li>Overview</li> <li>Course Schedules</li> <li>Pre-Course Information</li> <li>Login - Distance Learning Courses</li> <li>Browse Distance Learning Courses</li> <li>Core Plus Overview</li> </ul> <b>Continuous Learning</b> <ul style="list-style-type: none"> <li>Overview</li> <li>Register for Continuous Learning Modules</li> <li>Browse Continuous Learning Modules</li> <li>Login - Continuous Learning Modules</li> <li>Conferences and Symposiums</li> </ul> <b>Student Information</b> <ul style="list-style-type: none"> <li>Overview</li> <li>Certification Standards</li> <li>Request a Transcript</li> <li>Student Policies</li> </ul> <b>Course Information</b> <ul style="list-style-type: none"> <li>Overview</li> </ul>	<b>Industry</b> <b>Industry</b> <ul style="list-style-type: none"> <li>Overview</li> <li>Industry Associations</li> <li>Industry Websites</li> <li>Industry Articles Online</li> <li>Small Business</li> </ul>
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Just reading a site map without clicking anywhere will tell you a lot about how the agency is organized and where you might look for documents or data. You probably won't get that far, though – you'll get interested in something you see. This is like a menu.



## PL 108-106, Emergency Supplemental Appropriations

~~SEC. 1110. During the current fiscal year, from funds made available in this Act to the Department of Defense for operation and maintenance, not to exceed \$180,000,000 may be used, notwithstanding any other provision of law, to fund the Commander's Emergency Response Program, established by the Administrator of the Coalition Provisional Authority for the purpose of enabling military commanders in Iraq to respond to urgent humanitarian relief and reconstruction requirements within their areas of responsibility by carrying out programs that will immediately assist the Iraqi people, and to establish and fund a similar program to assist the people of Afghanistan: Provided, That the Secretary of Defense shall provide quarterly reports, beginning on January 15, 2004, to the congressional defense committees regarding the source of funds and the allocation and use of funds made available pursuant to the authority provided in this section.~~

Reports.

When you know of a program, look for its authorizing and appropriations legislation for required reporting. Congress usually ignores these, but the agencies don't.

The regulations that implement the law often have even more specific reporting requirements, and who is responsible for them:

D. Monthly/quarterly CERP Reports are submitted through U.S. Army Central (ARCENT) G8 and the Assistant Secretary of the Army (Financial Management & Comptroller).

E. A Commander's Narrative is prepared for each quarterly report that addresses: Commander's intent for CERP funds by geographic sector, including performance measures for on-going and proposed projects; impacts of CERP funded projects, how individually and collectively projects assist the U.S. carry out its strategy in theater; specific details for each prior and proposed project of \$500,000 or more; and the contributions these projects made to humanitarian relief and reconstruction efforts for the benefit of the Iraqi and Afghan people, respectively. Appendix B provides additional guidance on the Commander's Narrative.

F. The CERP funds are expended commensurate with work completed.

is closed out at finance. Bulk funds are limited to condolence payments, battle damage payments, former detainee payments, or hero payments, micro-grants and Commander's small-scale projects (limited to \$5,000 per project). Each quarter the amount of funding drawn as cash by the pay agent that was paid out must be identified as an obligation and disbursement on the reports for all bulk fund categories. Once funds for bulk funded small scale projects are fully spent, each individual project must be reported using the appropriate CERP category.



## Fact Sheet: ICE Fugitive Operations Program

### Background

U.S. Immigration and Customs Enforcement (ICE) established the first Fugitive Operations Teams (FOTs) in 2003 to dramatically expand the agency's efforts to locate, arrest and remove fugitives from the United States. An ICE fugitive is defined as an alien who has failed to leave the United States based upon a final order of removal, deportation or exclusion, or who has failed to report to ICE after receiving notice to do so.

In 2009, the responsibilities of ICE's FOTs were expanded to include cases involving at-large convicted criminal aliens who pose a threat to national security and community safety, including members of transnational street gangs, child sex offenders and aliens with prior convictions for violent crimes. The FOT officers and agents use intelligence-based information and leads to locate and arrest aliens and prioritize their work based on goals and expectations set forth by ICE and Department of Homeland Security (DHS) leadership.

### Key ICE Fugitive Operations Initiatives

- ❖ The National Fugitive Operations Program (NFOP) is responsible for reducing the fugitive alien population in the United States. ICE's databases show the targeted enforcement strategy is paying off. One example is demonstrated by the fact that the nation's fugitive alien population continues to decline. At the end of FY 2009, there were approximately 535,000 fugitive alien cases — a decrease of nearly 23,000 since the beginning of the fiscal year. This is a historic reversal of the previous growth trend in fugitive cases.
- ❖ Much of the credit for these results can be attributed to the rapid expansion of the program and the establishment of the Fugitive Operation Support Center (FOSC). When the initiative was launched in 2003, there were eight FOTs nationwide. Today ICE has 104 FOTs deployed nationwide to pursue these types of cases. In fiscal year 2009, these teams accounted for more than 35,000 arrests, more than double the total just three years prior.

Statistics have to come from somewhere — there is a name behind each of the 535,000 fugitive alien cases.





Privacy Impact Assessment  
for the  
**Fugitive Case Management System  
(FCMS)**

August 11, 2009

Contact Point  
David Venturella  
Acting Director, Detention and Removal Operations  
U.S. Immigration and Customs Enforcement  
(202) 732-3100

Reviewing Official  
Mary Ellen Callahan  
Chief Privacy Officer  
Department of Homeland Security  
(703) 235-0780





Agencies are supposed to, by law, have a list of major information systems on the FOIA website. Most don't.

FOIA Request Log  
From 6/1/2011 to 6/31/2011

Case No.	Subject	Category
PRIV 11-0870	On May 27, 2011, Gena Mason an individual, requested from the Department of Homeland Security (DHS) a mandatory declassification review (MDR), pursuant to EO 12958, as amended, of the following: all documents from 1972-2011 containing information regarding involvement in scientific experiments or studies sponsored by the federal government and/or sponsored by contractors, scientists, or corporations affiliated with the federal government.	FOIA
PRIV 11-0871	On May 27, 2011, Natalie Brouwer Potts, from Chicago-Kent College Law in Chicago, Illinois, requested from the Department of Homeland Security (DHS) a copy of any records regarding (b)(6).	FOIA/PA
PRIV 11-0872	On June 1, 2011, Gbemende Johnson an individual in Nashville, Tennessee, requested from the Department of Homeland Security (DHS) copies of the following records: 1) copies of the resumes (or materials otherwise justifying appropriate pay levels for Schedule C appointees) of all persons appointed to a Schedule C position from August 15, 2009 to May 15, 2011; 2) copies of the resumes (or materials otherwise justifying appropriate pay levels for non-career Senior Executive Service employees) of all persons employed by the agency as non-career members of the Senior Executive Service employed from August 15, 2009 to May 15, 2011; and 3) copies of the resumes of all persons employed as Senate confirmed presidential appointments by the agency from August 15, 2009 to May 15, 2011.	FOIA
PRIV 11-0873	On June 1, 2011, Gbemende Johnson an individual in Nashville, Tennessee, requested from the Department of Homeland Security (DHS) a list of all appointees (i.e., personnel appointed as a Senate-confirmed, non-career member of the Senior Executive Service, Schedule C appointee) serving in the agency between January 20, 2001 and May 15, 2011, including the title, dates of service, and appointment authority for each appointee (Senate-confirmed, non-career member of the Senior Executive Service, Schedule C appointee). If a person serves in more than one appointed position in the agency during this period, please list each position separately.	FOIA

More agencies are putting their FOIA logs and recently requested records online. Look at the bottom of ANY federal government website for FOIA or Freedom of Information



Look for FOIA logs and recently requested records, and look separately at the Open Government portal. They have completely different things.

# The Request



- Too narrow?
- Too broad?
- Quote the law
- Look for precedent on the records – avoid complaints in advance.
- Don't ask for anything you clearly aren't allowed to get
- Acknowledge things they might be able to release, ask anyway.
- For databases, ask for more.
- For documents, ask for less.
- (more)

## The request (con't)



- Eager to help refine the request
- Appeal if possible
- Ask for an index to the records, then you can pick the ones you want.
- Ask for a copy of a similar one from the past
- Get a copy from an interest group while your request is being processed.
- Communicate.