



USAID
FROM THE AMERICAN PEOPLE

**Annual Report of the
Chief Freedom of Information Act (FOIA)
Officer**

**Colleen R. Allen
Chief FOIA Officer**

March 2024

I. FOIA LEADERSHIP AND APPLYING THE PRESUMPTION OF OPENNESS

The guiding principle underlying the Attorney General's 2022 FOIA Guidelines is the presumption of openness. The Guidelines also highlight the importance of agency leadership in ensuring effective FOIA administration. Please answer the following questions about FOIA leadership at your agency and describe the steps your agency has taken to ensure that the presumption of openness is being applied to all decisions involving the FOIA.

A. Leadership Support for FOIA

1. **The FOIA requires each agency to designate a Chief FOIA Officer who is a senior official at least at the Assistant Secretary or equivalent level. See 5 U.S.C. §552(j)(1) (2018). Is your agency's Chief FOIA Officer at or above this level?**

Yes.

2. **Please provide the name and title of your agency's Chief FOIA Officer.**

The Chief FOIA Officer at the U.S. Agency for International Development (USAID) is Colleen R. Allen, Assistant Administrator, Bureau for Management.

3. **What steps has your agency taken to incorporate FOIA into its core mission? For example, has your agency incorporated FOIA milestones into its strategic plan?**

USAID's core mission is to demonstrate democratic values abroad, and advance a free, peaceful, and prosperous world. These values include the tenets of democratic governance, such as building open, responsive, transparent, and accountable institutions and processes that serve the needs and preferences of the public. These values are emblematic of the FOIA, which encourages accountability through transparency.

B. Presumption of Openness

4. **The Attorney General's 2022 FOIA Guidelines provides that "agencies should confirm in response letters to FOIA requesters that they have considered the foreseeable harm standard when reviewing records and applying FOIA exemptions." Does your agency provide such confirmation in its response letters?**

Yes, particularly when inserting exemption (b)(5).

5. **In some circumstances, agencies may respond to a requester that it can neither confirm nor deny the existence of requested records if acknowledging the existence of records would harm an interest protected by a FOIA exemption. This is commonly referred to as a Glomar response. If your agency tracks Glomar responses, please provide:**

- **the number of times your agency issued a full or partial Glomar response (separate full and partial if possible):**

USAID issued zero Glomar responses.

- the number of times a Glomar response was issued by exemption (e.g., Exemption 7(C) -20 times, Exemption 1 -5 times).

N/A

6. If your agency does not track the use of Glomar responses, what would your agency need to do to track in the future? If possible, please describe the resources and time involved.

USAID tracks Glomar responses.

II. ENSURING FAIR AND EFFECTIVE FOIA ADMINISTRATION

The Attorney General’s 2022 FOIA Guidelines provide that “[e]nsuring fair and effective FOIA administration requires . . . proper training, and a full understanding of FOIA obligations by the entire agency workforce.” The Guidelines reinforce long standing guidance to “work with FOIA requesters in a spirit of cooperation.” The Attorney General also “urge[s] agency Chief FOIA Officers to undertake comprehensive review of all aspects of their agency’s FOIA administration” as part of ensuring fair and effective FOIA administration.

A. FOIA Training

1. The FOIA directs agency Chief FOIA Officers to ensure that FOIA training is offered to agency personnel. See 5 U.S.C. §552(a)(j)(2)(F). Please describe the efforts your agency has undertaken to ensure proper FOIA training is made available and used by agency personnel.

See response 3 below.

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

Yes.

3. If yes, please provide a brief description of the type of training attended or conducted and the topics covered.

Every member of the USAID workforce must complete one of the two online courses detailed below each year:

Records-Management for Senior Officials is a mandatory online course for individuals in *executive* positions at USAID who are responsible for oversight, management, and decision-making. The course describes the role and importance of senior officials in properly managing Federal Government records and complying with the FOIA.

Records-Management for Everyone is a mandatory-online course for non-senior officials *designed* to inform USAID's workforce of their records-management responsibilities and obligation to adhere to the requirements of the FOIA.

In addition to the above-mentioned mandatory courses, during Fiscal Year (FY) 2023 USAID's FOIA professionals also participated in the substantive training described below:

Virtual Introduction to Freedom of Information Act Training

Taught by the Office of Information Policy at the U.S. Department of Justice, this is a two-and-a-half-hour session that explains how to process a FOIA request from agency receipt to the final response letter to the requester. This session includes an overview of the FOIA exemptions.

Virtual Processing from Start to Finish Workshop

Taught by the Office of Information Policy at the U.S. Department of Justice, this is a 90-minute session that explains how to process a FOIA request from agency receipt to the final response letter to the requester.

Virtual Administrative Appeals, FOIA Compliance, and Customer Service Training

Taught by the Office of Information Policy at the U.S. Department of Justice, this is a two-and-a-half-hour session that covers the FOIA administrative appeals process, how to accurately report FOIA administration and providing good customer service.

Virtual Exemption 1 and 7 Training

Taught by the Office of Information Policy at the U.S. Department of Justice.

Virtual Exemptions 4 and 5 Training

Taught by the Office of Information Policy at the U.S. Department of Justice.

Virtual Privacy Considerations Training

Taught by the Office of Information Policy at the U.S. Department of Justice.

16th Annual National Conference on FOIA and the Privacy Act of the American Society for Access Professionals (ASAP)

This three-day conference provides in-depth analysis on the administration of the FOIA, updates to case law, and direct dialogue with members of the requester community. This conference is mandatory for all USAID's professionals with primary FOIA responsibilities.

- 4. Please provide an estimate of the percentage of your FOIA professionals and staff with FOIA responsibilities who attended substantive FOIA training during this reporting period.**

One hundred percent of USAID's FOIA Specialists (Government Information Specialists) attended substantive training on the FOIA.

5. **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.**

N/A

6. **Describe any efforts your agency has undertaken to inform non-FOIA professionals of their obligations under the FOIA. In particular, please describe how often and in what formats your agency provides FOIA training or briefings to non-FOIA staff; and if senior leaders at your agency received a briefing on your agency’s FOIA resources, obligations and expectations during the FOIA process?**

USAID’s FOIA office issues agency notices to all staff about processing expectations and requirements. In Fiscal Year 2023, the FOIA Team Lead provided various briefings to non-FOIA staff and senior leaders detailing the FOIA process at USAID and their critical roles in the process. Senior Leaders receive FOIA briefings during their onboarding.

B. Outreach

7. **As part of the standard request process, do your FOIA professionals proactively contact requesters concerning complex or voluminous requests in an effort to clarify or narrow the scope of the request so requesters can receive responses more quickly? Please describe any such outreach or dialogue, and, if applicable, any specific examples.**

Yes. USAID FOIA professionals arrange meetings with the requesters to discuss ways to narrow the scope of their requests when the material being requested is voluminous and may cause further processing delays. USAID also contacts requesters when requests are not reasonably described.

8. **Outside of the standard request process or routine FOIA Liaison or FOIA Requester Service Center interactions, did your FOIA professionals engage in any outreach or dialogue, with the requester community or open government groups regarding your administration of the FOIA? For example, did you proactively contact frequent requesters, host FOIA-related conference calls with open government groups, or provide FOIA training to members of the public? Please describe any such outreach or dialogue and, if applicable, any specific examples of how this dialogue has led to improvements in your agency’s FOIA administration.**

No

9. **The FOIA Improvement Act of 2016 requires additional notification to requesters about the services provided by the agency’s FOIA Public Liaison. Please provide an estimate of the number of times requesters sought**

assistance from your agency's FOIA Public Liaison during Fiscal Year 2023 (please provide a total number or an estimate of the number).

During Fiscal Year 2023, requesters sought assistance from the USAID FOIA Public Liaison fewer than five occasions.

C. Other Initiatives

- 10. Has your agency evaluated the allocation of agency personnel resources needed to respond to current and anticipated FOIA demands? If so, please describe what changes your agency has or will implement.**

Yes, USAID assessed its personnel resources and increased contracted staff to address backlogged requests and Congressional records requests.

- 11. How does your agency use data or processing metrics to ensure efficient management of your FOIA workload? For example, case management reports, staff processing statistics, etc. In addition, please specifically highlight any data analysis methods or technologies used.**

USAID ensures efficient management of its FOIA Specialists workloads through weekly case assessments of request descriptions and the total number of requests assigned to each of its FOIA Specialists. USAID uses this data to determine new assignments and whether requests need to be reassigned because another specialist may be working on a series of requests involving a similar subject. This has been beneficial in providing interim and final responses to multiple requesters at one time.

III. Proactive Disclosures

The Attorney General's 2022 FOIA Guidelines emphasize that "proactive disclosure of information is . . . fundamental to the faithful application of the FOIA." The Guidelines direct agencies to post "records online quickly and systematically in advance of any public request" and reiterate that agencies should post records "in the most useful, searchable, and open formats possible."

- 1. Please describe what steps your agency takes to identify, track, and post (a)(2) proactive disclosures.**

USAID proactively discloses USAID-funded program and project-related results in reports, publications, and related data resources, including scientific and research data. These releases showcase the results of USAID activities and interventions, to help the public understand USAID's development and humanitarian assistance outcomes and impacts globally.

- 2. How long after identifying a record for proactive disclosure does it take your agency to post it?**

The information is posted as soon as practicable.

3. Does your agency post logs of its FOIA requests? Yes

- **If so, what information is contained in the logs?** USAID posts its logs quarterly. Each log is a table with the following column headers that describe the following: request identification number, requester name, requester organization, request description, and date USAID received the request.
- **Are they posted in CSV format? If not, what format are they posted in?** The logs are posted in .pdf format.

4. Provide examples of any material that your agency has proactively disclosed during the past reporting year, including records that have been requested and released three or more times in accordance with 5 U.S.C. § 552(a)(2)(D). Please include links to these materials as well.

- USAID proactively discloses material through the [Development Experience Clearinghouse \(DEC\)](#), the agency's repository of deliverables from USAID activities. For the period October 1, 2022, to September 30, 2023, [12,886 documents are currently available](#).
- The agency discloses USAID-funded program results in the form of reports and publications and related data resources, including scientific and research data. These releases showcase the results of USAID activities and interventions, to help the public understand USAID's development outcomes and impacts around the globe. USAID's [Development Data Library \(DDL\)](#) proactively publishes data assets available to the public.

5. Beyond posting new material, is your agency taking steps to make the posted information more useful to the public, especially to the community of individuals who regularly access your agency's website?

Yes.

6. If yes, please provide examples of such improvements. In particular, please describe steps your agency is taking to post information in open, machine-readable, and machine-actionable formats, to the extent feasible. If not posting in open formats, please explain why and note any challenges.

USAID manages [ForeignAssistance.gov](#), which publishes data monthly to provide the public with U.S. foreign assistance information through an interactive website. It aggregates a wide range of foreign assistance data produced by U.S. government agencies. There are interactive maps and graphics that allow users to explore foreign assistance data across countries, sectors, and over time. Users can download their desired data using data query tools, by selecting from a choice of prepared files in machine-readable format, or by connecting to the API.

USAID has standardized the U.S. foreign assistance data it reports in a machine-readable format through the [International Aid Transparency Initiative \(IATI\) registry](#). IATI maintains a [standardized schema](#) for any organization to publish foreign assistance data in a comparable machine readable format available to the public.

In 2023, USAID launched an improved version of its public-facing [AidScape platform](#), a centralized source for U.S. foreign assistance data, international socioeconomic data, and USAID-funded data and technical and project materials. The new global search feature allows users to access results, data, and information from across multiple USAID-owned or managed repositories with a single query.

USAID publishes its data assets, along with metadata and supporting documents, to the [Development Data Library \(DDL\)](#) in machine-readable, archival standard formats. The DDL increased the total number of publicly available data assets (project and activity-related datasets) by 13% in FY2023, compared to FY2022.

- 7. Does your proactive disclosure process or system involve any collaboration with agency staff outside the FOIA office, such as IT or data personnel? If so, describe this interaction.**

No.

IV. Steps Taken to Greater Utilize Technology

A key component of FOIA administration is using technology to make information available to the public and to gain efficiency in FOIA processing. The Attorney General's 2022 FOIA Guidelines emphasize the importance of making FOIA websites easily navigable and complying with the FOIA.gov interoperability requirements. Please answer the following questions to describe how your agency is using technology to improve its FOIA administration and the public's access to information

- 1. Has your agency reviewed its FOIA-related technological capabilities to identify resources needed to respond to current and anticipated FOIA demands?**

Yes

- 2. Please briefly describe any new types of technology your agency began using during the reporting period to support your FOIA program.**

N/A

- 3. Does your agency currently use any technology to automate record processing? For example, does your agency use machine learning, predictive coding, technology assisted review or similar tools to conduct searches or make**

redactions? If so, please describe and, if possible, estimate how much time and financial resources are saved since implementing the technology.

No

4. OIP issued guidance in 2017 encouraging agencies to regularly review their FOIA websites to ensure that they contain essential resources, and are informative and user-friendly. Has your agency reviewed its FOIA website(s) during the reporting period to ensure it addresses the elements noted in the guidance?

Yes

5. Did all four of your agency's quarterly reports for Fiscal Year 2023 appear on your agency's website and on FOIA.gov?

Yes

6. 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 2024.

N/A

7. The FOIA Improvement Act of 2016 requires all agencies to post the raw statistical data used to compile their Annual FOIA Reports. Please provide the link to this posting for your agency's Fiscal Year 2022 Annual FOIA Report and, if available, for your agency's Fiscal Year 2023 Annual FOIA Report.

The Fiscal Year 2022 Annual FOIA Report is located here:

<https://www.usaid.gov/sites/default/files/2023-01/USAIDFY22-AnnualFOIAReport.pdf>

The Fiscal Year 2023 Annual FOIA Report is located here:

<https://www.usaid.gov/foia/annual-reports/fy-2023>

8. In February 2019, DOJ and OMB issued joint Guidance establishing interoperability standards to receive requests from the National FOIA Portal on FOIA.gov. Are all components of your agency in compliance with the guidance?

Yes

V. Steps Taken to Remove Barriers to Access, Improve Timeliness in Responding to Requests, and Reduce Backlogs

The Attorney General’s 2022 FOIA Guidelines instruct agencies “to remove barriers to requesting and accessing government records and to reduce FOIA processing backlogs.” Please answer the following questions to describe how your agency is removing barriers to access, improving timeliness in responding to requests, and reducing FOIA backlogs.

A. Remove Barriers to Access

- 1. Has your agency established alternative means of access to first-party requested records outside the FOIA process?**

No

- 2. If yes, please provide examples. If no, please indicate why not. Please also indicate if you do not know.**

At this time USAID will continue to keep first-party access requests with the Agency’s FOIA office. A thorough identity certification process is in place, in addition to efficient tracking. Furthermore, during Fiscal Year 2023, USAID integrated its FOIA and Privacy Act processing system with Login.gov to be in compliance with the Office of Management and Budget’s memorandum M-21-04, titled “Modernizing Access to and Consent for Disclosure of Records Subject to the Privacy Act.” The memorandum mandated that agencies provide a digital service option to ensure that individuals have the ability to digitally request access to or consent to disclosure of their records with remote identity-proofing and authentication.

- 3. Please describe any other steps your agency has taken to remove barriers to accessing government information.**

N/A

B. Timelines

- 4. For Fiscal Year 2023, 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 2023 Annual FOIA Report.**

The average number of days reported for adjudicating requests for expedited processing was 16.94 days.

- 5. If your agency’s average number of days to adjudicate requests for expedited processing was above ten calendar days, according to Section VIII.A. of your agency’s Fiscal Year 2023 Annual FOIA Report, please describe the steps your agency will take to ensure that requests for expedited processing are adjudicated within ten calendar days or less.**

On a weekly basis, USAID will monitor the number of requests for expedited processing and ensure each one is adjudicated within ten calendar days or less.

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

Yes.

7. If your agency uses a separate track for simple requests, according to Annual FOIA Report section VII.A, was the agency overall average number of days to process simple requests twenty working days or fewer in Fiscal Year 2023?

Yes, USAID has a separate track for simple requests. In Fiscal Year 2023, none of USAID's FOIA requests were categorized as simple; that is, the records were not readily accessible in its FOIA office for retrieval and processing within 20 business days.

8. If not, did the simple track average processing time decrease compared to the previous Fiscal Year?

N/A

9. Please provide the percentage of requests processed by your agency in Fiscal Year 2023 that were placed in your simple track. Please use the following calculation based on the data from your Annual FOIA Report: (processed simple requests from Section VII.C.1) divided by (requests processed from Section V.A.) x 100. [(0/334) x 100 = 0]

The percentage of requests processed in Fiscal Year 2023 in the simple track was zero (0).

10. 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?

N/A

C. Backlogs

Backlogged Requests

11. If your agency had a backlog of requests at the close of Fiscal Year 2023, according to Annual FOIA Report Section XII.D.2, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2022?

Yes, it decreased. In Fiscal Year 2022, we ended the year with 408 backlogged requests, whereas in Fiscal Year 2023, we ended the year with 401 backlogged requests.

12. If not, according to Annual FOIA Report Section XII.D.1, did your agency process more requests during Fiscal Year 2022 than it did during Fiscal Year 2021?

N/A

13. If your agency's request backlog increased during Fiscal Year 2023, please 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)**
- **Impact of COVID-19 and workplace and safety precautions**
- **Any other reasons – please briefly describe or provide examples when possible**

N/A

14. 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 2023. Please use the following calculation based on data from your Annual FOIA Report: (backlogged requests from Section XII.A) divided by (requests received from Section V.A) x 100. This number can be greater than 100%. If your agency has no request backlog, please answer with "N/A."
[401/338 x 100 = 118.63]

The percentage of requests that make up the backlog out of the total number of requests received in Fiscal Year 2023 is 119%.

Backlogged Appeals

15. If your agency had a backlog of appeals at the close of Fiscal Year 2023, according to Section XII.E.2 of the Annual FOIA Report, did that backlog decrease as compared with the backlog reported at the end of Fiscal Year 2022?

No, the backlog of appeals reported at the end of Fiscal Year 2022 (10 appeals) increased to 11 appeals at the close of Fiscal Year 2023.

16. If not, according to section XII.E.1 of the Annual FOIA Report, did your agency process more appeals during Fiscal Year 2023 than it did during Fiscal Year 2022?

Yes, eight (8) additional appeals were processed in Fiscal Year 2023 (15 total) than in Fiscal Year 2021 (7 appeals overall).

17. If your agency's appeal backlog increased during Fiscal Year 2023, please 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)**
- **Impact of COVID-19 and workplace and safety precautions**
- **Any other reasons – please briefly describe or provide examples when possible**

Five factors contributed to USAID's backlog in Fiscal Year 2023: loss of staff; an increase in the complexity of the requests received; Coronavirus Disease (COVID-19); litigation; and Congressional requests.

The first factor is loss of staff. During Fiscal Year 2023, USAID experienced staff turn-over due to employment growth and opportunities. The reduced staff decreased response times. In addition, it is taking more time to train new staff on the FOIA process at USAID and its organizational structure.

The second factor is the complexity of requests received. The preponderance of requests received are for email records and/or acquisition and assistance records. Email records are generally voluminous and require various levels of review and coordination both internally and externally. The acquisition and assistance records require external coordination, pursuant to Executive Order 12600, to solicit review and disclosure comments on records that contain potentially confidential and commercial information.

The third factor is the influx of requests in response to COVID-19. These are impacting processing and significantly increased the backlog. Most of these requests were placed in the complex track because of the level of coordination to process each one, i.e. internal consultations and collaboration across the Agency in addition to the volume of responsive pages resulting from the email search. The average email page count has resulted in thousands of pages. This has necessitated additional scope negotiation discussions with the requesters, lengthened page-by-page relevancy reviews, and extensive virtual collaboration with the email custodians and subject matter experts for disclosure recommendations.

The fourth factor is litigation. USAID has six (6) active FOIA litigation cases. Each one has a court-ordered production schedule to review and/or release a minimum of 250 pages per month. Some of the cases have tens of thousands of pages. The cases require concerted attention and coordination across the intra- and inter-agency(ies) to timely release each production and respond to other litigation demands, such as declarations and joint status reports. More staff have been assigned to assist with litigation, and with the reduced workforce, this has impacted efforts towards reducing the backlog of FOIA requests.

The fifth factor is supporting record review, coordination and redactions to records in response to several Congressional requests, resulting in thousands of pages.

18. **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 2023. Please use the following calculation based on data from your Annual FOIA Report: (backlogged appeals from Section XII.A) divided by (appeals received from Section VI.A) x 100. This number can be greater than 100%. If your agency did not receive any appeals in Fiscal Year 2023 and/or has no appeal backlog, please answer with "N/A." [11/18 x 100 = 61.1]**

The percentage of appeals that make up the backlog out of the total number of appeals received in Fiscal Year 2023 is 61%.

C. Backlog Reduction Plans

19. **In the 2023 guidelines for Chief FOIA Officer Reports, any agency with a backlog of over 1000 requests in Fiscal Year 2022 was asked to provide a plan for achieving backlog reduction in the year ahead. Did your agency implement a backlog reduction plan last year? If so, describe your agency's efforts in implementing this plan and note if your agency was able to achieve backlog reduction in Fiscal Year 2023?**

While this is not applicable to USAID—as its backlog is below 1,000 requests—USAID codified and implemented its FOIA-Backlog-Reduction Plan (“Plan”) in January 2020. The Plan institutionalized currently employed best practices and introduced other reforms that focus on key areas of success, such as obtaining leadership support; routinely reviewing processing metrics; using resources more effectively; increasing staff training and engagement; increasing proactive disclosure; and communicating effectively with internal and external stakeholders.

20. **If your agency had a backlog of more than 1,000 requests in Fiscal Year 2023, please explain your agency's plan to reduce this backlog during Fiscal Year 2023.**

This is not applicable to USAID, as its backlog is below 1,000 requests.

E. Reducing the Age of Requests, Appeals, and Consultations

Ten Oldest Requests

21. **In Fiscal Year 2023, did your agency close the ten oldest pending perfected requests that were reported in Section VII.E. of your Fiscal Year 2022 Annual FOIA Report?**

No

22. **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 2021 Annual FOIA Report. If you had less than ten total oldest requests to close, please indicate that.**

Of the ten oldest requests, eight were closed by the end of Fiscal Year 2023.

23. **Beyond work on the ten oldest requests, please describe any steps your agency took to reduce the overall age of your pending requests.**

In Fiscal Year 2023, USAID continued to place concentrated focus on its oldest requests. This approach included identifying unanswered search taskers, sending renewed search taskers, obtaining more comprehensive release recommendations with clearly articulated foreseeable harms in the release of information deemed sensitive.

Ten Oldest Appeals

24. **In Fiscal Year 2023, did your agency close the ten oldest appeals that were reported pending in Section VI.C.5 of your Fiscal Year 2022 Annual FOIA Report?**

Yes.

25. **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 2022 Annual FOIA Report. If you had less than ten total oldest appeals to close, please indicate that.**

Not applicable. USAID closed its oldest pending appeals from Fiscal Year 2022.

26. **Beyond work on the ten oldest appeals, please describe any steps your agency took to reduce the overall age of your pending appeals.**

USAID remains committed to adjudicating its oldest appeals through the strategic assessment of concerns raised on appeal and prioritizing the levels of effort to respond to those concerns.

Ten Oldest Consultations

27. **In Fiscal Year 2023, did your agency close the ten oldest consultations that were reported pending in Section XII.C. of your Fiscal Year 2022 Annual FOIA Report?**

Yes.

28. **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 2022 Annual FOIA Report. If you had less than ten total oldest consultations to close, please indicate that.**

Not applicable. USAID closed its oldest pending consultations from Fiscal Year 2022.

ADDITIONAL INFORMATION REGARDING TEN OLDEST

- 29. If your agency did not close its ten oldest pending requests, appeals, or consultations, please explain why and provide a plan describing how your agency intends to close those “ten oldest” requests, appeals, and consultations during Fiscal Year 2024.**

USAID closed eight of its ten oldest pending requests for Fiscal Year 2023. The two remaining requests contain email records. Email records are more difficult to process due to threaded messages and equities of different departments and agencies. At present, one of the two requests (USAID’s oldest FOIA request) has been closed. The other request is underway. We are currently coordinating with the various email custodians for their review and release recommendations. Soon, we will be coordinating with all departments and agencies that have equities in these emails.

Moreover, for Fiscal Year 2024, USAID is continually placing concerted efforts on assessing its current ten oldest FOIA requests, appeals, and consultations. It is doing so by determining the statuses of pending search efforts, ensuring all aspects of the request descriptions are addressed (and when they have not, timely coordinating with stakeholders for responses), initiating timely inter-agency consultations, while concurrently synthesizing intra-agency reviews and release recommendations. USAID’s FOIA Team Lead and Supervisor and its Senior FOIA Specialists are meeting biweekly to discuss request statuses, identifying next steps, and setting intentional benchmarks for various processing actions to ensure close of the its oldest 10 requests, appeals, and consultations by September 30, 2024.

F. Additional Information about FOIA Processing

- 30. Were any requests at your agency the subject of FOIA litigation during the reporting period? If so, please describe the impact on your agency’s overall FOIA request processing and backlog. If possible, please indicate the number and nature of requests subject to litigation, common causes leading to litigation, and any other information to illustrate the impact of litigation on your overall FOIA administration.**

USAID had six (6) active FOIA litigation requests during Fiscal Year 2023. These litigations are as a result of either lack of response within 20 days or adequacy of search. Further, each litigation has a court-ordered production schedule to review and/or release a minimum of 250 pages per month. Some of the cases have tens of thousands of pages. The cases require concerted attention and coordination across the intra- and inter-agency to review the records and provide release recommendations in order to timely release each production and respond to other litigation demands, such as declarations and joint status reports.