



One Hundred Tenth Congress
U.S. House of Representatives
Committee on Homeland Security
Washington, DC 20515

October 9, 2007

The Honorable Michael Chertoff
Secretary
U.S. Department of Homeland Security
Washington, D.C. 20528

Dear Secretary Chertoff:

The Freedom of Information Act (FOIA) was enacted to foster a more open and accessible government. When Congress enacted FOIA, it was hailed as a trailblazing law that permitted public access to information from the Federal government in a timely and effective manner. FOIA has been an effective tool to allow ordinary people to gain access to information that touches and concerns their lives. Given the mission of the Department, and its need to collect and retain a voluminous amount of information on American citizens, compliance with the letter and spirit of FOIA is essential to the integrity of the Department's operations and its relationship with the general public.

However, the structure the Department currently has in place to manage FOIA requests appears to be disjointed, disconnected and disorganized. It is our understanding that the Department's Chief FOIA Officer only has line authority over nine of the Department's components. As a result, the remaining seventeen components function without a single point of Departmental oversight and operate in a non-integrated manner with their own rules, regulations and guidelines in handling FOIA requests.

This current structure has resulted in a backlog of FOIA requests at the Department which exceeds 73,000 requests for information. While it is true that U.S. Citizenship and Immigration Services (USCIS) is responsible for the bulk of this backlog, the manner in which FOIA requests are processed at the Department is in need of further examination.

I am aware of the Department's Freedom of Information Act Program Revised Operational Improvement Plan, which went into effect in 2006. However, according to the Department's Deputy Secretary, Michael P. Jackson, the steps outlined in this plan remain "insufficiently aggressive."

To shed additional light on the Department's FOIA processing structure and your plans for its improvement, please answer the following questions:

1. When was the current FOIA organizational structure designed?


October 9, 2007

Page 2

2. For those components that do not have "line authority" to the Chief FOIA Officer, what structures are in place to determine whether they are complying with the deadlines set by FOIA and the mission of this crucial legislation?
3. How many employees are assigned to processing FOIA requests and what percentage of these employees are contractors?
4. Please provide a detailed listing of the current processing time for FOIA requests for each of the Department's components and directorates.
5. Provide a list of the number of requests that are currently pending.
6. With regard to requests that have been processed in the past year, please provide the number that were granted, partially granted, denied and withdrawn.
7. What plans, if any, are in place to decrease the backlog maintained by USCIS and to further prevent backlogs of this nature in the future?
8. Please provide a summary of the Department's FOIA Operational Improvement Plan and the status of the improvement steps identified therein.

Pursuant to Rule X(3)(g) and Rule XI of the Rules of the House of Representatives, please respond to the above requests no later than October 24, 2007. If you have any questions, please contact Cherri Branson, Chief Oversight Counsel to House Committee on Homeland Security, at (202) 226-2616. Thank you for your cooperation.

Sincerely,

A handwritten signature in black ink that reads "Bennie G. Thompson". The signature is written in a cursive style with a large, stylized initial "B".

Bennie G. Thompson
Chairman