

AN OPPORTUNITY LOST

Part III

*Additional Multi-Year Comparisons
Of Agency FOIA Performance*

July 3, 2008

COALITION OF
JOURNALISTS FOR
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Backlog by Agency, 2005-2007

Department/ Agency	2005			2006			2007		
	Requests Processed	Yearend Backlog	Percent	Requests Processed	Yearend Backlog	Percent	Requests Processed	Yearend Backlog	Percent
Agriculture	51,922	1,965	4%	59,065	1,868	3%	31,651	1,683	5%
Commerce	1,834	278	15%	1,987	309	16%	1,949	212	11%
Defense	78,775	14,953	19%	72,266	18,216	25%	78,392	26,195	33%
Education	2,219	545	25%	1,904	539	28%	1,670	663	40%
Energy	3,831	1159	30%	3,861	910	24%	3,698	646	17%
Homeland Sec.	126,126	82,591	65%	111,943	108,472	97%	135,297	83,661	62%
HUD	2,923	3,725	127%	2,631	4,941	188%	7,661	764	10%
Interior	6,420	1,910	30%	5,086	1,481	29%	5,437	876	16%
Justice	51,435	8,637	17%	54,925	8,004	15%	53,889	7,649	14%
Labor	23,284	780	3%	23,608	906	4%	27,581	1,269	5%
State	3,870	2,728	70%	3,866	3,799	98%	4,792	4,085	85%
Transportation	9,384	2,072	22%	8,758	2,197	25%	9,542	2,194	23%
Treasury	53,987	4,883	9%	39,518	3,924	10%	28,785	3,066	11%
CIA	3,110	975	31%	2,579	896	35%	3,031	776	26%
CPSC	5,387	112	2%	4,728	84	2%	4,402	280	6%
EEOC	16,232	1,907	12%	16,936	1,779	11%	14,879	1,416	10%
EPA	11,108	2,991	27%	12,685	1,973	16%	12,066	1,727	14%
GSA	1,561	93	6%	1,454	79	5%	1,347	86	6%
Archives	8,878	6,382	72%	8,884	7,193	81%	12,386	5,177	42%
NASA	1351	135	10%	1,132	241	21%	1,326	331	25%
NLRB	4702	133	3%	5,553	269	5%	4,278	158	4%
NRC	345	80	23%	364	36	10%	351	34	10%
NSF	266	17	6%	340	5	1%	343	2	1%
SEC	7,422	9,710	131%	8,268	10,403	126%	12,564	6,909	55%
SBA	3,737	32	1%	6,245	46	1%	3,348	31	1%
Subtotal	480,109	148,793	31%	458,586	178,570	39%	460,665	149,890	33%

KEY: Increase NR=Not Reported

Most agencies were able to reduce their backlog in 2007, even though the number of requests they processed rose very slightly, because of a sharp decline in incoming requests. However, eight agencies still reported backlog increases.

Backlog and the FOIA Workforce by Agency, 1998 to 2007

Department/ Agency	1998		2000		2002		2004		2006		2007	
	BL	FTE	BL	FTE	BL	FTE	BL	FTE	BL	FTE	BL	FTE
Agriculture	2%	150	2%	533	3%	476	4%	585	3%	206	5%	170
Commerce	7%	19	13%	27	14%	21	15%	18	16%	19	11%	19
Defense	10%	806	12%	890	16%	719	17%	721	25%	824	33%	971
Education	8%	10	18%	9	13%	8	17%	11	28%	27	40%	23
Energy	32%	42	38%	72	31%	38	35%	71	24%	67	17%	21
Homeland Sec.	<i>Department of Homeland Security was established in 2003.</i>						30%	469	97%	1,031	62%	811
HUD	43%	16	36%	40	16%	41	61%	41	188%	41	10%	69
Interior	11%	132	16%	131	21%	127	42%	114	29%	125	16%	184
Justice	13%	954	14%	1069	18%	1,076	14%	563	15%	459	14%	421
Labor	6%	113	4%	229	4%	201	3%	191	4%	179	5%	194
State	231%	126	188%	136	115%	158	40%	182	98%	108	85%	104
Transportation	25%	218	20%	111	22%	134	18%	57	25%	72	23%	84
Treasury	12%	211	15%	201	16%	337	9%	146	10%	116	11%	122
CIA	66%	118	51%	78	51%	70	34%	76	35%	75	26%	82
CPSC	2%	17	1%	17	2%	16	1%	15	2%	10	6%	10
EEOC	8%	46	7%	44	10%	53	10%	52	11%	46	10%	41
EPA	32%	1,002	66%	630	24%	159	16%	176	16%	277	14%	119
GSA	FR	FR	10%	14	10%	14	20%	18	5%	18	6%	24
NARA	19%	22	19%	33	41%	27	105%	26	81%	32	42%	30
NASA	11%	16	11%	18	8%	25	16%	20	21%	22	25%	24
NLRB	3%	10	7%	11	4%	11	3%	9	5%	7	4%	10
NRC	12%	16	14%	14	13%	12	14%	9	10%	5	10%	7
NSF	7%	2	3%	2	1%	1	3%	1	1%	2	1%	2
SEC	4%	20	5%	26	28%	61	225%	64	126%	40	55%	32
SBA	3%	165	4%	31	3%	38	2%	13	1%	15	1%	12
Total	13%	4,232	13%	4365	16%	3,823	20%	3,645	39%	3,823	33%	3,584

KEY:

BL=Percent Backlog

FTE=Full Time Equivalents (Total number of work years)

Average or Greater Backlog

The State Department, Housing and Urban Development and the National Archives had backlogs that exceeded the government-wide average in each year since reporting began. State has significantly decreased its number of FOIA employees in the past three years. Its backlog remains more than double the level for 2004, the last year before the personnel cuts began. The Securities and Exchange Commission, which had the poorest performance from 2004 to 2006, cut its backlog by more than half in 2007.

Percent of Initial Requests Granted, All or In Part, 1998 to 2007

Department/Agency	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
Agriculture	98%	97%	81%	96%	94%	93%	94%	94%	94%	91%
Commerce	69%	63%	69%	69%	60%	61%	60%	52%	53%	60%
Defense	71%	71%	71%	70%	67%	65%	64%	66%	67%	64%
Education	87%	84%	81%	83%	83%	79%	80%	69%	82%	73%
Energy	66%	75%	71%	84%	75%	73%	76%	89%	83%	86%
Homeland Sec.	<i>Department of Homeland Security was established in 2003.</i>					72%	73%	61%	59%	56%
HUD	88%	68%	65%	71%	50%	75%	61%	56%	60%	38%
Interior	77%	76%	72%	68%	68%	67%	63%	78%	71%	65%
Justice	49%	51%	53%	65%	66%	47%	49%	50%	48%	53%
Labor	44%	66%	63%	71%	66%	71%	68%	68%	68%	70%
State	53%	53%	54%	39%	31%	46%	44%	35%	33%	29%
Transportation	63%	74%	67%	67%	63%	59%	61%	63%	65%	56%
Treasury	71%	70%	63%	54%	54%	51%	52%	53%	66%	63%
CIA	68%	57%	53%	49%	46%	49%	50%	45%	47%	48%
CPSC	97%	94%	94%	97%	94%	97%	96%	91%	89%	87%
EEOC	85%	82%	79%	79%	79%	82%	77%	75%	69%	70%
EPA	93%	103%	73%	69%	50%	59%	61%	53%	38%	43%
GSA	FR	67%	608%	85%	79%	80%	81%	77%	73%	78%
NARA	94%	96%	10%	89%	93%	24%	11%	6%	7%	10%
NASA	80%	77%	295%	69%	75%	68%	62%	62%	64%	59%
NLRB	90%	91%	13%	90%	86%	86%	85%	84%	70%	84%
NRC	73%	65%	41%	65%	67%	70%	66%	60%	68%	70%
NSF	76%	72%	518%	79%	82%	84%	85%	85%	81%	86%
SEC	41%	43%	95%	42%	30%	31%	34%	30%	27%	47%
SBA	94%	86%	82%	80%	80%	79%	13%	90%	94%	89%
Average	69%	69%	67%	73%	71%	68%	67%	63%	64%	60%
KEY:	Average and Below			FR=Failed to Report						

Overall, the percentage of requestors receiving either full or partial "grants" of information has dropped 9 percentage points since 1998. The State Department, the CIA and Department of Justice have consistently granted a less than average percentage of requests. The Securities and Exchange Commission had a better than average rate just one year.

Median Days Response Wait Time, Complex Requests, 1998 to 2007

Department/Agency	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
Agriculture	268	20	45	49	9 \ 905	4 \ 467	54 \ 800	12 \ 1,277	8 \ 912	8 \ 331
Commerce	30	30	30	54	45	30	41	40	45	45
Defense	39	66	69	84	57.5	64	59	85	5\15	45.5
Education	30	27	51.15	44.67	7 \ 180	9 \ 165	2 \ 134	66	13 \ 279	0 \ 578
Energy	184.1	55	531	1,788	238	13 \ 2,143	18 \ 916	10 \ 170	34 \ 431	0 \ 286
Homeland Sec.	<i>Department of Homeland Security was established in 2003.</i>					6 \ 240	5 \ 111	3 \ 242	17 \ 232	15 \ 262
HUD	0	0	0	67	34 \ 83	95	30 \ 161	35 \ 160	145	30 \ 120
Interior	0	0	NR	0	0	0	56 \ 90	28 \ 89	4 \ 79	13 \ 169
Justice	1 \ 292	8 \ 1,148	12 \ 2,097	16 \ 1,311	13 \ 621	8 \ 471	15 \ 636	12 \ 863	12 \ 510	5 \ 819
Labor	25	25	43	39	7 \ 49	15 \ 40	18 \ 60	14 \ 60	4 \ 44	5 \ 514
State	0	308	694	742	431	671	209	142	210	212
Transportation	40	45	39	23	39	52	23 \ 135	20 \ 134	14 \ 142	20 \ 401
Treasury	97	237	19	232	5.5 \ 383	6 \ 176	4 \ 172	3 \ 251	3 \ 224	6 \ 977
CIA	440	187	176	86	83	60	63	68	59	56
CPSC	30	30	30	27	27	20	25	35	45	40
EEOC	0	0	0	0	0	0	0	0	0	0
EPA	20 \ 27	25 \ 55	31	24 \ 333	31 \ 123	9 \ 182	19 \ 353	4 \ 166	40 \ 156	32 \ 141
GSA	NR	0	14	0	14	14	14	14	16	25
NARA	0	267	28.5	541	20	312	354	252.4	20	1,603
NASA	27	29	38	45	29	8 \ 50	33	49	7 \ 91	38
NLRB	0	0	0	0	0	0	0	0	0	0
NRC	15	75	25.5	20	25	35	47	75	230	40
NSF	0	0	0	0	0	0	0	0	0	NR
SEC	151	141	127	82	137	24	202	410	706	705
SBA	0	0	0	0	0	0	0	0	NR	0

KEY: Missed Response Deadline NR=Not Reporting

In 2007, none of the agencies processing Complex requests reported a median response time under the 20 day deadline. If an agency reported the performance of component units but did not also report agency totals, we show the lowest and highest median wait times reported. Deadline performance is based on the latter. Some agencies do not use multi-track processing and record all requests as "Simple." GSA had consistently met the deadline for median times this year.

Median Days Response Time, Simple Requests, 1998 to 2006										
Department/ Agency	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
Agriculture	131	11	26	30	2 \ 85	1 \ 91	14 \ 77	2 \ 90	2 \ 100	2 \ 45
Commerce	10	16	14	14	12	13	13	12	12	13
Defense	16	20	25	23	19.5	20.5	17	15.5	17	11.5
Education	13	19.5	16	17	5 \ 35	2 \ 90	3 \ 30	35	15 \ 478	11 \ 574
Energy	0	16	133	211	75	4 \ 985	10 \ 152	5 \ 106	2 \ 108	9 \ 132
Homeland Sec.	<i>Department of Homeland Security was established in 2003.</i>					15 \ 155	8 \ 84	16 \ 61	2 \ 365	2 \ 344
HUD	22	53	43	27 \ 266	15 \ 59	11 \ 62	21 \ 95	21 \ 65	60	20 \ 45
Interior	18	19	18	13 \ 157	10 \ 58	13 \ 177	15 \ 834	2 \ 43	2 \ 89	1 \ 917
Justice	1 \ 40	1 \ 228	1 \ 78	1 \ 137	3 \ 49	1 \ 71	1 \ 137	2 \ 139	1 \ 109	1 \ 131
Labor	10	10	13	13	1 \ 25	2 \ 25	2 \ 30	6 \ 28	3 \ 30	7 \ 100
State	333	48	37	157	351	8	6	14	54	67
Transportation	14	16	14	8	8	14	1 \ 68	1 \ 30	1 \ 36	3 \ 56
Treasury	13	11	11	2	4 \ 17	3 \ 32	2 \ 10	2 \ 86	2 \ 24	2 \ 35
CIA	0	7	7	7	7	8	7	7	7	8
CPSC	7	7	7	7	7	6	6	6	6	10
EEOC	15.5	18	15	19	19	20	18	18	19	18
EPA	16	14	19	17 \ 36	17 \ 113	16 \ 120	15 \ 27	13 \ 32	15 \ 101	13 \ 49
GSA	NR	20	0	14	0	0	0	0	0	0
NARA	29	53	33	140	7	31	35	13.5	5	9
NASA	17	15	24	19	19	6 \ 135	18	19	5 \ 140	21
NLRB	10	16	13.5	10	11.5	9	9	9	6	6
NRC	15	17	19	17	14	13	11	12	13	11
NSF	10	12	13.5	13.17	10.39	14	20	14	18	20.8
SEC	7	10	11	9	16	152	30	26	15	67
SBA	12	8	3	2	1	2	5	7	7	7
KEY:	Missed Response Deadline			NR=Not Reported						
Agencies that reported media response times beyond the 20 working day deadline are highlighted. If an agency reported only component units' performance and not overall totals, we show the lowest and the highest and rate performance on the latter. In 1998, five agencies reported that they, or at least one component, had exceeded the deadline on at least half the requests. In 2007, 15 of the 25 agencies showed median response times over the deadline.										

Percent of Appeals Granted, All and In Part, 1998 to 2007

Department/ Agency	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
Agriculture	48%	43%	42%	45%	59%	53%	52%	51%	40%	42%
Commerce	41%	35%	29%	35%	24%	27%	25%	13%	21%	14%
Defense	14%	21%	22%	23%	21%	19%	21%	22%	18%	17%
Education	20%	25%	26%	33%	15%	0%	17%	26%	31%	31%
Energy	35%	51%	30%	40%	24%	4%	14%	11%	16%	12%
Homeland Sec.	<i>Department of Homeland Security was established in 2003.</i>					10%	5%	12%	13%	17%
HUD	18%	17%	15%	32%	14%	15%	16%	15%	14%	16%
Interior	62%	20%	17%	61%	50%	49%	57%	40%	17%	10%
Justice	15%	17%	11%	4%	8%	6%	6%	6%	4%	4%
Labor	32%	40%	31%	44%	44%	49%	35%	31%	37%	23%
State	63%	68%	58%	58%	68%	48%	59%	61%	42%	20%
Transportation	20%	24%	18%	24%	18%	31%	21%	28%	31%	27%
Treasury	13%	18%	21%	15%	19%	7%	8%	13%	14%	14%
CIA	20%	16%	13%	22%	13%	16%	16%	27%	19%	14%
CPSC	14%	31%	22%	4%	0%	13%	0%	0%	17%	5%
EEOC	46%	30%	32%	33%	40%	27%	35%	49%	44%	51%
EPA	24%	6%	31%	47%	16%	26%	17%	27%	26%	37%
GSA	41%	59%	73%	13%	73%	57%	25%	62%	44%	22%
NARA	14%	80%	24%	5%	37%	36%	12%	21%	23%	19%
NASA	29%	40%	39%	39%	38%	30%	36%	27%	23%	48%
NLRB	15%	14%	25%	23%	28%	40%	28%	26%	22%	24%
NRC	35%	38%	42%	42%	20%	23%	33%	58%	45%	57%
NSF	67%	50%	0%	0%	14%	0%	50%	17%	14%	25%
SEC	11%	35%	23%	32%	31%	22%	36%	18%	15%	27%
SBA	53%	43%	22%	50%	45%	39%	46%	56%	27%	32%
Total Average	22%	22%	17%	17%	19%	14%	17%	19%	17%	13%

KEY: Average and below

The Justice Department has consistently been the least likely to grant a requestor appeal, whether full or in part, and its performance has tightened significantly in the current administration. It granted an average of 14% of the appellate requests in the last three years of the Clinton administration. It has averaged only one-third of that in the past three years. The State Department has shown a sharp decline in appeals granted in the past two years.

The Increasing Use of Exemption Citations in Denying FOIA Requests

Department/ Agency	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
Agriculture	2,772	2,727	2,628	4,757	3,546	3,759	4,066	3,063	3,536	3,544
Commerce	417	326	482	535	650	632	575	614	650	666
Defense	18,513	19,840	18,812	18,252	19,625	19,296	22,139	23,884	25,027	26,045
Education	404	963	475	565	510	529	1,059	1,281	1,432	1,197
Energy	665	522	393	525	378	481	348	363	408	424
Homeland Sec	<i>Department of Homeland Security was established in 2003.</i>					96,249	138,134	135,433	175,925	233,899
HUD	386	739	649	846	798	639	601	717	624	1,384
Interior	941	853	1,047	1,053	1,065	1,545	1,385	3,341	1,559	1,559
Justice	63,927	55,465	128,393	205,911	419,249	22,322	23,399	19,142	20,630	18,535
Labor	30,130	22,061	26,554	910	21,642	23,484	25,634	22,135	23,757	20,988
State	856	903	914	1,008	1,386	2,419	2,759	1,814	2,399	3,055
Transportation	2,985	2,651	2,982	3,447	3,204	2,864	3,064	2,845	2,965	3,212
Treasury	9,390	9,388	14,768	11,192	11,121	8,190	3,813	8,018	6,407	6,606
CIA	3,167	2,618	3,791	1,222	1,776	2,024	2,554	2,343	2,134	2,422
CPSC	942	1,135	1,469	968	1,048	823	780	935	760	1,028
EEOC	14,620	13,506	13,688	1,944	16,589	18,927	18,324	15,744	14,796	14,513
EPA	1,169	1,352	1,064	1,141	1,064	1,334	1,306	1,309	882	1,018
GSA	212	356	158	193	158	227	244	158	225	227
NARA	619	323	300	302	100	183	165	175	114	811
NASA	547	578	556	672	629	542	429	528	513	539
NLRB	1,522	1,507	1,397	1,345	1,416	1,459	1,701	1,262	1,131	1,223
NRC	175	160	182	184	189	256	201	187	220	188
NSF	141	118	209	191	231	220	324	295	364	388
SEC	1,002	1,014	895	924	775	569	778	982	853	865
SBA	530	620	382	424	391	499	274	316	323	327
Total	156,164	139,725	222,188	258,511	507,540	209,472	254,056	246,884	287,311	344,663

The numbers reflect the total of all exemptions cited by each agency in the respective years. The 2002 increase in exemptions was spurred by Immigration and Naturalization Service, then in the Justice Department, in the wake of 9/11. The following year, the INS was transferred to the Department of Homeland Security. The numbers show a steady increase in the use of exemptions by DHS, primarily by the INS.

Total Processing Costs by Department/Agency, 1998 to 2007

Dept./ Agency	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
Ag	\$6,292,615	\$6,626,448	\$7,823,328	\$21,192,010	\$16,515,516	\$8,833,920	\$11,324,192	\$9,862,348	\$10,990,198	\$9,690,365
Com	\$923,904	\$1,166,872	\$1,240,553	\$1,266,595	\$1,380,586	\$1,253,641	\$1,373,355	\$1,227,066	\$1,742,222	\$1,329,011
Def	\$39,086,265	\$32,277,433	\$35,243,410	\$39,497,106	\$39,528,693	\$42,536,165	\$46,783,592	\$47,876,973	\$64,181,003	\$64,598,467
Ed	\$576,613	\$541,989	\$454,379	\$389,658	\$321,159	\$498,339	\$809,158	\$1,063,860	\$2,502,689	\$2,334,654
Energy	\$4,369,353	\$3,641,888	\$2,442,974	\$2,478,599	\$2,874,379	\$3,086,455	\$3,297,469	\$4,020,094	\$3,992,699	\$4,135,034
DHS	<i>Department of Homeland Security was established in 2003.</i>					\$21,514,060	\$20,585,515	\$28,343,072	\$27,384,371	\$22,618,918
HUD	\$451,688	\$586,627	\$1,645,000	\$2,664,635	\$2,322,395	\$2,322,395	\$1,998,632	\$1,998,632	\$2,408,504	\$3,704,736
Int	\$4,030,094	\$4,630,260	\$5,044,570	\$5,475,634	\$6,233,400	\$7,406,231	\$7,252,721	\$7,666,403	\$7,895,813	\$9,797,472
Justice	\$49,314,198	\$23,018,806	\$65,661,649	\$70,599,889	\$77,448,577	\$64,039,375	\$54,531,828	\$56,610,612	\$43,529,174	\$39,951,271
Labor	\$4,350,000	\$4,450,000	\$5,200,000	\$4,950,000	\$11,865,900	\$15,242,160	\$14,645,397	\$16,027,360	\$15,787,200	\$17,757,759
State	\$12,600,000	\$9,943,435	\$11,616,361	\$12,347,045	\$13,904,439	\$12,107,000	\$12,656,689	\$9,926,300	\$5,471,349	\$4,294,328
Transpt.	\$10,682,433	\$7,003,081	\$7,778,682	\$8,968,024	\$9,331,748	\$6,413,295	\$7,629,310	\$7,334,051	\$7,500,350	\$7,181,964
Treas	\$19,934,736	\$10,804,419	\$12,795,289	\$12,360,213	\$10,296,453	\$12,586,700	\$13,577,037	\$12,920,599	\$12,231,174	\$11,628,542
CIA	\$7,100,000	\$7,900,000	\$8,100,000	\$7,600,000	\$7,100,000	\$7,600,000	\$8,150,000	\$8,350,000	\$8,870,000	\$9,000,000
CPSC	\$1,626,500	\$1,443,892	\$1,407,044	\$1,580,413	\$1,611,755	\$1,513,924	\$1,627,309	\$1,142,756	\$1,011,376	\$912,869
EEOC	\$1,602,254	\$1,555,180	\$1,674,183	\$1,802,423	\$2,158,160	\$1,910,866	\$2,162,500	\$1,976,105	\$2,499,564	\$2,492,130
EPA	\$4,500,000	\$6,203,195	\$7,582,116	\$12,005,482	\$9,657,646	\$8,773,710	\$11,215,170	\$9,449,572	\$10,075,991	\$9,841,145
GSA	NR	NR	\$805,000	\$800,000	\$805,000	\$825,000	\$875,000	\$1,311,000	\$1,334,000	\$1,440,000
NARA	\$970,540	\$1,642,970	\$1,336,087	\$1,924,522	\$1,544,160	\$1,354,911	\$1,425,774	\$1,741,987	\$2,622,615	\$2,719,652
NASA	\$578,088	\$547,545	\$671,027	\$696,088	\$703,986	\$993,669	\$1,541,496	\$1,128,410	\$1,473,386	\$1,920,656
NLRB	\$112,072	\$120,540	\$128,859	\$191,110	\$759,923	\$824,963	\$706,148	\$779,187	\$734,538	\$724,834
NRC	\$1,115,402	\$1,350,659	\$1,381,965	\$1,235,303	\$1,273,026	\$1,275,998	\$1,127,003	\$1,016,677	\$1,060,923	\$1,109,456
NSF	\$137,620	\$139,465	\$146,710	\$171,753	\$17,396	\$172,137	\$179,567	\$214,166	\$241,816	\$236,187
SEC	\$1,700,621	\$1,859,700	\$3,052,213	\$2,443,098	\$2,933,058	\$12,237,000	\$2,564,726	\$3,835,658	\$4,283,262	\$3,509,418
SBA	\$259,922	\$281,428	\$338,812	\$341,902	\$356,578	\$499,774	\$753,750	\$812,729	\$1,050,777	\$954,169
Total	\$172,314,918	\$127,735,832	\$183,570,211	\$212,981,503	\$220,943,934	\$235,821,688	\$228,793,338	\$236,635,617	\$240,874,994	\$233,883,037

KEY: NR=Not Reported

Overall, agency spending to handle FOIA requests has increased 34 percent since reporting began in 1998.

The Cost of Processing Each FOIA Request

Department/ Agency	Cost Per Request									
	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
Agriculture	\$71	\$83	\$56	\$255	\$212	\$130	\$185	\$190	\$186	\$306
Commerce	\$405	\$614	\$612	\$567	\$669	\$633	\$675	\$669	\$877	\$682
Defense	\$368	\$332	\$365	\$492	\$514	\$576	\$606	\$608	\$888	\$824
Education	\$343	\$317	\$268	\$251	\$187	\$271	\$389	\$479	\$1,314	\$1,398
Energy	\$1,888	\$1,526	\$922	\$927	\$866	\$1,302	\$1,351	\$1,049	\$1,034	\$1,118
Homeland Sec.	<i>Department of Homeland Security was established in 2003.</i>					\$134	\$135	\$225	\$245	\$167
HUD	\$160	\$167	\$572	\$820	\$557	\$833	\$502	\$684	\$915	\$484
Interior	\$806	\$826	\$1,016	\$1,104	\$1,424	\$1,583	\$1,719	\$1,194	\$1,552	\$1,802
Justice	\$253	\$103	\$279	\$363	\$419	\$1,173	\$959	\$1,101	\$793	\$741
Labor	\$248	\$20	\$231	\$249	\$652	\$719	\$670	\$688	\$669	\$644
State	\$5,438	\$2,600	\$3,784	\$3,709	\$2,999	\$2,097	\$2,550	\$2,565	\$1,415	\$896
Transportation	\$614	\$46	\$403	\$459	\$532	\$609	\$700	\$782	\$856	\$753
Treasury	\$355	\$188	\$284	\$227	\$215	\$210	\$210	\$239	\$310	\$404
CIA	\$990	\$1,269	\$1,804	\$2,063	\$2,331	\$2,337	\$2,443	\$2,685	\$3,439	\$2,969
CPSC	\$121	\$106	\$107	\$140	\$167	\$180	\$254	\$212	\$214	\$207
EEOC	\$91	\$99	\$104	\$112	\$129	\$109	\$124	\$122	\$148	\$167
EPA*	\$239	\$371	\$511	\$840	\$501	\$607	\$840	\$851	\$794	\$816
GSA	NR	NR	\$572	\$527	\$572	\$605	\$740	\$840	\$917	\$1,069
NARA	\$164	\$300	\$143	\$249	\$175	\$281	\$273	\$196	\$295	\$220
NASA	\$273	\$328	\$406	\$399	\$409	\$529	\$984	\$835	\$1,302	\$1,448
NLRB	\$18	\$20	\$24	\$36	\$137	\$157	\$133	\$166	\$132	\$169
NRC	\$2,490	\$3,536	\$3,666	\$3,217	\$2,988	\$2,940	\$2,897	\$2,947	\$2,915	\$3,161
NSF	\$646	\$825	\$797	\$710	\$68	\$745	\$581	\$805	\$711	\$689
SEC	\$533	\$622	\$1,069	\$967	\$1,016	\$3,515	\$670	\$517	\$518	\$279
SBA	\$113	\$113	\$110	\$129	\$168	\$262	\$391	\$217	\$168	\$285
Average	\$294	\$220	\$283	\$416	\$429	\$444	\$437	\$494	\$526	\$508
KEY:	Average and above									
<p>The cost per request has risen steadily over the past 10 years, hitting a high in 2006 and falling back slightly in 2007. It was still 73% higher in 2007 than when reporting began in 1998. The State Department, CIA and Nuclear Regulatory Commission are the cost leaders. These and six other agencies have consistently exceeded the average per request cost. Six agencies have kept costs below average in each reporting year.</p>										

Comparing Agency Efficiency, 1998 v. 2007

Department/ Agency	Requests Processed		Percent change	Percent Backlog		FTEs		Requests per FTE		Cost per Request	
	1998	2007	1998-2007	1998	2007	1998	2007	1998	2007	1998	2007
Agriculture	88,204	31,651	-64%	2%	5%	150	170	587	186	\$71	\$306
Commerce	2,283	1,949	-15%	7%	11%	19	19	121	105	\$405	\$682
Defense	106,191	78,392	-26%	10%	33%	806	971	132	81	\$368	\$824
Education	1,679	1,670	-1%	8%	40%	10	23	170	73	\$343	\$1,398
Energy	2,314	3,698	60%	32%	17%	42	21	55	176	\$1,888	\$1,118
Homeland Sec	*	135,297	*	*	62%	*	811	*	167	*	\$167
HUD	2,827	7,661	171%	43%	10%	16	69	177	111	\$160	\$484
Interior	5,002	5,437	9%	11%	16%	132	184	38	30	\$806	\$1,802
Justice	195,105	53,889	-72%	13%	14%	954	421	204	128	\$253	\$741
Labor	17,540	27,581	57%	6%	5%	113	194	155	142	\$248	\$644
State	2,317	4,792	107%	231%	85%	126	104	18	46	\$5,438	\$896
Transportation	17,406	9,542	-45%	25%	23%	218	84	80	114	\$614	\$753
Treasury	56,184	28,785	-49%	12%	11%	211	122	266	236	\$355	\$404
CIA	7,169	3,031	-58%	66%	26%	118	82	61	37	\$990	\$2,96
CPSC	13,467	4,402	-67%	2%	6%	17	10	792	440	\$121	\$207
EEOC	17,551	14,879	-15%	8%	10%	46	41	382	366	\$91	\$167
EPA	18,848	12,066	-36%	32%	14%	1,002	119	19	101	\$239	\$816
GSA	NR	1,347		NR	6%	NR	24	NR	56	NR	\$1,069
NARA	5,930	12,386	109%	19%	42%	22	30	267	413	\$164	\$220
NASA	2114	1,326	-37%	11%	25%	16	24	130	56	\$273	\$1,448
NLRB	6133	4,278	-30%	3%	4%	10	10	601	450	\$18	\$169
NRC	448	351	-22%	12%	10%	16	7	28	50	\$2,490	\$3,161
NSF	213	343	61%	7%	1%	2	2	125	229	\$646	\$689
SEC	3,190	12,564	294%	4%	55%	20	32	156	393	\$533	\$279
SBA	2,293	3,348	46%	3%	1%	165	12	14	274	\$113	\$285
Total	574,408	460,665	-20%	13%	33%	4,232	3,584	129	129	\$294	\$508

KEY: Improved Performance

NR=Not Reported

***Department did not exist until 2003.**

The government's huge FOIA backlog is no surprise when the workforce and efficiency of agencies are examined. There has been an overall decline in FOIA personnel (17%) and no increase in efficiency (the requests handled per employee is unchanged from 1998). And the cost for handling each request has soared 73%. Only eight of the 25 agencies improved their processing rate and only three reduced their per request handling cost.

FOIA Fees Collected by Department, Agency, 1998 to 2007

Department/ Agency	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
Agriculture	\$140,913	\$132,718	\$117,530	\$109,332	\$124,190	\$140,461	\$134,229	\$104,408	\$104,989	\$107,455
Commerce	\$33,939	\$38,119	\$15,163	\$55,560	\$48,867	\$42,758	\$36,271	\$26,540	\$83,667	\$74,695
Defense	\$689,155	\$834,816	\$666,363	\$652,516	\$522,301	\$518,815	\$537,741	\$470,829	\$518,002	\$497,354
Education	\$31,518	\$30,955	\$22,409	\$13,057	\$9,691	\$15,538	\$13,732	\$32,825	\$22,728	\$28,680
Energy	\$6,414	\$20,956	\$57,079	\$82,365	\$13,786	\$18,906	\$57,027	\$25,588	\$18,541	\$15,199
Homeland Sec.	<i>Department of Homeland Security was established in 2003.</i>					\$270,384	\$320,154	\$280,663	\$323,575	\$343,128
HUD	\$27,203	\$7,715	\$2,067	\$32,649	\$26,588	\$26,588	\$54,614	\$40,696	\$50,723	\$17,865
Interior	\$95,672	\$105,666	\$123,985	\$102,726	\$70,474	\$109,749	\$177,734	\$134,114	\$94,551	\$100,388
Justice	\$82,057	\$89,432	\$126,339	\$179,086	\$239,040	\$125,915	\$108,013	\$95,855	\$134,165	\$111,826
Labor	\$187,537	\$199,766	\$227,731	\$218,802	\$207,365	\$225,232	\$198,246	\$180,690	\$316,404	\$220,138
State	\$11,567	\$5,822	\$5,822	\$6,352	\$18,889	\$16,443	\$30,767	\$15,218	\$7,571	\$20,683
Transportation	\$113,942	\$266,540	\$328,356	\$366,592	\$284,214	\$215,818	\$214,496	\$216,269	\$212,223	\$185,141
Treasury	\$491,369	\$463,684	\$549,495	\$583,445	\$513,309	\$422,773	\$472,323	\$520,021	\$619,242	\$543,542
CIA	\$1,269	\$1,395	\$1,759	\$1,012	\$1,228	\$1,250	\$1,870	\$1,258	\$4,733	\$7,392
CPSC	\$17,080	\$23,418	\$17,002	\$10,642	\$4,187	\$2,511	\$2,494	\$5,119	\$2,440	\$14,726
EEOC	\$49,801	\$50,342	\$35,962	\$262,201	\$116,154	\$181,225	\$69,609	\$27,379	\$23,949	\$36,487
EPA	\$524,841	\$457,534	\$394,970	\$440,064	\$341,325	\$324,203	\$350,871	\$325,812	\$327,386	\$313,783
GSA	NR	\$30,655	\$29,247	\$32,552	\$29,247	\$23,521	\$20,147	\$58,876	\$47,839	\$58,741
NARA	\$327	0	0	\$2,030	0	\$2,482	\$3,588	0	0	\$4,500
NASA	\$24,240	\$33,003	\$34,578	\$44,428	\$41,459	\$24,713	\$27,658	\$21,362	\$16,976	\$29,544
NLRB	\$81,856	\$81,311	\$91,270	\$83,588	\$94,423	\$86,381	\$95,903	\$82,383	\$86,913	\$74,581
NRC	\$25,170	\$34,513	\$23,059	\$21,036	\$40,559	\$28,140	\$38,225	\$43,081	\$28,450	\$8,063
NSF	\$3,680	\$6,462	\$1,491	\$1,227	\$746	\$974	\$194	\$1,475	\$1,681	\$985
SEC	\$23,885	\$30,534	\$24,795	\$31,156	\$21,304	\$306,098	\$83,059	\$63,431	\$72,515	\$140,106
SBA	\$8,397	\$11,458	\$10,917	\$20,862	\$16,640	\$11,847	\$14,503	\$16,250	\$21,573	\$38,790
Total	\$2,671,831	\$2,956,815	\$2,907,388	\$3,353,280	\$2,785,985	\$3,142,723	\$3,063,469	\$2,790,143	\$3,140,836	\$2,993,792

The Justice Department decrease in 2003 reflects the transfer of INS to Homeland Security.

Litigation Costs 1998 - 2007

Department/ Agency	1998	2000	2002	2004	2006	2007
Agriculture	\$577,650	\$342,584	\$281,436	\$266,025	\$335,371	\$400,937
Commerce	\$223,840	\$1,039,109	\$525,808	\$396,280	\$269,824	\$269,824
Defense	\$499,424	\$1,283,261	\$521,523	\$428,202	\$2,695,976	\$2,306,978
Education	\$3,022	\$0	\$0	\$0	\$0	\$203,674
Energy	\$0	\$0	\$270,211	\$189,035	\$139,543	\$126,600
Homeland Sec.	<i>Department of Homeland Security was established in 2003.</i>			\$562,803	\$627,704	\$522,147
HUD	\$395,617	\$546,000	\$76,529	\$18,968	\$9,350	\$17,865
Interior	\$118,862	\$146,356	\$255,589	\$358,718	\$121,580	\$227,443
Justice	\$3,448,090	\$3,607,472	\$4,305,061	\$12,394,368	\$6,916,623	\$7,503,364
Labor	\$500,000	\$500,000	\$250,000	\$160,000	\$168,000	\$671,500
State	\$110,000	\$76,011	\$91,396	\$123,156	\$171,177	\$188,250
Transportation	\$61,135	\$164,000	\$161,202	\$90,381	\$109,848	\$178,752
Treasury	\$1,400,962	\$930,434	\$423,269	\$408,575	\$508,009	\$597,622
CIA	\$1,700,000	\$1,700,000	\$700,000	\$730,000	\$1,190,000	\$1,400,000
CPSC	\$46,700	\$0	\$0	\$2,000	\$23,437	\$8,450
EEOC	\$0	\$0	\$0	\$26,759	\$25,973	\$0
EPA	\$0	\$45,960	\$261,023	\$290,309	\$4,206,070	\$464,405
GSA	NR	\$32,000	\$32,000	\$41,000	\$6,000	\$0
NARA	\$5,909	\$3,249	\$0	\$0	\$0	\$0
NASA	\$3,000	\$1,210	\$0	\$118,344	\$13,403	\$108,312
NLRB	\$45,178	\$103,594	\$29,097	\$46,860	\$18,630	\$9,134
NRC	\$11,500	\$11,500	\$0	\$0	\$0	\$0
NSF	\$0	\$0	\$0	\$0	\$0	\$0
SEC	\$0	\$6,080	\$35,058	\$663	\$195,671	\$275,921
SBA	\$15,000	\$0	\$2,300	\$1,800	\$4,964	\$0
Total	\$9,165,889	\$10,538,820	\$8,221,502	\$16,654,246	\$17,757,153	\$15,481,178

Litigation costs reported by the agencies represent actual agency costs, not judgment or settlement costs or awards of litigation fees, which have been covered by a government-wide "Judgment Fund." Agencies showing dramatic swings in litigation costs offered no explanations in their reports.