



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

APR 19 2017

The Honorable Charles E. Grassley  
Chairman  
Committee on the Judiciary  
United States Senate  
Washington, DC 20510

Dear Mr. Chairman:

This responds to your letter dated March 15, 2017 to the Director of the Department of Justice's (the Department) Office of Information Policy (OIP) concerning the implementation of the FOIA Improvement Act of 2016 and OIP's role in FOIA matters. As you know, the Department is responsible for encouraging government-wide compliance with the FOIA and we take this responsibility very seriously. The Department recently submitted to Congress its 2016 FOIA Litigation and Compliance Report,<sup>1</sup> which details a wide range of efforts undertaken by OIP this past calendar year to encourage compliance with the FOIA. We refer the Committee to that Report for a comprehensive description of OIP's activities in that regard. Set out below are answers to your specific questions. We are sending identical responses to the other Senators who joined in your letter.

**FOIA Improvement Act of 2016**

OIP has taken a number of steps to ensure that agencies are fully implementing all the recent changes made to the FOIA through the FOIA Improvement Act of 2016. The two changes to the statute referenced in your letter, i.e., codification of the "foreseeable harm standard" and codification of the practice of proactively posting records online once they have been requested three times, both originated with the Department of Justice and OIP has been encouraging compliance with these long-standing policies for a number of years. OIP has long included these topics in its government-wide FOIA trainings and has required agencies to report on their implementation through their Chief FOIA Officer Reports, which are publicly available on OIP's website.

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statutory amendments by providing training, issuing guidance, and leading government-wide efforts in accordance with the various new provisions of the law. For example:

- OIP held a government-wide training event that was widely attended on the new FOIA amendments. The training provided an overview of the amendments, including codification of the foreseeable harm standard and the posting of frequently requested records. The training also provided an opportunity for agency FOIA personnel to ask OIP's Director questions about the FOIA Improvement Act. The slides from the training session are publicly available on OIP's website.
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  - On July 18, 2016, OIP issued guidance to agencies on the new requirements for FOIA response letters, including the requirement to afford requesters ninety days to file an administrative appeal and the new notification requirements for extending the FOIA's time limits. The guidance included an implementation checklist to serve as a quick resource for FOIA professionals.
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Finally, OIP continues to provide direct, one-on-one counseling for agency personnel through its FOIA Counselor Service. Agency professionals continue to call OIP's FOIA Counselor service for advice on all aspects of the FOIA, including the new provisions from the FOIA Improvement Act of 2016.

### **Consolidated Online Request Portal**

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Subsequent to the signing of the FOIA Improvement Act of 2016, OIP continued this work with the Office of Management and Budget (OMB) as a Cross-Agency Priority (CAP) goal. Working with OMB, we have secured \$1.3 million to develop the initial phase of the portal. OIP also has been working with the 18F Team at GSA to develop a Statement of Work for the project and the Department has now signed an inter-agency agreement with 18F. As you know, 18F is a technology service built in the spirit of tech startups and provides agencies with custom, user-centric solutions that address a client's unique challenges. We are nearing the kickoff of our new work on the portal in conjunction with 18F in the coming weeks. We expect the initial phase of the project to be completed in 2017; however, we will be employing an open and iterative development process throughout this project allowing stakeholders to be fully engaged from the very beginning. This will ensure that interested stakeholders, including requesters and agencies, can monitor, and weigh-in on, the progress of the portal as the project proceeds. The work being done on the portal will be available to view and interact with from the beginning and as it progresses towards a more final product, both requesters and agency users will be able to continue to work with it and test new features in each iteration of the development process.

### **Fostering Good Communication between Agencies and Requesters**

OIP has engaged in a range of efforts over the years to encourage good communication and outreach with requesters across the government. Since 2010, OIP has issued multiple guidance articles encouraging practices that embrace the importance of good communication with requesters. This guidance, which is listed below, is available on OIP's website.

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- The Importance of Good Communication with FOIA Requesters 2.0: Improving Both the Means and Content of Requester Communications (November 22, 2013)
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  - Implementation Checklist for OIP Guidance on Limitations on Use of "Still-Interested" Inquiries

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As a further way of reinforcing the importance of outreach to requesters, OIP has also required agencies to report on their FOIA outreach activities in their Chief FOIA Officer Reports. As you know, the FOIA requires each agency Chief FOIA Officer to "review and report to the Attorney General, through the head of the agency, at such times and in such formats as the Attorney General may direct, on the agency's performance in implementing [the FOIA]." 5 U.S.C. § 552(j)(2)(D) (2014). In addition to asking about requester outreach, OIP has also asked agencies to report on the activities of their FOIA Requester Service Centers and FOIA Public Liaisons who interact with requesters every day. Moreover, this past year, OIP asked agencies to report on whether they offer a mechanism for requesters to provide feedback about their experience with the FOIA process. OIP posts all of the Chief FOIA Officer Report Guidelines on its Guidance page.

In their Chief FOIA Officer Reports, many agencies have detailed their efforts to engage in outreach with requesters. The following are just a few examples of these efforts that were highlighted in the Department's Summary of the 2016 Chief FOIA Officer Reports:

- The Department of Homeland Security Privacy Office hosted an open forum meeting to discuss their FOIA process with requesters and to look for ways to improve.
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- The United States Postal Service (USPS) held a FOIA Forum in December 2015 that was open to postal employees and the public.

As you can see, the Department very much appreciates the importance and benefits of working with requesters and employing good communication practices. OIP has fully embedded those principles in all of its different efforts to encourage compliance with the FOIA.

#### **"Release to One is Release to All"**

In July 2015, the Department launched a 6-month pilot program with seven volunteer agencies to assess the viability of a policy that would direct agencies to proactively post online their FOIA responses. The concept behind the pilot was to take the legal maxim under the FOIA that "release to one is release to all" and make it literally a reality. The goal of such a policy is to enable all citizens—not just those making individual requests—to have access to information released under the FOIA. Preparing documents for online posting involves time and resources to ensure that the material is available to all members of the public, including those with disabilities. Because that preparation necessarily involves agency time and resources, OIP conducted the pilot to capture metrics on the time and resources associated with implementing this policy, as well as to assess any impacts on interested stakeholders. At the conclusion of the pilot OIP prepared a comprehensive report, summarizing the metrics gathered and experiences learned by the pilot participants. Based on the metrics collected, input from stakeholders, and interviews and discussions with the pilot participants OIP made seven findings concerning the feasibility of implementing such a policy, which it included in its public report.

In conjunction with the signing of the FOIA Improvement Act of 2016, OIP took this initiative to the next step by working with the newly established Chief FOIA Officers Council to consider the lessons learned from the pilot and to get further input on issues critical to a proposed government-wide "Release to One is a Release to All" policy. This effort included assessing the impact on investigative journalism, as well as how best to address technological and resource challenges. OIP held two Chief FOIA Officer Council meetings in July and September of 2016, both of which were open to the public. A recap of the meetings, and all of the material from the meetings, can be found on the Chief FOIA Officer Council page of OIP's website.

After giving careful consideration to the lessons learned from the pilot and the feedback received from both agencies and the public, OIP next published draft guidance concerning the proposed policy in the Federal Register for public comment. All comments were due by December 23, 2016. OIP received a range of thoughtful comments with competing suggestions from the public on several aspects of the policy, including the merits of whether a delay should be required before agencies post records. The Department is currently evaluating those comments and balancing them against the lessons learned from the pilot and agency feedback to determine the best path forward for advancing the principles behind the policy. The overwhelming concern raised by agencies with regard to the policy are the resources needed to prepare documents for posting by making them compliant with Section 508 of the Rehabilitation Act. Some agencies have reported concern that this diversion of their time and resources could impact their ability to respond to FOIA requests.

OIP is continuing to encourage agencies to proactively post information of interest to the public. Indeed, several agencies reported in their 2017 Chief FOIA Officer Reports that they are already implementing the “Release to One is a Release to All” presumption. Moreover, as discussed above, in accordance with the FOIA Improvement Act of 2016 agencies are required to post FOIA-processed records once they have been requested three times and so those FOIA-processed records are now being made available to all through that public posting.

### **Defining a “Record”**

In response to your questions about OIP’s guidance on defining a “record” for purposes of responding to FOIA requests, that guidance is rooted in the guiding principles provided by the Court of Appeals for the District of Columbia Circuit in *American Immigration Lawyers Association (AILA) v. EOIR*, 830 F.3d 667, 678 (2016), as well as the definition of a record found in the FOIA’s sister statute, the Privacy Act of 1974. Like the FOIA, the Privacy Act has an access provision and is contained within 5 U.S.C. § 552 as part of the Administrative Procedure Act.

In *AILA* the plaintiff submitted a request to the agency for records regarding complaints made against immigration judges. The agency processed thousands of pages of complaint files, but made redactions of information that the agency deemed to be non-responsive to the FOIA request. AILA moved to compel production of the non-responsive material and, as the D.C. Circuit relayed, “[t]he district court, relying on its own past practice and that of other district courts in recent years, denied AILA’s motion.” Indeed, as noted in OIP’s guidance, for many years it was common practice for agencies to process only those portions of a document that are responsive to the topic of the request and to redact the other portions as “non-responsive” or “outside the scope.” This is clearly evidenced in the many court decisions where this practice was affirmed. See *Welby v. HHS*, 2016 WL 1718263, at \*8 (S.D.N.Y. Apr. 27, 2016) (finding that the agency did not improperly redact portions of a document because the subject matter was unrelated to the FOIA request or fell outside the time period provided in the FOIA request);

*Gahagan v. USCIS*, 147 F.Supp.3d 613 (E.D. La 2015) (finding that the agency lawfully withheld, from otherwise responsive documents, nonresponsive notes about the processing of the request); *Menifee v. U.S. Dep't of the Interior*, 931 F. Supp. 2d 149, 167 (D.D.C. 2013) (finding that redactions of information outside the scope of the request was not improper, even if not exempted from FOIA disclosure); *Pub. Investors Arb. Bar Ass'n v. S.E.C.*, 930 F. Supp. 2d 55, 72 (D.D.C. 2013) (concluding that, "it is elementary that an agency's decision to withhold non-responsive material is not a violation of the FOIA"); *Ctr. for Biological Diversity v. OMB*, No. 07-04997, 2009 WL 1246690, at \*5 (N.D. Cal. May 5, 2009) (finding that agency "is not required to produce information that is not responsive to a FOIA request"); *Cal. ex rel. Brown v. NHTSA*, No. 06-2654, 2007 WL 1342514, at \*2 (N.D. Cal. May 8, 2007) (declining to order agency to disclose non-responsive information redacted from documents, and stating that "[a]n agency has no obligation to produce information that is not responsive to a FOIA request").

On appeal, the D.C. Circuit noted that the agency practice of redacting non-responsive information within responsive records was "a question of first impression" for the D.C. Circuit. Relying on the Supreme Court's ruling in *Milner v. Department of the Navy* that the FOIA's exemptions are "'exclusive' and must be 'narrowly construed,'" 562 U.S. 562, 565 (2011) (quoting *EPA v. Mink*, 410 U.S. 73, 79 (1973) & *FBI v. Abramson*, 456 U.S. 615, 630 (1982)), the D.C. Circuit ruled that "non-responsive redactions . . . find no home in FOIA's scheme." *AILA*, 830 F.3d at 677. OIP's guidance fully embraces and implements the D.C. Circuit's finding in *AILA* that once an agency identifies a record that is responsive to a request, it cannot redact information within that record based on the fact that it is non-responsive.

Significantly, in arriving at its conclusion the D.C. Circuit did not attempt to answer the important antecedent question of what a "record" is under the FOIA. *Id.* at 678. Indeed, it noted that the "practical significance of FOIA's command to disclose a responsive record as a unit (after deletion of exempt information) depends on how one conceives of a 'record.'" *Id.* The court in *AILA* noted that there is no definition of the term "record" in the definition section of the FOIA. *AILA*, 830 F.3d at 678.

While the court in *AILA* declined to examine the issue and provide a definition of a "record," for purposes of FOIA, some helpful principles did emerge from the court's opinion which form the basis of OIP's guidance. The court recognized that there are a range of ways to define what is a "record," and that it is the very process of searching for what has been requested by each requester that forms the basis for the determination. *See id.* While the court drew attention to a number of different disclosure statutes, the "record" definition from the Privacy Act is particularly relevant, given that the Privacy Act is the sister statute to the FOIA, often working in tandem with it. Indeed, both the FOIA and the Privacy Act are part of the Administrative Procedure Act, and both statutes contain rights of access to agency records. *See* 5 U.S.C. §§ 552(a)(3), 552a(d)(1). Additionally, unlike other Federal statutory definitions of the term "record," the Privacy Act definition allows for a content-based approach to the decision. Using the Privacy Act' definition of a record as an "item, collection, or grouping of information" allows agencies to understand as a practical matter what may be considered a single record when processing a request. Moreover, OIP's guidance stresses that the nature of a FOIA "record" is

defined by both the content of a document *and* the subject of the request, both of which must be considered in determining what is a record for the purposes of each individual FOIA request.

OIP's guidance was thoughtfully crafted to embrace the presumption of openness. The guidance helps ensure that requesters have efficient access to the records that they seek and that agency time and resources are not diverted from that task by reviewing records that were not requested. Spending resources to process records that the requester has not requested disadvantages all requesters by prolonging response times for everyone. A recent decision by the District Court for the District of Columbia affirmed this approach, with the court noting that "If an agency was forced to turn over a full manual or entire report every time a single page contained a responsive term, the amount of time, labor, and cost that would be required to review this purportedly 'responsive' material for exemptions would be exponential, hindering the agency's ability to process multiple requests efficiently or allocate its resources effectively." *Shapiro v. CIA*, No. 00019 (D.D.C. Mar. 21, 2017).

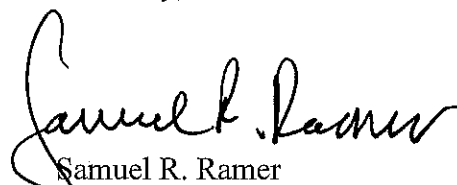
Additionally, once a record has been identified as responsive, the agency applies the presumption of openness in processing those records. OIP's guidance does not change this in any way. Indeed, the Department has long championed applying a presumption of openness to disclosure determinations even before these principles were codified in the statute. Looking to the definition of a record found in the Administrative Procedure Act, OIP's guidance provides workable principles to help agencies implement the precedent set in *AILA* in a manner that is not only consistent with the presumption of openness, but fully embraces it.

#### **OIP's Litigation Role**

From time to time OIP has assisted the United States Attorney's Office for the District of Columbia by taking on a handful of FOIA cases. These cases can involve both procedural matters and the proper application of exemptions. In accordance with 28 C.F.R. § 0.24(g) (2016), OIP may represent government agencies in FOIA litigation through the United States Attorney's Offices.

We appreciate your interest in the Department's and agencies' FOIA administration and we hope that this information is helpful. Please do not hesitate to contact this office if we may provide additional assistance regarding this or any other matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Samuel R. Ramer". The signature is fluid and cursive, with a large initial "S" and a stylized "R".

Samuel R. Ramer  
Acting Assistant Attorney General





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#### **"Release to One is Release to All"**

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In conjunction with the signing of the FOIA Improvement Act of 2016, OIP took this initiative to the next step by working with the newly established Chief FOIA Officers Council to consider the lessons learned from the pilot and to get further input on issues critical to a proposed government-wide "Release to One is a Release to All" policy. This effort included assessing the impact on investigative journalism, as well as how best to address technological and resource challenges. OIP held two Chief FOIA Officer Council meetings in July and September of 2016, both of which were open to the public. A recap of the meetings, and all of the material from the meetings, can be found on the Chief FOIA Officer Council page of OIP's website.

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OIP is continuing to encourage agencies to proactively post information of interest to the public. Indeed, several agencies reported in their 2017 Chief FOIA Officer Reports that they are already implementing the “Release to One is a Release to All” presumption. Moreover, as discussed above, in accordance with the FOIA Improvement Act of 2016 agencies are required to post FOIA-processed records once they have been requested three times and so those FOIA-processed records are now being made available to all through that public posting.

### **Defining a “Record”**

In response to your questions about OIP’s guidance on defining a “record” for purposes of responding to FOIA requests, that guidance is rooted in the guiding principles provided by the Court of Appeals for the District of Columbia Circuit in *American Immigration Lawyers Association (AILA) v. EOIR*, 830 F.3d 667, 678 (2016), as well as the definition of a record found in the FOIA’s sister statute, the Privacy Act of 1974. Like the FOIA, the Privacy Act has an access provision and is contained within 5 U.S.C. § 552 as part of the Administrative Procedure Act.

In *AILA* the plaintiff submitted a request to the agency for records regarding complaints made against immigration judges. The agency processed thousands of pages of complaint files, but made redactions of information that the agency deemed to be non-responsive to the FOIA request. *AILA* moved to compel production of the non-responsive material and, as the D.C. Circuit relayed, “[t]he district court, relying on its own past practice and that of other district courts in recent years, denied *AILA*’s motion.” Indeed, as noted in OIP’s guidance, for many years it was common practice for agencies to process only those portions of a document that are responsive to the topic of the request and to redact the other portions as “non-responsive” or “outside the scope.” This is clearly evidenced in the many court decisions where this practice was affirmed. See *Welby v. HHS*, 2016 WL 1718263, at \*8 (S.D.N.Y. Apr. 27, 2016) (finding that the agency did not improperly redact portions of a document because the subject matter was unrelated to the FOIA request or fell outside the time period provided in the FOIA request);

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On appeal, the D.C. Circuit noted that the agency practice of redacting non-responsive information within responsive records was "a question of first impression" for the D.C. Circuit. Relying on the Supreme Court's ruling in *Milner v. Department of the Navy* that the FOIA's exemptions are "'exclusive' and must be 'narrowly construed,'" 562 U.S. 562, 565 (2011) (quoting *EPA v. Mink*, 410 U.S. 73, 79 (1973) & *FBI v. Abramson*, 456 U.S. 615, 630 (1982)), the D.C. Circuit ruled that "non-responsive redactions . . . find no home in FOIA's scheme." *AILA*, 830 F.3d at 677. OIP's guidance fully embraces and implements the D.C. Circuit's finding in *AILA* that once an agency identifies a record that is responsive to a request, it cannot redact information within that record based on the fact that it is non-responsive.

Significantly, in arriving at its conclusion the D.C. Circuit did not attempt to answer the important antecedent question of what a "record" is under the FOIA. *Id.* at 678. Indeed, it noted that the "practical significance of FOIA's command to disclose a responsive record as a unit (after deletion of exempt information) depends on how one conceives of a 'record.'" *Id.* The court in *AILA* noted that there is no definition of the term "record" in the definition section of the FOIA. *AILA*, 830 F.3d at 678.

While the court in *AILA* declined to examine the issue and provide a definition of a "record," for purposes of FOIA, some helpful principles did emerge from the court's opinion which form the basis of OIP's guidance. The court recognized that there are a range of ways to define what is a "record," and that it is the very process of searching for what has been requested by each requester that forms the basis for the determination. *See id.* While the court drew attention to a number of different disclosure statutes, the "record" definition from the Privacy Act is particularly relevant, given that the Privacy Act is the sister statute to the FOIA, often working in tandem with it. Indeed, both the FOIA and the Privacy Act are part of the Administrative Procedure Act, and both statutes contain rights of access to agency records. *See* 5 U.S.C. §§ 552(a)(3), 552a(d)(1). Additionally, unlike other Federal statutory definitions of the term "record," the Privacy Act definition allows for a content-based approach to the decision. Using the Privacy Act's definition of a record as an "item, collection, or grouping of information" allows agencies to understand as a practical matter what may be considered a single record when processing a request. Moreover, OIP's guidance stresses that the nature of a FOIA "record" is

defined by both the content of a document *and* the subject of the request, both of which must be considered in determining what is a record for the purposes of each individual FOIA request.

OIP's guidance was thoughtfully crafted to embrace the presumption of openness. The guidance helps ensure that requesters have efficient access to the records that they seek and that agency time and resources are not diverted from that task by reviewing records that were not requested. Spending resources to process records that the requester has not requested disadvantages all requesters by prolonging response times for everyone. A recent decision by the District Court for the District of Columbia affirmed this approach, with the court noting that "If an agency was forced to turn over a full manual or entire report every time a single page contained a responsive term, the amount of time, labor, and cost that would be required to review this purportedly 'responsive' material for exemptions would be exponential, hindering the agency's ability to process multiple requests efficiently or allocate its resources effectively." *Shapiro v. CIA*, No. 00019 (D.D.C. Mar. 21, 2017).

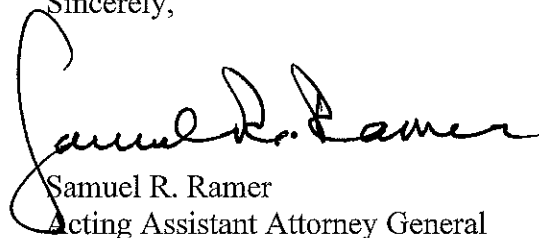
Additionally, once a record has been identified as responsive, the agency applies the presumption of openness in processing those records. OIP's guidance does not change this in any way. Indeed, the Department has long championed applying a presumption of openness to disclosure determinations even before these principles were codified in the statute. Looking to the definition of a record found in the Administrative Procedure Act, OIP's guidance provides workable principles to help agencies implement the precedent set in *AILA* in a manner that is not only consistent with the presumption of openness, but fully embraces it.

#### **OIP's Litigation Role**

From time to time OIP has assisted the United States Attorney's Office for the District of Columbia by taking on a handful of FOIA cases. These cases can involve both procedural matters and the proper application of exemptions. In accordance with 28 C.F.R. § 0.24(g) (2016), OIP may represent government agencies in FOIA litigation through the United States Attorney's Offices.

We appreciate your interest in the Department's and agencies' FOIA administration and we hope that this information is helpful. Please do not hesitate to contact this office if we may provide additional assistance regarding this or any other matter.

Sincerely,



Samuel R. Ramer  
Acting Assistant Attorney General





**U.S. Department of Justice**

Office of Legislative Affairs

Office of the Assistant Attorney General

*Washington, D.C. 20530*

**APR 19 2017**

The Honorable John Cornyn  
Committee on the Judiciary  
United States Senate  
Washington, DC 20510

Dear Senator Cornyn:

This responds to your letter dated March 15, 2017 to the Director of the Department of Justice's (the Department) Office of Information Policy (OIP) concerning the implementation of the FOIA Improvement Act of 2016 and OIP's role in FOIA matters. As you know, the Department is responsible for encouraging government-wide compliance with the FOIA and we take this responsibility very seriously. The Department recently submitted to Congress its 2016 FOIA Litigation and Compliance Report,<sup>1</sup> which details a wide range of efforts undertaken by OIP this past calendar year to encourage compliance with the FOIA. We refer the Committee to that Report for a comprehensive description of OIP's activities in that regard. Set out below are answers to your specific questions. We are sending identical responses to the other Senators who joined in your letter.

**FOIA Improvement Act of 2016**

OIP has taken a number of steps to ensure that agencies are fully implementing all the recent changes made to the FOIA through the FOIA Improvement Act of 2016. The two changes to the statute referenced in your letter, i.e., codification of the "foreseeable harm standard" and codification of the practice of proactively posting records online once they have been requested three times, both originated with the Department of Justice and OIP has been encouraging compliance with these long-standing policies for a number of years. OIP has long included these topics in its government-wide FOIA trainings and has required agencies to report on their implementation through their Chief FOIA Officer Reports, which are publicly available on OIP's website.

After passage of the FOIA Improvement Act of 2016, OIP immediately took a number of steps to inform and educate agencies as to all of its provisions. OIP created a detailed summary of the law and a redline version of the FOIA showing the changes made and posted those resources to its website. OIP continued to assist agencies with implementation of the new

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<sup>1</sup> Links to supporting documents have been embedded throughout the document and can be viewed by selecting the highlighted text. All links can be accessed by visiting <http://www.justice.gov/oip>.

statutory amendments by providing training, issuing guidance, and leading government-wide efforts in accordance with the various new provisions of the law. For example:

- OIP held a government-wide training event that was widely attended on the new FOIA amendments. The training provided an overview of the amendments, including codification of the foreseeable harm standard and the posting of frequently requested records. The training also provided an opportunity for agency FOIA personnel to ask OIP's Director questions about the FOIA Improvement Act. The slides from the training session are publicly available on OIP's website.
- OIP issued several guidance articles to agencies addressing the various changes made by the FOIA Improvement Act of 2016:
  - On July 18, 2016, OIP issued guidance to agencies on the new requirements for FOIA response letters, including the requirement to afford requesters ninety days to file an administrative appeal and the new notification requirements for extending the FOIA's time limits. The guidance included an implementation checklist to serve as a quick resource for FOIA professionals.
  - On September 8, 2016, OIP issued updated guidance on Agency FOIA Regulations, which incorporated the changes made by the FOIA Improvement Act of 2016. OIP also issued an updated Template for Agency FOIA Regulations for agencies to use as they update their regulations.
  - On October 6, 2016, OIP issued guidance on the new requirements for agency Annual FOIA Reports. OIP also updated the Department of Justice Handbook for Agency Annual FOIA Reports to reflect the changes made under the FOIA Improvement Act of 2016.
  - On October 19, 2016, OIP issued guidance on the new requirements further prohibiting the assessment of certain fees when the FOIA's time limits are not met. This guidance also included a "Decision Tree" designed to serve as a resource for FOIA professionals as they implement the new restrictions in real time.
- On July 22, 2016, OIP convened the first meeting of the Chief FOIA Officers (CFO) Council, created by the FOIA Improvement Act of 2016. As one of the Chairs for the Council, OIP coordinated this inaugural meeting to both immediately establish this new body and to receive feedback on the potential implementation of a "Release to One is a Release to All" presumption for FOIA responses. OIP's Director opened the meeting by providing an overview of the responsibilities of agency CFOs and then briefed the Council on the Department's six-month Proactive Disclosure Pilot that tested the "Release to One is a Release to All" concept.

Finally, OIP continues to provide direct, one-on-one counseling for agency personnel through its FOIA Counselor Service. Agency professionals continue to call OIP's FOIA Counselor service for advice on all aspects of the FOIA, including the new provisions from the FOIA Improvement Act of 2016.

### **Consolidated Online Request Portal**

With the launch of FOIA.gov in 2011, OIP created a singular online resource that the public can use to learn about the FOIA, including where and how to make a request, with ready links to existing agency online portals, and descriptions of each agency. FOIA.gov also has a range of other helpful features, such as a search function that allows a potential requester to first search for publicly available information that is already online. FOIA.gov also displays graphically a wealth of data on all aspects of agencies' compliance with the FOIA. Over the past few years, as part of commitments in the United States' Second and Third Open Government National Action Plans, OIP has been working with both internal and external stakeholders to develop user and market research, as well as baseline requirements, for development of enhanced features on FOIA.gov. Among those features would be a consolidated or national FOIA request portal that would allow a member of the public to make a request to any agency directly from FOIA.gov.

Subsequent to the signing of the FOIA Improvement Act of 2016, OIP continued this work with the Office of Management and Budget (OMB) as a Cross-Agency Priority (CAP) goal. Working with OMB, we have secured \$1.3 million to develop the initial phase of the portal. OIP also has been working with the 18F Team at GSA to develop a Statement of Work for the project and the Department has now signed an inter-agency agreement with 18F. As you know, 18F is a technology service built in the spirit of tech startups and provides agencies with custom, user-centric solutions that address a client's unique challenges. We are nearing the kickoff of our new work on the portal in conjunction with 18F in the coming weeks. We expect the initial phase of the project to be completed in 2017; however, we will be employing an open and iterative development process throughout this project allowing stakeholders to be fully engaged from the very beginning. This will ensure that interested stakeholders, including requesters and agencies, can monitor, and weigh-in on, the progress of the portal as the project proceeds. The work being done on the portal will be available to view and interact with from the beginning and as it progresses towards a more final product, both requesters and agency users will be able to continue to work with it and test new features in each iteration of the development process.

### **Fostering Good Communication between Agencies and Requesters**

OIP has engaged in a range of efforts over the years to encourage good communication and outreach with requesters across the government. Since 2010, OIP has issued multiple guidance articles encouraging practices that embrace the importance of good communication with requesters. This guidance, which is listed below, is available on OIP's website.

- The Importance of Good Communication with FOIA Requesters (March 1, 2010)

- The Importance of Good Communication with FOIA Requesters 2.0: Improving Both the Means and Content of Requester Communications (November 22, 2013)
- Limitations on Use of "Still-Interested" Inquiries (July 2, 2015)
  - Implementation Checklist for OIP Guidance on Limitations on Use of "Still-Interested" Inquiries

In addition to its guidance, each year OIP provides training to thousands of FOIA professionals across the government and has integrated the importance of good communication throughout those training programs. Further, in March 2015 OIP released a suite of new electronic training resources available for all agencies. As part of this suite of resources, in the e-Learning training for FOIA professionals an entire module focuses on good communication practices and working with requesters in a spirit of cooperation. This module includes simulated interactions between FOIA professionals and requesters illustrating the benefits of good communication.

Expanding on its training program, in May 2014 OIP launched a new Best Practices Workshop Series and invited experts from the government and the public to share successful strategies and best practices on specific topics in FOIA administration. All of the sessions and the best practices shared are recapped on OIP's website so that all government personnel can learn from them. Each year for the past three years, OIP has held a workshop that specifically focused on good communication and outreach with requesters:

- Best Practices from the Requester's Perspective (October 28, 2014)
- Customer Service and Dispute Resolution (February 18, 2015)
- Best Practices from the Requester's Perspective (April 25, 2016)

You can view all of the best practices discussed at these workshops on the Best Practices Workshop Series page of OIP's website. OIP's guidance, as well as the best practices shared in these workshops, emphasize communicating with requesters early on and then maintaining frequent and substantive communications throughout the FOIA process.

As a further way of reinforcing the importance of outreach to requesters, OIP has also required agencies to report on their FOIA outreach activities in their Chief FOIA Officer Reports. As you know, the FOIA requires each agency Chief FOIA Officer to "review and report to the Attorney General, through the head of the agency, at such times and in such formats as the Attorney General may direct, on the agency's performance in implementing [the FOIA]." 5 U.S.C. § 552(j)(2)(D) (2014). In addition to asking about requester outreach, OIP has also asked agencies to report on the activities of their FOIA Requester Service Centers and FOIA Public Liaisons who interact with requesters every day. Moreover, this past year, OIP asked agencies to report on whether they offer a mechanism for requesters to provide feedback about their experience with the FOIA process. OIP posts all of the Chief FOIA Officer Report Guidelines on its Guidance page.

In their Chief FOIA Officer Reports, many agencies have detailed their efforts to engage in outreach with requesters. The following are just a few examples of these efforts that were highlighted in the Department's Summary of the 2016 Chief FOIA Officer Reports:

- The Department of Homeland Security Privacy Office hosted an open forum meeting to discuss their FOIA process with requesters and to look for ways to improve.
- At the Department of Defense, in July 2016 the National Security Agency (NSA) hosted a roundtable with a representative of civil society. Additionally, in April 2016 NSA held a session with a frequent requester at the Intelligence Community FOIA Officers Information Day.
- The United States Postal Service (USPS) held a FOIA Forum in December 2015 that was open to postal employees and the public.

As you can see, the Department very much appreciates the importance and benefits of working with requesters and employing good communication practices. OIP has fully embedded those principles in all of its different efforts to encourage compliance with the FOIA.

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Sincerely,



Samuel R. Ramer  
Acting Assistant Attorney General





**U.S. Department of Justice**

Office of Legislative Affairs

Office of the Assistant Attorney General

*Washington, D.C. 20530*

**APR 19 2017**

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This responds to your letter dated March 15, 2017 to the Director of the Department of Justice's (the Department) Office of Information Policy (OIP) concerning the implementation of the FOIA Improvement Act of 2016 and OIP's role in FOIA matters. As you know, the Department is responsible for encouraging government-wide compliance with the FOIA and we take this responsibility very seriously. The Department recently submitted to Congress its 2016 FOIA Litigation and Compliance Report,<sup>1</sup> which details a wide range of efforts undertaken by OIP this past calendar year to encourage compliance with the FOIA. We refer the Committee to that Report for a comprehensive description of OIP's activities in that regard. Set out below are answers to your specific questions. We are sending identical responses to the other Senators who joined in your letter.

**FOIA Improvement Act of 2016**

OIP has taken a number of steps to ensure that agencies are fully implementing all the recent changes made to the FOIA through the FOIA Improvement Act of 2016. The two changes to the statute referenced in your letter, i.e., codification of the "foreseeable harm standard" and codification of the practice of proactively posting records online once they have been requested three times, both originated with the Department of Justice and OIP has been encouraging compliance with these long-standing policies for a number of years. OIP has long included these topics in its government-wide FOIA trainings and has required agencies to report on their implementation through their Chief FOIA Officer Reports, which are publicly available on OIP's website.

After passage of the FOIA Improvement Act of 2016, OIP immediately took a number of steps to inform and educate agencies as to all of its provisions. OIP created a detailed summary of the law and a redline version of the FOIA showing the changes made and posted those resources to its website. OIP continued to assist agencies with implementation of the new

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<sup>1</sup> Links to supporting documents have been embedded throughout the document and can be viewed by selecting the highlighted text. All links can be accessed by visiting <http://www.justice.gov/oip>.

statutory amendments by providing training, issuing guidance, and leading government-wide efforts in accordance with the various new provisions of the law. For example:

- OIP held a government-wide training event that was widely attended on the new FOIA amendments. The training provided an overview of the amendments, including codification of the foreseeable harm standard and the posting of frequently requested records. The training also provided an opportunity for agency FOIA personnel to ask OIP's Director questions about the FOIA Improvement Act. The slides from the training session are publicly available on OIP's website.
- OIP issued several guidance articles to agencies addressing the various changes made by the FOIA Improvement Act of 2016:
  - On July 18, 2016, OIP issued guidance to agencies on the new requirements for FOIA response letters, including the requirement to afford requesters ninety days to file an administrative appeal and the new notification requirements for extending the FOIA's time limits. The guidance included an implementation checklist to serve as a quick resource for FOIA professionals.
  - On September 8, 2016, OIP issued updated guidance on Agency FOIA Regulations, which incorporated the changes made by the FOIA Improvement Act of 2016. OIP also issued an updated Template for Agency FOIA Regulations for agencies to use as they update their regulations.
  - On October 6, 2016, OIP issued guidance on the new requirements for agency Annual FOIA Reports. OIP also updated the Department of Justice Handbook for Agency Annual FOIA Reports to reflect the changes made under the FOIA Improvement Act of 2016.
  - On October 19, 2016, OIP issued guidance on the new requirements further prohibiting the assessment of certain fees when the FOIA's time limits are not met. This guidance also included a "Decision Tree" designed to serve as a resource for FOIA professionals as they implement the new restrictions in real time.
- On July 22, 2016, OIP convened the first meeting of the Chief FOIA Officers (CFO) Council, created by the FOIA Improvement Act of 2016. As one of the Chairs for the Council, OIP coordinated this inaugural meeting to both immediately establish this new body and to receive feedback on the potential implementation of a "Release to One is a Release to All" presumption for FOIA responses. OIP's Director opened the meeting by providing an overview of the responsibilities of agency CFOs and then briefed the Council on the Department's six-month Proactive Disclosure Pilot that tested the "Release to One is a Release to All" concept.

Finally, OIP continues to provide direct, one-on-one counseling for agency personnel through its FOIA Counselor Service. Agency professionals continue to call OIP's FOIA Counselor service for advice on all aspects of the FOIA, including the new provisions from the FOIA Improvement Act of 2016.

### **Consolidated Online Request Portal**

With the launch of FOIA.gov in 2011, OIP created a singular online resource that the public can use to learn about the FOIA, including where and how to make a request, with ready links to existing agency online portals, and descriptions of each agency. FOIA.gov also has a range of other helpful features, such as a search function that allows a potential requester to first search for publicly available information that is already online. FOIA.gov also displays graphically a wealth of data on all aspects of agencies' compliance with the FOIA. Over the past few years, as part of commitments in the United States' Second and Third Open Government National Action Plans, OIP has been working with both internal and external stakeholders to develop user and market research, as well as baseline requirements, for development of enhanced features on FOIA.gov. Among those features would be a consolidated or national FOIA request portal that would allow a member of the public to make a request to any agency directly from FOIA.gov.

Subsequent to the signing of the FOIA Improvement Act of 2016, OIP continued this work with the Office of Management and Budget (OMB) as a Cross-Agency Priority (CAP) goal. Working with OMB, we have secured \$1.3 million to develop the initial phase of the portal. OIP also has been working with the 18F Team at GSA to develop a Statement of Work for the project and the Department has now signed an inter-agency agreement with 18F. As you know, 18F is a technology service built in the spirit of tech startups and provides agencies with custom, user-centric solutions that address a client's unique challenges. We are nearing the kickoff of our new work on the portal in conjunction with 18F in the coming weeks. We expect the initial phase of the project to be completed in 2017; however, we will be employing an open and iterative development process throughout this project allowing stakeholders to be fully engaged from the very beginning. This will ensure that interested stakeholders, including requesters and agencies, can monitor, and weigh-in on, the progress of the portal as the project proceeds. The work being done on the portal will be available to view and interact with from the beginning and as it progresses towards a more final product, both requesters and agency users will be able to continue to work with it and test new features in each iteration of the development process.

### **Fostering Good Communication between Agencies and Requesters**

OIP has engaged in a range of efforts over the years to encourage good communication and outreach with requesters across the government. Since 2010, OIP has issued multiple guidance articles encouraging practices that embrace the importance of good communication with requesters. This guidance, which is listed below, is available on OIP's website.

- The Importance of Good Communication with FOIA Requesters (March 1, 2010)

- The Importance of Good Communication with FOIA Requesters 2.0: Improving Both the Means and Content of Requester Communications (November 22, 2013)
- Limitations on Use of "Still-Interested" Inquiries (July 2, 2015)
  - Implementation Checklist for OIP Guidance on Limitations on Use of "Still-Interested" Inquiries

In addition to its guidance, each year OIP provides training to thousands of FOIA professionals across the government and has integrated the importance of good communication throughout those training programs. Further, in March 2015 OIP released a suite of new electronic training resources available for all agencies. As part of this suite of resources, in the e-Learning training for FOIA professionals an entire module focuses on good communication practices and working with requesters in a spirit of cooperation. This module includes simulated interactions between FOIA professionals and requesters illustrating the benefits of good communication.

Expanding on its training program, in May 2014 OIP launched a new Best Practices Workshop Series and invited experts from the government and the public to share successful strategies and best practices on specific topics in FOIA administration. All of the sessions and the best practices shared are recapped on OIP's website so that all government personnel can learn from them. Each year for the past three years, OIP has held a workshop that specifically focused on good communication and outreach with requesters:

- Best Practices from the Requester's Perspective (October 28, 2014)
- Customer Service and Dispute Resolution (February 18, 2015)
- Best Practices from the Requester's Perspective (April 25, 2016)

You can view all of the best practices discussed at these workshops on the Best Practices Workshop Series page of OIP's website. OIP's guidance, as well as the best practices shared in these workshops, emphasize communicating with requesters early on and then maintaining frequent and substantive communications throughout the FOIA process.

As a further way of reinforcing the importance of outreach to requesters, OIP has also required agencies to report on their FOIA outreach activities in their Chief FOIA Officer Reports. As you know, the FOIA requires each agency Chief FOIA Officer to "review and report to the Attorney General, through the head of the agency, at such times and in such formats as the Attorney General may direct, on the agency's performance in implementing [the FOIA]." 5 U.S.C. § 552(j)(2)(D) (2014). In addition to asking about requester outreach, OIP has also asked agencies to report on the activities of their FOIA Requester Service Centers and FOIA Public Liaisons who interact with requesters every day. Moreover, this past year, OIP asked agencies to report on whether they offer a mechanism for requesters to provide feedback about their experience with the FOIA process. OIP posts all of the Chief FOIA Officer Report Guidelines on its Guidance page.

In their Chief FOIA Officer Reports, many agencies have detailed their efforts to engage in outreach with requesters. The following are just a few examples of these efforts that were highlighted in the Department's Summary of the 2016 Chief FOIA Officer Reports:

- The Department of Homeland Security Privacy Office hosted an open forum meeting to discuss their FOIA process with requesters and to look for ways to improve.
- At the Department of Defense, in July 2016 the National Security Agency (NSA) hosted a roundtable with a representative of civil society. Additionally, in April 2016 NSA held a session with a frequent requester at the Intelligence Community FOIA Officers Information Day.
- The United States Postal Service (USPS) held a FOIA Forum in December 2015 that was open to postal employees and the public.

As you can see, the Department very much appreciates the importance and benefits of working with requesters and employing good communication practices. OIP has fully embedded those principles in all of its different efforts to encourage compliance with the FOIA.

**"Release to One is Release to All"**

In July 2015, the Department launched a 6-month pilot program with seven volunteer agencies to assess the viability of a policy that would direct agencies to proactively post online their FOIA responses. The concept behind the pilot was to take the legal maxim under the FOIA that "release to one is release to all" and make it literally a reality. The goal of such a policy is to enable all citizens—not just those making individual requests—to have access to information released under the FOIA. Preparing documents for online posting involves time and resources to ensure that the material is available to all members of the public, including those with disabilities. Because that preparation necessarily involves agency time and resources, OIP conducted the pilot to capture metrics on the time and resources associated with implementing this policy, as well as to assess any impacts on interested stakeholders. At the conclusion of the pilot OIP prepared a comprehensive report, summarizing the metrics gathered and experiences learned by the pilot participants. Based on the metrics collected, input from stakeholders, and interviews and discussions with the pilot participants OIP made seven findings concerning the feasibility of implementing such a policy, which it included in its public report.

In conjunction with the signing of the FOIA Improvement Act of 2016, OIP took this initiative to the next step by working with the newly established Chief FOIA Officers Council to consider the lessons learned from the pilot and to get further input on issues critical to a proposed government-wide "Release to One is a Release to All" policy. This effort included assessing the impact on investigative journalism, as well as how best to address technological and resource challenges. OIP held two Chief FOIA Officer Council meetings in July and September of 2016, both of which were open to the public. A recap of the meetings, and all of the material from the meetings, can be found on the Chief FOIA Officer Council page of OIP's website.

After giving careful consideration to the lessons learned from the pilot and the feedback received from both agencies and the public, OIP next published draft guidance concerning the proposed policy in the Federal Register for public comment. All comments were due by December 23, 2016. OIP received a range of thoughtful comments with competing suggestions from the public on several aspects of the policy, including the merits of whether a delay should be required before agencies post records. The Department is currently evaluating those comments and balancing them against the lessons learned from the pilot and agency feedback to determine the best path forward for advancing the principles behind the policy. The overwhelming concern raised by agencies with regard to the policy are the resources needed to prepare documents for posting by making them compliant with Section 508 of the Rehabilitation Act. Some agencies have reported concern that this diversion of their time and resources could impact their ability to respond to FOIA requests.

OIP is continuing to encourage agencies to proactively post information of interest to the public. Indeed, several agencies reported in their 2017 Chief FOIA Officer Reports that they are already implementing the “Release to One is a Release to All” presumption. Moreover, as discussed above, in accordance with the FOIA Improvement Act of 2016 agencies are required to post FOIA-processed records once they have been requested three times and so those FOIA-processed records are now being made available to all through that public posting.

### **Defining a “Record”**

In response to your questions about OIP’s guidance on defining a “record” for purposes of responding to FOIA requests, that guidance is rooted in the guiding principles provided by the Court of Appeals for the District of Columbia Circuit in *American Immigration Lawyers Association (AILA) v. EOIR*, 830 F.3d 667, 678 (2016), as well as the definition of a record found in the FOIA’s sister statute, the Privacy Act of 1974. Like the FOIA, the Privacy Act has an access provision and is contained within 5 U.S.C. § 552 as part of the Administrative Procedure Act.

In *AILA* the plaintiff submitted a request to the agency for records regarding complaints made against immigration judges. The agency processed thousands of pages of complaint files, but made redactions of information that the agency deemed to be non-responsive to the FOIA request. *AILA* moved to compel production of the non-responsive material and, as the D.C. Circuit relayed, “[t]he district court, relying on its own past practice and that of other district courts in recent years, denied *AILA*’s motion.” Indeed, as noted in OIP’s guidance, for many years it was common practice for agencies to process only those portions of a document that are responsive to the topic of the request and to redact the other portions as “non-responsive” or “outside the scope.” This is clearly evidenced in the many court decisions where this practice was affirmed. See *Welby v. HHS*, 2016 WL 1718263, at \*8 (S.D.N.Y. Apr. 27, 2016) (finding that the agency did not improperly redact portions of a document because the subject matter was unrelated to the FOIA request or fell outside the time period provided in the FOIA request);

*Gahagan v. USCIS*, 147 F.Supp.3d 613 (E.D. La 2015) (finding that the agency lawfully withheld, from otherwise responsive documents, nonresponsive notes about the processing of the request); *Menifee v. U.S. Dep't of the Interior*, 931 F. Supp. 2d 149, 167 (D.D.C. 2013) (finding that redactions of information outside the scope of the request was not improper, even if not exempted from FOIA disclosure); *Pub. Investors Arb. Bar Ass'n v. S.E.C.*, 930 F. Supp. 2d 55, 72 (D.D.C. 2013) (concluding that, "it is elementary that an agency's decision to withhold non-responsive material is not a violation of the FOIA"); *Ctr. for Biological Diversity v. OMB*, No. 07-04997, 2009 WL 1246690, at \*5 (N.D. Cal. May 5, 2009) (finding that agency "is not required to produce information that is not responsive to a FOIA request"); *Cal. ex rel. Brown v. NHTSA*, No. 06-2654, 2007 WL 1342514, at \*2 (N.D. Cal. May 8, 2007) (declining to order agency to disclose non-responsive information redacted from documents, and stating that "[a]n agency has no obligation to produce information that is not responsive to a FOIA request").

On appeal, the D.C. Circuit noted that the agency practice of redacting non-responsive information within responsive records was "a question of first impression" for the D.C. Circuit. Relying on the Supreme Court's ruling in *Milner v. Department of the Navy* that the FOIA's exemptions are "'exclusive' and must be 'narrowly construed,'" 562 U.S. 562, 565 (2011) (quoting *EPA v. Mink*, 410 U.S. 73, 79 (1973) & *FBI v. Abramson*, 456 U.S. 615, 630 (1982)), the D.C. Circuit ruled that "non-responsive redactions . . . find no home in FOIA's scheme." *AILA*, 830 F.3d at 677. OIP's guidance fully embraces and implements the D.C. Circuit's finding in *AILA* that once an agency identifies a record that is responsive to a request, it cannot redact information within that record based on the fact that it is non-responsive.

Significantly, in arriving at its conclusion the D.C. Circuit did not attempt to answer the important antecedent question of what a "record" is under the FOIA. *Id.* at 678. Indeed, it noted that the "practical significance of FOIA's command to disclose a responsive record as a unit (after deletion of exempt information) depends on how one conceives of a 'record.'" *Id.* The court in *AILA* noted that there is no definition of the term "record" in the definition section of the FOIA. *AILA*, 830 F.3d at 678.

While the court in *AILA* declined to examine the issue and provide a definition of a "record," for purposes of FOIA, some helpful principles did emerge from the court's opinion which form the basis of OIP's guidance. The court recognized that there are a range of ways to define what is a "record," and that it is the very process of searching for what has been requested by each requester that forms the basis for the determination. *See id.* While the court drew attention to a number of different disclosure statutes, the "record" definition from the Privacy Act is particularly relevant, given that the Privacy Act is the sister statute to the FOIA, often working in tandem with it. Indeed, both the FOIA and the Privacy Act are part of the Administrative Procedure Act, and both statutes contain rights of access to agency records. *See* 5 U.S.C. §§ 552(a)(3), 552a(d)(1). Additionally, unlike other Federal statutory definitions of the term "record," the Privacy Act definition allows for a content-based approach to the decision. Using the Privacy Act' definition of a record as an "item, collection, or grouping of information" allows agencies to understand as a practical matter what may be considered a single record when processing a request. Moreover, OIP's guidance stresses that the nature of a FOIA "record" is

defined by both the content of a document *and* the subject of the request, both of which must be considered in determining what is a record for the purposes of each individual FOIA request.

OIP's guidance was thoughtfully crafted to embrace the presumption of openness. The guidance helps ensure that requesters have efficient access to the records that they seek and that agency time and resources are not diverted from that task by reviewing records that were not requested. Spending resources to process records that the requester has not requested disadvantages all requesters by prolonging response times for everyone. A recent decision by the District Court for the District of Columbia affirmed this approach, with the court noting that "If an agency was forced to turn over a full manual or entire report every time a single page contained a responsive term, the amount of time, labor, and cost that would be required to review this purportedly 'responsive' material for exemptions would be exponential, hindering the agency's ability to process multiple requests efficiently or allocate its resources effectively." *Shapiro v. CIA*, No. 00019 (D.D.C. Mar. 21, 2017).

Additionally, once a record has been identified as responsive, the agency applies the presumption of openness in processing those records. OIP's guidance does not change this in any way. Indeed, the Department has long championed applying a presumption of openness to disclosure determinations even before these principles were codified in the statute. Looking to the definition of a record found in the Administrative Procedure Act, OIP's guidance provides workable principles to help agencies implement the precedent set in *AILA* in a manner that is not only consistent with the presumption of openness, but fully embraces it.

#### **OIP's Litigation Role**

From time to time OIP has assisted the United States Attorney's Office for the District of Columbia by taking on a handful of FOIA cases. These cases can involve both procedural matters and the proper application of exemptions. In accordance with 28 C.F.R. § 0.24(g) (2016), OIP may represent government agencies in FOIA litigation through the United States Attorney's Offices.

We appreciate your interest in the Department's and agencies' FOIA administration and we hope that this information is helpful. Please do not hesitate to contact this office if we may provide additional assistance regarding this or any other matter.

Sincerely,

A handwritten signature in black ink, reading "Samuel R. Ramer". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Samuel R. Ramer  
Acting Assistant Attorney General