

111<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# S. 3111

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## AN ACT

To establish the Commission on Freedom of Information  
Act Processing Delays.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. COMMISSION ON FREEDOM OF INFORMATION**  
2 **ACT PROCESSING DELAYS.**

3 (a) **SHORT TITLE.**—This Act may be cited as the  
4 “Faster FOIA Act of 2010”.

5 (b) **ESTABLISHMENT.**—There is established the Com-  
6 mission on Freedom of Information Act Processing Delays  
7 (in this Act referred to as the “Commission” for the pur-  
8 pose of conducting a study relating to methods to help  
9 reduce delays in processing requests submitted to Federal  
10 agencies under section 552 of title 5, United States Code  
11 (commonly referred to as the “Freedom of Information  
12 Act”).

13 (c) **MEMBERSHIP.**—

14 (1) **IN GENERAL.**—The Commission shall be  
15 composed of 16 members of whom—

16 (A) 3 shall be appointed by the chairman  
17 of the Committee on the Judiciary of the Sen-  
18 ate;

19 (B) 3 shall be appointed by the ranking  
20 member of the Committee on the Judiciary of  
21 the Senate;

22 (C) 3 shall be appointed by the chairman  
23 of the Committee on Government Reform of the  
24 House of Representatives;

1 (D) 3 shall be appointed by the ranking  
2 member of the Committee on Government Re-  
3 form of the House of Representatives;

4 (E) 1 shall be appointed by the Attorney  
5 General of the United States;

6 (F) 1 shall be appointed by the Director of  
7 the Office of Management and Budget;

8 (G) 1 shall be appointed by the Archivist  
9 of the United States; and

10 (H) 1 shall be appointed by the Comp-  
11 troller General of the United States.

12 (2) QUALIFICATIONS OF CONGRESSIONAL AP-  
13 POINTEES.—Of the 3 appointees under each of sub-  
14 paragraphs (A), (B), (C), and (D) of paragraph (1)  
15 at least 2 shall have experience in academic research  
16 in the fields of library science, information manage-  
17 ment, or public access to Government information.

18 (3) TIMELINESS OF APPOINTMENTS.—Appoint-  
19 ments to the Commission shall be made as expedi-  
20 tiously as possible, but not later than 60 days after  
21 the date of enactment of this Act.

22 (d) STUDY.—The Commission shall conduct a study  
23 to—

24 (1) identify methods that—

1 (A) will help reduce delays in the proc-  
2 essing of requests submitted to Federal agen-  
3 cies under section 552 of title 5, United States  
4 Code; and

5 (B) ensure the efficient and equitable ad-  
6 ministration of that section throughout the  
7 Federal Government;

8 (2) examine whether the system for charging  
9 fees and granting waivers of fees under section 552  
10 of title 5, United States Code, needs to be reformed  
11 in order to reduce delays in processing requests; and

12 (3) examine and determine—

13 (A) why the Federal Government’s use of  
14 the exemptions under section 552(b) of title 5,  
15 United States Code, increased during fiscal  
16 year 2009;

17 (B) the reasons for any increase, including  
18 whether the increase was warranted and wheth-  
19 er the increase contributed to FOIA processing  
20 delays;

21 (C) what efforts were made by Federal  
22 agencies to comply with President Obama’s  
23 January 21, 2009 Presidential Memorandum on  
24 Freedom of Information Act Requests and  
25 whether those efforts were successful; and

1           (D) make recommendations on how the use  
2           of exemptions under section 552(b) of title 5,  
3           United States Code, may be limited.

4       (e) REPORT.—Not later than 1 year after the date  
5 of enactment of this Act, the Commission shall submit a  
6 report to Congress and the President containing the re-  
7 sults of the study under this section, which shall include—

8           (1) a description of the methods identified by  
9       the study;

10          (2) the conclusions and recommendations of the  
11       Commission regarding—

12           (A) each method identified; and

13           (B) the charging of fees and granting of  
14       waivers of fees; and

15          (3) recommendations for legislative or adminis-  
16       trative actions to implement the conclusions of the  
17       Commission.

18       (f) STAFF AND ADMINISTRATIVE SUPPORT SERV-  
19 ICES.—The Archivist of the United States shall provide  
20 to the Commission such staff and administrative support  
21 services, including research assistance at the request of  
22 the Commission, as necessary for the Commission to per-  
23 form its functions efficiently and in accordance with this  
24 section.

1       (g) INFORMATION.—To the extent permitted by law,  
2 the heads of executive agencies, the Government Account-  
3 ability Office, and the Congressional Research Service  
4 shall provide to the Commission such information as the  
5 Commission may require to carry out its functions.

6       (h) COMPENSATION OF MEMBERS.—Members of the  
7 Commission shall serve without compensation for services  
8 performed for the Commission.

9       (i) TRAVEL EXPENSES.—The members of the Com-  
10 mission shall be allowed travel expenses, including per  
11 diem in lieu of subsistence, at rates authorized for employ-  
12 ees of agencies under subchapter I of chapter 57 of title  
13 5, United States Code, while away from their homes or  
14 regular places of business in the performance of services  
15 for the Commission.

16       (j) TRANSPARENCY.—All meetings of the Commis-  
17 sion shall be open to the public, except that a meeting,  
18 or any portion of it, may be closed to the public if it con-  
19 cerns matters or information described in chapter 552b(c)  
20 of title 5, United States Code. Interested persons shall be  
21 permitted to appear at open meetings and present oral or  
22 written statements on the subject matter of the meeting.  
23 The Commission may administer oaths or affirmations to  
24 any person appearing before the Commission.

1 (k) TERMINATION.—The Commission shall terminate  
2 30 days after the submission of the report under sub-  
3 section (e).

Passed the Senate May 5, 2010.

Attest:

*Secretary.*

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