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

IN THE SENATE OF THE UNITED STATES

MARCH 15, 2010

Mr. LEAHY (for himself and Mr. CORNYN) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

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

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

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

(a) Short Title.—This Act may be cited as the “Faster FOIA Act of 2010”.

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

(c) Membership.—

(1) in general.—The Commission shall be
composed of 16 members of whom—

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

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

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

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

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

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

(G) 1 shall be appointed by the Archivist
of the United States; and
(H) 1 shall be appointed by the Comptroller General of the United States.

(2) QUALIFICATIONS OF CONGRESSIONAL APPOINTEES.—Of the 3 appointees under each of subparagraphs (A), (B), (C), and (D) of paragraph (1)—

(A) at least 1 shall have experience in submitting requests under section 552 of title 5, United States Code, to Federal agencies, such as on behalf of nonprofit research or educational organizations or news media organizations; and

(B) at least 1 shall have experience in academic research in the fields of library science, information management, or public access to Government information.

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

(1) identify methods that—

(A) will help reduce delays in the processing of requests submitted to Federal agencies under section 552 of title 5, United States Code; and
(B) ensure the efficient and equitable ad-
ministration of that section throughout the
Federal Government; and

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

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

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

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

(A) each method identified; and

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

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

(f) STAFF AND ADMINISTRATIVE SUPPORT SERV-
ICES.—The Comptroller General of the United States
shall provide to the Commission such staff and admin-
istrative support services, including research assistance at
the request of the Commission, as necessary for the Com-
mmission to perform its functions efficiently and in accord-
ance with this section.

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

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

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

(j) APPLICABILITY OF FEDERAL ADVISORY COM-
MITTEE ACT.—The Federal Advisory Committee Act (5
U.S.C. App.) shall apply to the Commission.

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