

Union Calendar No. 112

113TH CONGRESS
1ST SESSION

H. R. 1211

[Report No. 113-155]

To amend section 552 of title 5, United States Code (commonly known as the Freedom of Information Act), to provide for greater public access to information, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 15, 2013

Mr. ISSA (for himself and Mr. CUMMINGS) introduced the following bill; which was referred to the Committee on Oversight and Government Reform

JULY 16, 2013

Additional sponsor: Mr. QUIGLEY

JULY 16, 2013

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Omit the part struck through and insert the part printed in *italic*]

A BILL

To amend section 552 of title 5, United States Code (commonly known as the Freedom of Information Act), to provide for greater public access to information, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “FOIA Oversight and
5 Implementation Act of 2013” or the “FOIA Act”.

6 **SEC. 2. FREEDOM OF INFORMATION ACT AMENDMENTS.**

7 (a) ELECTRONIC ACCESSIBILITY.—Section 552 of
8 title 5, United States Code is amended—

9 (1) in subsection (a)—

10 (A) in paragraph (2)—

11 (i) by striking “for public inspection
12 and copying” and inserting “in an elec-
13 tronic, publicly accessible format” *each*
14 *place it appears;*

15 (ii) by striking subparagraph (E) and
16 inserting the following new subparagraphs:

17 “(E) copies of all records, regardless of form or
18 format, that have been released three or more times
19 under paragraph (3); and

20 “(F) a general index of the records referred to
21 under subparagraphs (D) and (E);”; and

22 (iii) in the matter ~~preceding~~ *following*
23 subparagraph (F) (as added by clause (ii)
24 of this subparagraph)—

1 (I) by striking “subparagraph
2 (D)” and inserting “subparagraphs
3 (D) and (E)”; and

4 (II) by striking “subparagraph
5 (E)” and inserting “subparagraph
6 (F)”; and

7 (B) in paragraph (7)—

8 (i) in subparagraph (A), by striking
9 “that will take longer than ten days to
10 process”; and

11 (ii) in subparagraph (B), by inserting
12 “automated” after “provides”;

13 (2) in subsection (g), by striking “make publicly
14 available upon request” and inserting “make avail-
15 able in an electronic, publicly accessible format”;
16 *and*

17 ~~(3) in subsection (i), by striking “the implemen-~~
18 ~~tation” and inserting “compliance with and imple-~~
19 ~~mentation of the requirements”;~~ and

20 ~~(4) (3) by adding at the end the following new~~
21 ~~subsection:~~

22 “(m) FOIA WEB SITE REQUIRED.—Not later than
23 one year after the date of enactment of this subsection,
24 the Office of Management and Budget shall ensure the

1 existence and operation of a single Web site, accessible by
2 the public at no cost to access, that allows the public to—

3 “(1) submit requests for records under sub-
4 section (a)(3); and

5 “(2) receive automated information about the
6 status of a request under subsection (a)(7).”.

7 (b) PRESUMPTION OF OPENNESS.—Section 552(b) of
8 title 5, United States Code, is amended in the matter pre-
9 ceding paragraph (1), by inserting “that would cause fore-
10 seeable harm and” after “matters”.

11 (c) THE OFFICE OF GOVERNMENT INFORMATION
12 SERVICES.—Section 552 of title 5, United States Code is
13 amended—

14 (1) in subsection (a)(4)(A)(i), by striking “the
15 Director of the Office of Management and Budget”
16 and inserting “the Director of the Office of Manage-
17 ment and Budget, in consultation with the Director
18 of the Office of Government Information Services,”;
19 and

20 (2) subsection (h) is amended to read as fol-
21 lows:

22 “(h) THE OFFICE OF GOVERNMENT INFORMATION
23 SERVICES.—

24 “(1) ESTABLISHMENT.—There is established
25 the Office of Government Information Services with-

1 in the National Archives and Records Administra-
2 tion. The head of the Office is the Director of the
3 Office of Government Information Services.

4 “(2) REVIEW OF FOIA POLICY, PROCEDURE,
5 AND COMPLIANCE.—The Office of Government In-
6 formation Services shall—

7 “(A) review policies and procedures of
8 agencies under this section;

9 “(B) review compliance with this section
10 by agencies; and

11 “(C) identify methods that improve compli-
12 ance under this section that may include—

13 “(i) the timely processing of requests
14 submitted to agencies under this section;

15 “(ii) the system for assessing fees and
16 fee waivers under this section; and

17 “(iii) the use of any exemption under
18 subsection (b); and

19 “(D) review and provide guidance to agen-
20 cies on the use of fees and fee waivers.

21 “(3) MEDIATION SERVICES.—The Office of
22 Government Information Services shall offer medi-
23 ation services to resolve disputes between persons
24 making requests under this section and agencies as
25 a non-exclusive alternative to litigation and, at the

1 discretion of the Office, may issue advisory opinions
2 if mediation has not resolved the dispute.

3 “(4) SUBMISSION OF REPORT.—

4 “(A) IN GENERAL.—The Office of Govern-
5 ment Information Services shall not less than
6 annually submit to the committees described in
7 subparagraph (C) and the President a report on
8 the findings from the information reviewed and
9 identified under paragraph (2) and legislative
10 and regulatory recommendations to improve the
11 administration of this section.

12 “(B) ELECTRONIC AVAILABILITY OF RE-
13 PORTS.—The Office shall make available any
14 report submitted under paragraph (A) in a pub-
15 licly accessible format.

16 “(C) CONGRESSIONAL SUBMISSION OF RE-
17 PORT.—The committees described in this sub-
18 paragraph are the following:

19 “(i) The Committee on Oversight and
20 Government Reform of the House of Rep-
21 resentatives.

22 “(ii) The Committees on Homeland
23 Security and Governmental Affairs and the
24 Judiciary of the Senate.

1 “(D) DIRECT SUBMISSION OF REPORT.—

2 Any report submitted under paragraph (A)
3 shall be submitted directly to the committees
4 and the President, without any requirement
5 that any officer or employee outside of the Of-
6 fice of Government Information Services, in-
7 cluding the Archivist of the United States and
8 the Director of the Office of Management and
9 Budget, review such report.

10 “(5) SUBMISSION OF ADDITIONAL INFORMA-
11 TION.—The Director of the Office of Government
12 Information Services may submit additional informa-
13 tion to Congress and the President that the Director
14 determines to be appropriate.

15 “(6) ANNUAL MEETING REQUIRED.—Not less
16 than once a year, the Office of Government Informa-
17 tion Services shall hold a meeting that is open to the
18 public on the review and reports by the Office and
19 permit interested persons to appear and present oral
20 or written statements at such meeting.”.

21 (d) PUBLIC RESOURCES.—Section 552(a)(6)(A) of
22 title 5, United States Code, is amended—

23 (1) in clause (i), by striking “*of* such deter-
24 mination and the reasons therefor, and of the right
25 of such person to appeal to the head of the agency

1 any adverse determination; and” and inserting the
2 following ~~new subclauses:~~ : “*of*—

3 “(I) such determination and the reasons
4 therefor;

5 “(II) the right of such person to seek as-
6 sistance from the agency FOIA Public Liaison;
7 and

8 “(III) the right of such person to appeal to
9 the head of the agency any adverse determina-
10 tion, not later than 90 days after the receipt of
11 such adverse determination; and”;

12 (2) in clause (ii), by striking the period and in-
13 sserting the following: “and the right of such person
14 to seek dispute resolution services from the agency
15 FOIA Public Liaison or the Office of Government
16 Information Services.”

17 (e) ADDITIONAL DISCLOSURE OF INFORMATION RE-
18 QUIREMENTS.—Section 552(a) of title 5, United States
19 Code, is amended by adding at the end the following new
20 paragraphs:

21 “(8) DISCLOSURE OF INFORMATION FOR IN-
22 CREASED PUBLIC UNDERSTANDING OF THE GOVERN-
23 MENT.—Each agency shall—

24 “(A) review the records of such agency to
25 determine whether the release of the records

1 would be in the public interest because it is
2 likely to contribute significantly to public un-
3 derstanding of the operations or activities of the
4 Government;

5 “(B) for records determined to be in the
6 public interest under subparagraph (A), reason-
7 ably segregate and redact any information ex-
8 empted from disclosure under subsection (b);
9 and

10 “(C) make available in an electronic, pub-
11 licly accessible format, any records identified in
12 subparagraph (A), as modified pursuant to sub-
13 paragraph (B).

14 “(9) INCREASED DISCLOSURE OF INFORMA-
15 TION.—Each agency shall—

16 “(A) make information public to the great-
17 est extent possible through modern technology
18 to—

19 “(i) inform the public of the oper-
20 ations and activities of the Government;
21 and

22 “(ii) ensure timely disclosure of infor-
23 mation; and

24 “(B) establish procedures for identifying
25 categories of records that may be disclosed reg-

1 ularly and additional records of interest to the
2 public that are appropriate for public disclo-
3 sure, and for posting such records in an elec-
4 tronic, publicly accessible format.”.

5 (f) AGENCY FOIA REPORT.—Section 552(e) of title
6 5, United States Code, is amended—

7 (1) in paragraph (1)—

8 (A) by inserting “and to the Director of
9 the Office of Government Information Services”
10 after “the Attorney General of the United
11 States”;

12 (B) in subparagraph (N), by striking “;
13 and” and inserting a semicolon;

14 (C) in subparagraph (O), by striking the
15 period and inserting a semicolon; and

16 (D) by adding at the end the following new
17 subparagraphs:

18 “(P) the number of times the agency invoked a
19 law enforcement exclusion under subsection (c);

20 “(Q) the number of times the agency engaged
21 in dispute resolution with the assistance of the Of-
22 fice of Government Information Services or the
23 FOIA Public Liaison; and

1 “(R) the number of records that were made
2 available in an electronic, publicly accessible format
3 under subsection (a)(2).”~~”~~; and

4 “(S) the number of times the agency assessed a
5 search or duplication fee under subsection (a)(4)(A)
6 and did not comply with a time limit under sub-
7 section (a)(6).”;

8 (2) by amending paragraph (3) to read as fol-
9 lows:

10 “(3) ELECTRONIC ACCESSIBILITY OF RE-
11 PORTS.—Each agency shall make each such report
12 available in an electronic, publicly accessible format.
13 In addition, each agency shall make the raw statis-
14 tical data used in its reports available in a timely
15 manner in an electronic, publicly accessible format.
16 Such data shall be—

17 “(A) made available without charge, li-
18 cense, or registration requirement;

19 “(B) capable of being searched and aggre-
20 gated; and

21 “(C) permitted to be downloaded and
22 downloaded in bulk.”;

23 (3) in paragraph (4)—

24 (A) by striking “Committee on Govern-
25 ment Reform and Oversight” and inserting

1 “Committee on Oversight and Government Re-
2 form”;

3 (B) by striking “Governmental Affairs”
4 and inserting “Homeland Security and Govern-
5 mental Affairs”; and

6 (C) by striking “April 1” and inserting
7 “March 1”;

8 (4) in paragraph (5)—

9 (A) by inserting “and the Director of the
10 Office of Government Information Services”
11 after “the Director of the Office of Manage-
12 ment and Budget”; and

13 (B) by striking “by October 1, 1997”; and

14 (5) by amending paragraph (6) to read as fol-
15 lows:

16 “(6) ATTORNEY GENERAL FOIA REPORT.—

17 “(A) IN GENERAL.—The Attorney General
18 of the United States shall submit to Congress
19 and the President an annual report on or before
20 March 1 of each calendar year which shall in-
21 clude for the prior calendar year—

22 “(i) a listing of the number of cases
23 arising under this section;

24 “(ii) each subsection under this sec-
25 tion, each paragraph of the subsection, and

1 any exemption, if applicable, involved in
2 each case, the disposition of such case, and
3 the cost, fees, and penalties assessed under
4 subparagraphs (E), (F), and (G) of sub-
5 section (a)(4); and

6 “(iii) a description of the efforts un-
7 dertaken by the Department of Justice to
8 encourage agency compliance with this sec-
9 tion.

10 “(B) ELECTRONIC AVAILABILITY.—The
11 Attorney General of the United States—

12 “(i) shall make each report described
13 under subparagraph (A) available in an
14 electronic, publicly accessible format; and

15 “(ii) shall make the raw statistical
16 data used in each report available in an
17 electronic, publicly accessible format, which
18 shall be—

19 “(I) made available without
20 charge, license, or registration re-
21 quirement;

22 “(II) capable of being searched
23 and aggregated; and

1 “(III) permitted to be
2 downloaded, including downloaded in
3 bulk.”.

4 (g) *SEARCH OR DUPLICATION FEES.*—Section
5 *552(a)(4)(A)(viii) of title 5, United States Code, is amended*
6 *by adding at the end the following new sentence: “Any agen-*
7 *cy that does assess search or duplication fees after failing*
8 *to comply with a time limit under paragraph (6) shall pro-*
9 *vide written notice to the requester of the circumstance that*
10 *justifies the fees. If an agency fails to provide such notice,*
11 *the agency may not assess search or duplication fees.”.*

12 ~~(g)~~ (h) *GOVERNMENT ACCOUNTABILITY OFFICE.*—
13 Subsection (i) of section 552 of title 5, United States
14 Code, is amended to read as follows:

15 “(i) *GOVERNMENT ACCOUNTABILITY OFFICE.*—The
16 *Government Accountability Office shall—*

17 “(1) conduct audits of administrative agencies
18 on ~~the implementation~~ *compliance with and imple-*
19 *mentation of the requirements* of this section and
20 issue reports detailing the results of such audits;
21 and;

22 ~~“(2) catalog the number of exemptions under~~
23 ~~subsection (b)(3) and agency use of such exemp-~~
24 ~~tions.~~

1 “(2) catalog the number of exemptions under
2 subsection (b)(3) and agency use of such exemptions;
3 and

4 “(3) review and prepare a report on the proc-
5 essing of requests by agencies for information per-
6 taining to an entity that has received assistance
7 under title I of the Emergency Economic Stabiliza-
8 tion Act of 2008 (12 U.S.C. 5211 et seq.) during any
9 period in which the Government owns or owned more
10 than 50 percent of the stock of such entity.”.

11 ~~(h)~~ (i) CHIEF FOIA OFFICER RESPONSIBILITIES;
12 COUNCIL; REVIEW.—Section 552 of title 5, United States
13 Code is amended—

14 (1) by striking subsections (j) and (k); and

15 (2) by inserting after subsection (i), the fol-
16 lowing new subsections:

17 “(j) CHIEF FOIA OFFICER.—

18 “(1) DESIGNATION.—Each agency shall des-
19 ignate a Chief FOIA Officer who shall be a senior
20 official of such agency (at the Assistant Secretary or
21 equivalent level).

22 “(2) DUTIES.—The Chief FOIA Officer of each
23 agency shall, subject to the authority of the head of
24 the agency—

1 “(A) have agency-wide responsibility for ef-
2 ficient and appropriate compliance with this
3 section;

4 “(B) monitor implementation of this sec-
5 tion throughout the agency and keep the head
6 of the agency, the chief legal officer of the
7 agency, and the Attorney General appropriately
8 informed of the agency’s performance in imple-
9 menting this section;

10 “(C) recommend to the head of the agency
11 such adjustments to agency practices, policies,
12 personnel, and funding as may be necessary to
13 improve its implementation of this section;

14 “(D) review and report to the Attorney
15 General, through the head of the agency, at
16 such times and in such formats as the Attorney
17 General may direct, on the agency’s perform-
18 ance in implementing this section;

19 “(E) facilitate public understanding of the
20 purposes of the statutory exemptions of this
21 section by including concise descriptions of the
22 exemptions in both the agency’s handbook
23 issued under subsection (g), and the agency’s
24 annual report on this section, and by providing
25 an overview, where appropriate, of certain gen-

1 eral categories of agency records to which those
2 exemptions apply; and

3 “(F) designate one or more FOIA Public
4 Liaisons.

5 “(3) COMPLIANCE REVIEW REQUIRED.—The
6 Chief FOIA Officer of each agency shall—

7 “(A) review, not less than annually, all as-
8 pects of the agency’s administration of this sec-
9 tion to ensure compliance with the requirements
10 of this section, including—

11 “(i) agency regulations;

12 “(ii) disclosure of records required
13 under paragraphs (2), (8), and (9) of sub-
14 section (a);

15 “(iii) assessment of fees and deter-
16 mination of eligibility for fee waivers;

17 “(iv) the timely processing of requests
18 for information under this section;

19 “(v) the use of exemptions under sub-
20 section (b); and

21 “(vi) dispute resolution services with
22 the assistance of the Office of Government
23 Information Services or the FOIA Public
24 Liaison; and

1 “(B) make recommendations as necessary
2 to improve agency practices and compliance
3 with this section.

4 “(k) CHIEF FOIA OFFICERS COUNCIL.—

5 “(1) ESTABLISHMENT.—There is established in
6 the executive branch the Chief FOIA Officers Coun-
7 cil (in this subsection, referred to as the ‘Council’).

8 “(2) MEMBERS.—The Council shall consist of
9 the following members:

10 “(A) The Deputy Director for Manage-
11 ment of the Office of Management and Budget.

12 “(B) The Director of the Office of Infor-
13 mation Policy at the Department of Justice.

14 “(C) The Director of the Office of Govern-
15 ment Information Services at the National Ar-
16 chives and Records Administration.

17 “(D) The Chief FOIA Officer of each
18 agency.

19 “(E) Any other officer or employee of the
20 United States as designated by the Co-Chairs.

21 “(3) CO-CHAIRS.—The Director of the Office of
22 Information Policy at the Department of Justice and
23 the Director of the Office of Government Informa-
24 tion Services at the National Archives and Records

1 Administration shall be the Co-Chairs of the Coun-
2 cil.

3 “(4) SUPPORT SERVICES.—The Administrator
4 of General Services shall provide administrative and
5 other support for the Council.

6 “(5) CONSULTATION.—In performing its duties,
7 the Council shall consult regularly with members of
8 the public who make requests under this section.

9 “(6) DUTIES.—The duties of the Council in-
10 clude the following:

11 “(A) Develop recommendations for increas-
12 ing compliance and efficiency under this sec-
13 tion.

14 “(B) Disseminate information about agen-
15 cy experiences, ideas, best practices, and inno-
16 vative approaches related to this section.

17 “(C) Identify, develop, and coordinate ini-
18 tiatives to increase transparency and compli-
19 ance with this section.

20 “(D) Promote the development and use of
21 common performance measures for agency com-
22 pliance with this section.

23 “(7) MEETINGS.—

24 “(A) REGULAR MEETINGS.—The Council
25 shall meet regularly and such meetings shall be

1 open to the public unless the Council deter-
2 mines to close the meeting for reasons of na-
3 tional security or to discuss information exempt
4 under subsection (b).

5 “(B) ANNUAL MEETINGS.—Not less than
6 once a year, the Council shall hold a meeting
7 that shall be open to the public and permit in-
8 terested persons to appear and present oral and
9 written statements to the Council.

10 “(C) NOTICE.—Not later than 10 business
11 days before a meeting of the Council, notice of
12 such meeting shall be published in the Federal
13 Register.

14 “(D) PUBLIC AVAILABILITY OF COUNCIL
15 RECORDS.—Except as provided in subsection
16 (b), the records, reports, transcripts, minutes,
17 appendixes, working papers, drafts, studies,
18 agenda, or other documents that were made
19 available to or prepared for or by the Council
20 shall be made publicly available.

21 “(E) MINUTES.—Detailed minutes of each
22 meeting of the Council shall be kept and shall
23 contain a record of the persons present, a com-
24 plete and accurate description of matters dis-
25 cussed and conclusions reached, and copies of

1 all reports received, issued, or approved by the
2 Council.”.

3 ~~(i)~~ (j) REGULATIONS.—

4 (1) REVISION OF REGULATIONS.—Not later
5 than 180 days after the date of the enactment of
6 this Act, the head of each agency shall review the
7 regulations of such agency and shall issue regula-
8 tions on procedures for the disclosure of records
9 under section 552 of title 5, United States Code, in
10 accordance with the amendments made by this sec-
11 tion. The regulations of each agency shall include—

12 (A) procedures for engaging in dispute res-
13 olution; and

14 (B) procedures for engaging with the Of-
15 fice of Government Information Services.

16 (2) OFFICE OF GOVERNMENT INFORMATION
17 SERVICES REPORT.—Not later than 270 days after
18 the date of the enactment of this Act, the Office of
19 Government Information Services shall submit to
20 Congress a report on agency compliance with the re-
21 quirements of this subsection.

22 (3) REPORT ON NONCOMPLIANCE.—The head
23 of any agency that does not meet the requirements
24 of paragraph (1) shall submit to Congress a report

1 on the reason for noncompliance not later than 270
2 days after the date of the enactment of this Act.

3 (4) INSPECTOR GENERAL REVIEW FOR NON-
4 COMPLIANCE.—Any agency that fails to comply with
5 the requirements of this subsection shall be reviewed
6 by the Office of Inspector General of such agency
7 for compliance with section 552 of title 5, United
8 States Code.

9 (5) AGENCY DEFINED.—In this section, the
10 term “agency” has the meaning given such term in
11 section 552(f) of title 5, United States Code.

12 **SEC. 3. PILOT PROGRAM.**

13 (a) ESTABLISHMENT.—The Director of the Office of
14 Management and Budget shall establish a pilot program
15 for 3 years to review the benefits of FOIAonline to process
16 requests and release information under section 552 of title
17 5, United States Code (commonly known as the Freedom
18 of Information Act).

19 (b) PLAN REQUIRED.—Not later than 90 days after
20 the date of the enactment of this Act, the Director of the
21 Office of Management and Budget shall establish a plan
22 to evaluate FOIAonline at no less than 3 agencies that
23 have not previously participated in FOIAonline, including
24 at least one of the following:

1 (1) An agency that receives more than 50,000
2 requests annually for information under section 552
3 of title 5, United States Code.

4 (2) An agency that receives between 25,000 and
5 50,000 requests annually for information under such
6 section.

7 (3) An agency that receives 25,000 or fewer re-
8 quests annually for information under such section.

9 (c) AGENCY USE OF WEB SITE.—Each agency se-
10 lected under subsection (b) shall use FOIAonline to—

11 (1) receive requests under section 552 of title 5,
12 United States Code;

13 (2) process requests received under such sec-
14 tion;

15 (3) track the status of requests submitted
16 under such section; and

17 (4) make records released available publicly on
18 FOIAonline.

19 (d) REVIEW REQUIRED.—The Director of the Office
20 of Management and Budget shall, in consultation with the
21 Attorney General, the Office of Government Information
22 Services, and the head of each agency participating in the
23 pilot program, review the benefits of FOIAonline, includ-
24 ing—

1 (1) any cost saving, resource saving, or effi-
2 ciency gained through the use of FOIAonline;

3 (2) any change in the amount of requests re-
4 ceived under section 552 of title 5, United States
5 Code;

6 (3) any increase in transparency and accessi-
7 bility to Government information; and

8 (4) any changes in the ability to access and
9 compile information needed for agency annual re-
10 ports required under section 552 of title 5, United
11 States Code.

12 (e) REPORT REQUIRED.—Not later than 3 months
13 after the completion of the pilot program, the head of each
14 agency participating in the program shall submit to Con-
15 gress a report on the impact of the pilot program on agen-
16 cy processes under section 552 of title 5, United States
17 Code, whether the agency will continue to participate in
18 FOIAonline, and any recommendations the head of the
19 agency considers appropriate to continue the use of
20 FOIAonline.

21 (f) DEFINITIONS.—In this section:

22 (1) AGENCY.—The term “agency” has the
23 meaning given such term in section 552(f) of title 5,
24 United States Code.

1 (2) FOIAONLINE.—The term “FOIAonline”
2 means the electronic online portal
3 FOIAonline.regulations.gov.

4 **SEC. 4. INSPECTOR GENERAL REVIEW; ADVERSE ACTIONS.**

5 (a) *INSPECTOR GENERAL REVIEW.*—

6 (1) *IN GENERAL.*—*The Inspector General of each*
7 *agency shall—*

8 (A) *periodically review compliance with the*
9 *requirements of section 552 of title 5, United*
10 *States Code, including the timely processing of*
11 *requests, assessment of fees and fee waivers, and*
12 *the use of exemptions under subsection (b) of*
13 *such section; and*

14 (B) *make recommendations the Inspector*
15 *General determines to be necessary to the head of*
16 *the agency, including recommendations for dis-*
17 *ciplinary action.*

18 (2) *AGENCY DEFINED.*—*In this subsection, the*
19 *term “agency” has the meaning given that term*
20 *under section 552(f) of title 5, United States Code.*

21 (b) *ADVERSE ACTIONS.*—*The withholding of informa-*
22 *tion in a manner inconsistent with the requirements of sec-*
23 *tion 552 of title 5, United States Code (including any rules,*
24 *regulations, or other implementing guidelines), as deter-*
25 *mined by the appropriate supervisor, shall be a basis for*

- 1 *disciplinary action in accordance with subchapter I, II, or*
- 2 *V of chapter 75 of such title, as the case may be.*

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