

Union Calendar No. 106

114TH CONGRESS
1ST SESSION

H. R. 1615

[Report No. 114-148]

To direct the Chief FOIA Officer of the Department of Homeland Security to make certain improvements in the implementation of section 552 of title 5, United States Code (commonly known as the Freedom of Information Act), and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 25, 2015

Mr. CARTER of Georgia (for himself, Mr. McCAUL, Mr. KATKO, Mr. HURD of Texas, Mr. WALKER, Mr. LOUDERMILK, Ms. MCSALLY, and Mr. RATCLIFFE) introduced the following bill; which was referred to the Committee on Homeland Security

JUNE 11, 2015

Additional sponsors: Mr. PERRY and Mrs. MILLER of Michigan

JUNE 11, 2015

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

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on March 25, 2015]

A BILL

To direct the Chief FOIA Officer of the Department of Homeland Security to make certain improvements in the implementation of section 552 of title 5, United States Code (commonly known as the Freedom of Information Act), 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 “DHS FOIA Efficiency*
5 *Act of 2015”.*

6 **SEC. 2. DEPARTMENT OF HOMELAND SECURITY FREEDOM**
7 **OF INFORMATION ACT IMPLEMENTATION.**

8 *(a) DEADLINE FOR UPDATING REGULATIONS.—Not*
9 *later than 90 days after the date of the enactment of this*
10 *Act, the Chief FOIA Officer of the Department of Homeland*
11 *Security, as appointed pursuant to section 552(j) of title*
12 *5, United States Code, shall finalize and issue an updated*
13 *regulation implementing section 552 of title 5, United*
14 *States Code (commonly known as the Freedom of Informa-*
15 *tion Act), which shall include—*

16 *(1) public guidance on procedures to be followed*
17 *when making requests under paragraph (1), (2), or*
18 *(3) of section 552(a) of title 5, United States Code;*

19 *(2) updated guidance to the components of the*
20 *Department responsible for processing such requests,*
21 *which may include information on how to adopt*
22 *automated processing of requests made under para-*
23 *graphs (1), (2), or (3) of section 552(a) of title 5,*
24 *United States Code;*

1 (3) *detailed information on fees and costs associ-*
2 *ated with such requests; and*

3 (4) *detailed information on the appeals process*
4 *for such requests.*

5 **(b) IDENTIFICATION OF COSTS.—**

6 (1) *IN GENERAL.—Not later than 90 days after*
7 *the date of the enactment of this Act, the Chief FOIA*
8 *Officer, in coordination with the Chief Financial Of-*
9 *ficer of the Department and the heads of each of the*
10 *relevant components of the Department, shall identify*
11 *the total annual cost to the Department of imple-*
12 *menting section 552 of title 5, United States Code.*

13 (2) *GUIDANCE.—The Chief FOIA Officer shall*
14 *develop guidance on reporting standards related to*
15 *the direct and indirect costs to the Department associ-*
16 *ated with the processing of requests made under para-*
17 *graphs (1), (2), and (3) of section 552(a) of title 5,*
18 *United States Code.*

19 (c) *COST SAVINGS.—The Chief FOIA Officer, in col-*
20 *laboration with the heads of each of the relevant components*
21 *of the Department, shall—*

22 (1) *identify unnecessary and duplicative actions*
23 *taken by the Department in the course of processing*
24 *requests made under paragraphs (1), (2), and (3) of*
25 *section 552(a) of title 5, United States Code, by not*

1 *later than 120 days after the date of the enactment*
2 *of this Act; and*

3 (2) *eliminate unnecessary and duplicative ac-*
4 *tions taken by the Department in the course of proc-*
5 *essing requests made under paragraphs (1), (2), and*
6 *(3) of section 552(a) of title 5, United States Code,*
7 *by not later than 12 months after the identification*
8 *of such action under paragraph (1).*

9 (d) *FOIA TRACKING SYSTEMS.*—*Not later than 90*
10 *days after the date of the enactment of this Act, the Chief*
11 *FOIA Officer shall develop a plan to automate the proc-*
12 *essing of requests made under paragraphs (1), (2), and (3)*
13 *of section 552(a) of title 5, United States Code to the De-*
14 *partment. Such plan shall take into account the specific*
15 *needs of each of the components of the Department respon-*
16 *sible for processing such requests and address required and*
17 *recommended technology capabilities and elements. Such*
18 *plan shall include an assessment of the costs and benefits*
19 *associated with establishing and using electronic processing*
20 *systems to process requests made under paragraphs (1), (2),*
21 *and (3) of section 552(a) of title 5, United States Code.*

22 (e) *FOIA BACKLOG.*—*Not later than 90 days after the*
23 *date of the enactment of this Act, the Chief Privacy Officer*
24 *of the Department, in consultation with the Chief FOIA Of-*
25 *ficer, shall update and issue guidance to the heads of each*

1 *of the relevant components of the Department regarding the*
2 *goal of reducing the backlog in processing requests made*
3 *under paragraphs (1), (2), and (3) of section 552(a) of title*
4 *5, United States Code, by 50 percent between fiscal year*
5 *2015 and fiscal year 2018.*

6 *(f) REPORT.—*

7 *(1) SEMIANNUAL PRIVACY REPORT.—The Chief*
8 *FOIA Officer shall include in each semiannual pri-*
9 *vacy report submitted under section 1062(f) of the In-*
10 *telligence Reform and Terrorism Prevention Act of*
11 *2004 (42 U.S.C. 2000ee–1(f)) each of the following:*

12 *(A) The total costs to the Department of*
13 *meeting the requirements of section 552 of title*
14 *5, United States Code, for the period covered by*
15 *the report.*

16 *(B) An assessment of progress made toward*
17 *meeting the backlog goals pursuant to subsection*
18 *(e) during the period covered by the report and*
19 *the periods covered by the two preceding reports.*

20 *(C) An assessment of whether the Depart-*
21 *ment has adequate staffing and other resources to*
22 *address the backlog goals pursuant to subsection*
23 *(e) for processing requests made under para-*
24 *graphs (1), (2), and (3) of section 552(a) of title*
25 *5, United States Code.*

1 (D) *An assessment of the progress made to-*
2 *wards automating the processing of requests*
3 *made under paragraphs (1), (2), and (3) of sec-*
4 *tion 552(a) of title 5, United States Code, during*
5 *the period covered by the report.*

6 (2) *FISCAL YEAR 2016 REQUIREMENTS.—The*
7 *Chief FOIA Officer shall include in the second semi-*
8 *annual privacy report for fiscal year 2016 each of the*
9 *following:*

10 (A) *A description of any cost savings iden-*
11 *tified under subsection (d).*

12 (B) *The plan developed under subsection*
13 *(d).*

14 (g) *DUPLICATIVE ACTION DEFINED.—In this section,*
15 *the term “duplicative actions” means actions carried out*
16 *by two or more components or programs that are engaged*
17 *in the same activities or provide the same services related*
18 *to the processing of FOIA requests to the same beneficiaries.*

19 **SEC. 3. PROGRESS ON AUTOMATION.**

20 *Upon completion of the plan to automate the proc-*
21 *essing of requests made under paragraphs (1), (2), and (3)*
22 *of section 552(a) of title 5, United States Code, the Chief*
23 *FOIA Officer shall provide the plan to the heads of the com-*
24 *ponents of the Department and seek written feedback from*
25 *each head of a component agency regarding the extent to*

- 1 *which that component will adopt the plan, the associated*
- 2 *costs, and the projected timelines.*

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