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114TH CONGRESS
2^D SESSION

H. R. 653

[Report No. 114–391]

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

FEBRUARY 2, 2015

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

JANUARY 7, 2016

Additional sponsors: Ms. NORTON, Mr. CONNOLLY, Mr. GUINTA, Mr. FARENTHOLD, Mr. DESJARLAIS, Mr. CARTER of Georgia, Mr. FRANKS of Arizona, Mr. SESSIONS, Mr. ALLEN, Mr. BUCSHON, Mr. BYRNE, Mr. TIPTON, Mr. COLLINS of Georgia, Mr. MCCAUL, Mr. HURT of Virginia, Mr. GOSAR, Mr. WALBERG, Mr. ROSS, Mr. STUTZMAN, Mr. RANGEL, Mrs. LAWRENCE, Ms. KUSTER, Mr. WELCH, Mr. ASHFORD, Mr. HONDA, Mr. FOSTER, Mr. BISHOP of Michigan, Mr. JOHNSON of Georgia, Mr. HENSARLING, Mr. PIERLUISI, Mr. EMMER of Minnesota, Ms. BROWNLEY of California, Mr. CARTWRIGHT, Mr. PAYNE, Mr. LIPINSKI, Ms. GABBARD, Mr. LEWIS, Mr. VARGAS, Mr. PALAZZO, Mr. POSEY, Mr. DESAULNIER, Mr. TED LIEU of California, Mr. JODY B. HICE of Georgia, Mr. AMODEI, Ms. DUCKWORTH, Mr. POLIS, Mr. OLSON, Mr. MESSER, Mr. YOHO, Mr. RIBBLE, Mr. MCGOVERN, Mr. ABRAHAM, and Mr. CICILLINE

JANUARY 7, 2016

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 February 2, 2015]

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 2015” or the “FOIA Act”.*

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

7 *(a) ELECTRONIC ACCESSIBILITY.—Section 552 of title*
8 *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” each place it appears and in-*
13 *serting “in an electronic, publicly accessible*
14 *format”;*

15 *(ii) by striking “; and” and inserting*
16 *a semicolon;*

17 *(iii) by striking subparagraph (E) and*
18 *inserting the following new subparagraphs:*

19 *“(E) copies of all releasable records, regardless of*
20 *form or format, that have been requested three or*
21 *more times under paragraph (3); and*

22 *“(F) a general index of the records referred to*
23 *under subparagraphs (D) and (E);”;* and

1 (iv) in the matter following subpara-
2 graph (F) (as added by clause (iii) of this
3 subparagraph)—

4 (I) by striking “subparagraph
5 (D)” and inserting “subparagraphs
6 (D) and (E)”; and

7 (II) by striking “subparagraph
8 (E)” and inserting “subparagraph
9 (F)”; and

10 (B) in paragraph (7)—

11 (i) in subparagraph (A), by striking
12 “that will take longer than ten days to
13 process”; and

14 (ii) in subparagraph (B), by inserting
15 “automated” after “provides”;

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

19 (3) by adding at the end the following new sub-
20 section:

21 “(m) *ELECTRONIC SUBMISSION OF REQUESTS.*—

22 “(1) *CONSOLIDATED ONLINE REQUEST POR-*
23 *TAL.*—*The Director of the Office of Management and*
24 *Budget, in consultation with the Attorney General,*
25 *shall ensure the operation of a consolidated online re-*

1 *quest portal that allows a member of the public to*
2 *submit a request for records under subsection (a) to*
3 *any agency from a single website. The portal may in-*
4 *clude any additional tools the Director of the Office*
5 *of Management and Budget finds will improve the*
6 *implementation of this section.*

7 *“(2) RULE OF CONSTRUCTION.—This subsection*
8 *shall not be construed to alter the power of any other*
9 *agency to create or maintain an independent online*
10 *portal for the submission of a request for records*
11 *under this section. The Director of the Office of Man-*
12 *agement and Budget shall establish standards for*
13 *interoperability between the portal required under*
14 *paragraph (1) and other request processing software*
15 *used by agencies subject to this section.*

16 *“(3) EMAIL REQUEST REQUIRED.—Each agency*
17 *shall accept requests for records under subsection (a)*
18 *through an email address and shall publish such*
19 *email address on the website of the agency.”.*

20 *(b) PRESUMPTION OF OPENNESS.—Section 552(b) of*
21 *title 5, United States Code, is amended—*

22 *(1) in paragraph (5), by inserting after “with*
23 *the agency” the following: “, excluding—*

24 *“(A) opinions that are controlling interpre-*
25 *tations of law;*

1 “(B) final reports or memoranda created by
2 an entity other than the agency, including other
3 Governmental entities, at the request of the agen-
4 cy and used to make a final policy decision;

5 “(C) guidance documents used by the agen-
6 cy to respond to the public; and

7 “(D) records or information created 25
8 years or more before the date on which a request
9 is made under subsection (a)(3)”; and

10 (2) in the matter following paragraph (9), by in-
11 serting before “Any reasonably segregable portion” the
12 following: “An agency may not withhold information
13 under this subsection unless such agency reasonably
14 foresees that disclosure would cause specific identifi-
15 able harm to an interest protected by an exemption,
16 or if disclosure is prohibited by law.”.

17 (c) *ASSESSMENT OF ATTORNEY FEES AND OTHER*
18 *LITIGATION COSTS.*—Section 552(a)(4)(E)(i) of title 5,
19 United States Code, is amended by striking “The court
20 may” and inserting “The court shall”.

21 (d) *THE OFFICE OF GOVERNMENT INFORMATION*
22 *SERVICES.*—Section 552 of title 5, United States Code, is
23 amended—

24 (1) in subsection (a)(4)(A)(i), by striking “the
25 Director of the Office of Management and Budget”

1 and inserting “the Director of the Office of Manage-
2 ment and Budget, in consultation with the Director
3 of the Office of Government Information Services,”;
4 and

5 (2) by amending subsection (h) to read as fol-
6 lows:

7 “(h) *THE OFFICE OF GOVERNMENT INFORMATION*
8 *SERVICES.*—

9 “(1) *ESTABLISHMENT.*—There is established the
10 Office of Government Information Services within the
11 National Archives and Records Administration. The
12 head of the Office is the Director of the Office of Gov-
13 ernment Information Services.

14 “(2) *REVIEW OF FOIA POLICY, PROCEDURE, AND*
15 *COMPLIANCE.*—The Office of Government Information
16 Services shall—

17 “(A) review policies and procedures of agen-
18 cies under this section;

19 “(B) review compliance with this section by
20 agencies;

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

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

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

3 “(iii) the use of any exemption under
4 subsection (b); and

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

7 “(3) *MEDIATION SERVICES.*—*The Office of Gov-*
8 *ernment Information Services shall offer mediation*
9 *services to resolve disputes between persons making*
10 *requests under this section and agencies as a non-ex-*
11 *clusive alternative to litigation and may issue advi-*
12 *sory opinions at the discretion of the Office or upon*
13 *request of any party to such mediation services.*

14 “(4) *SUBMISSION OF REPORT.*—

15 “(A) *IN GENERAL.*—*The Office of Govern-*
16 *ment Information Services shall not less than*
17 *annually submit to the committees described in*
18 *subparagraph (C) and the President a report on*
19 *the findings from the information reviewed and*
20 *identified under paragraph (2), a summary of*
21 *the Office’s activities under paragraph (3) (in-*
22 *cluding any advisory opinions issued), and legis-*
23 *lative and regulatory recommendations to im-*
24 *prove the administration of this section.*

1 “(B) *ELECTRONIC AVAILABILITY OF RE-*
2 *PORTS.—The Office shall make available any re-*
3 *port submitted under paragraph (A) in a pub-*
4 *licly accessible format.*

5 “(C) *CONGRESSIONAL SUBMISSION OF RE-*
6 *PORT.—The committees described in this sub-*
7 *paragraph are the following:*

8 “(i) *The Committee on Oversight and*
9 *Government Reform of the House of Rep-*
10 *resentatives.*

11 “(ii) *The Committees on Homeland Se-*
12 *curity and Governmental Affairs and the*
13 *Judiciary of the Senate.*

14 “(D) *DIRECT SUBMISSION OF REPORTS AND*
15 *TESTIMONY.—Any report submitted under para-*
16 *graph (A), any testimony, or any other commu-*
17 *nication to Congress shall be submitted directly*
18 *to the committees and the President, without any*
19 *requirement that any officer or employee outside*
20 *of the Office of Government Information Serv-*
21 *ices, including the Archivist of the United States*
22 *and the Director of the Office of Management*
23 *and Budget, review such report, testimony, or*
24 *other communication.*

1 “(5) *SUBMISSION OF ADDITIONAL INFORMA-*
2 *TION.—The Director of the Office of Government In-*
3 *formation Services may submit additional informa-*
4 *tion to Congress and the President that the Director*
5 *determines to be appropriate.*

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

12 *(e) PUBLIC RESOURCES.—Section 552(a)(6)(A) of title*
13 *5, United States Code, is amended—*

14 *(1) in clause (i), by striking “of such determina-*
15 *tion and the reasons therefor, and of the right of such*
16 *person to appeal to the head of the agency any ad-*
17 *verse determination; and” and inserting the following:*
18 *“of—*

19 *“(I) such determination and the reasons*
20 *therefor;*

21 *“(II) the right of such person to seek assist-*
22 *ance from the agency FOIA Public Liaison; and*

23 *“(III) the right of such person to appeal to*
24 *the head of the agency any adverse determina-*
25 *tion, within a period determined by the agency*

1 *that is not less than 90 days after the receipt of*
2 *such adverse determination; and”;* and

3 (2) *in clause (ii), by striking the period at the*
4 *end and inserting the following: “and the right of*
5 *such person to seek dispute resolution services from*
6 *the agency FOIA Public Liaison or the Office of Gov-*
7 *ernment Information Services.”*

8 (f) *ADDITIONAL DISCLOSURE OF INFORMATION RE-*
9 *QUIREMENTS.—Section 552(a) of title 5, United States*
10 *Code, is amended by adding at the end the following new*
11 *paragraphs:*

12 “(8) *DISCLOSURE OF INFORMATION FOR IN-*
13 *CREASED PUBLIC UNDERSTANDING OF THE GOVERN-*
14 *MENT.—Each agency shall—*

15 “(A) *review the records of such agency to*
16 *determine whether the release of the records*
17 *would be in the public interest because it is like-*
18 *ly to contribute significantly to public under-*
19 *standing of the operations or activities of the*
20 *Government;*

21 “(B) *for records determined to be in the*
22 *public interest under subparagraph (A), reason-*
23 *ably segregate and redact any information ex-*
24 *empted from disclosure under subsection (b); and*

1 “(C) make available in an electronic, pub-
2 licly accessible format, any records identified in
3 subparagraph (A), as modified pursuant to sub-
4 paragraph (B).

5 “(9) INCREASED DISCLOSURE OF INFORMA-
6 TION.—Each agency shall—

7 “(A) make information public to the great-
8 est extent possible through modern technology
9 to—

10 “(i) inform the public of the operations
11 and activities of the Government; and

12 “(ii) ensure timely disclosure of infor-
13 mation; and

14 “(B) establish procedures for identifying
15 categories of records that may be disclosed regu-
16 larly and additional records of interest to the
17 public that are appropriate for public disclosure,
18 and for posting such records in an electronic,
19 publicly accessible format.”.

20 (g) REPORT ON CATEGORIES OF INFORMATION FOR
21 DISCLOSURE.—Not later than one year after the date of the
22 enactment of this Act, and every two years thereafter, the
23 Director of the Office of Information Policy of the Depart-
24 ment of Justice, after consultation with agencies selected by
25 the Director, shall submit to the Committee on Oversight

1 *and Government Reform of the House of Representatives*
2 *and the Committees on Homeland Security and Govern-*
3 *mental Affairs and the Judiciary of the Senate a report*
4 *that identifies categories of records that would be appro-*
5 *priate for proactive disclosure, and shall make such report*
6 *available in an electronic, publicly accessible format.*

7 *(h) AGENCY FOIA REPORT.—Section 552(e) of title 5,*
8 *United States Code, is amended—*

9 *(1) in paragraph (1)—*

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

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

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

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

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

21 *“(Q) the number of times the agency engaged in*
22 *dispute resolution with the assistance of the Office of*
23 *Government Information Services or the FOIA Public*
24 *Liaison;*

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 REPORTS.—*
11 *Each agency shall make each such report available in*
12 *an electronic, publicly accessible format. In addition,*
13 *each agency shall make the raw statistical data used*
14 *in its reports available in a timely manner in an*
15 *electronic, publicly accessible format. Such data shall*
16 *be—*

17 “(A) made available without charge, license,
18 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)—

1 (A) by striking “Committee on Government
2 Reform and Oversight” and inserting “Com-
3 mittee on Oversight and Government Reform”;

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

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

9 (4) in paragraph (5)—

10 (A) by inserting “and the Director of the
11 Office of Government Information Services” after
12 “the Director of the Office of Management and
13 Budget”; and

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

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

17 “(6) ATTORNEY GENERAL FOIA REPORT.—

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

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

1 “(ii) each subsection under this section,
2 each paragraph of the subsection, and any
3 exemption, if applicable, involved in each
4 case, the disposition of such case, and the
5 cost, fees, and penalties assessed under sub-
6 paragraphs (E), (F), and (G) of subsection
7 (a)(4); and

8 “(iii) a description of the efforts under-
9 taken by the Department of Justice to en-
10 courage agency compliance with this sec-
11 tion.

12 “(B) *ELECTRONIC AVAILABILITY.*—*The At-*
13 *torney General of the United States—*

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

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

21 “(I) made available without
22 charge, license, or registration require-
23 ment;

24 “(II) capable of being searched
25 and aggregated; and

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

4 (i) *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 (j) *GOVERNMENT ACCOUNTABILITY OFFICE.*—Sub-
13 section (i) of section 552 of title 5, United States Code, is
14 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 compliance with and implementation of the re-
19 quirements of this section and issue reports detailing
20 the results of such audits;

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

24 “(3) review and prepare a report on the proc-
25 essing of requests by agencies for information per-

1 *taining to an entity that has received assistance*
2 *under title I of the Emergency Economic Stabiliza-*
3 *tion Act of 2008 (12 U.S.C. 5211 et seq.) during any*
4 *period in which the Government owns or owned more*
5 *than 50 percent of the stock of such entity.”.*

6 *(k) CHIEF FOIA OFFICER RESPONSIBILITIES; COUN-*
7 *CIL; REVIEW.—Section 552 of title 5, United States Code,*
8 *is amended—*

9 *(1) by striking subsections (j) and (k); and*

10 *(2) by inserting after subsection (i), the following*
11 *new subsections:*

12 *“(j) CHIEF FOIA OFFICER.—*

13 *“(1) DESIGNATION.—Each agency shall des-*
14 *ignate a Chief FOIA Officer who shall be a senior of-*
15 *ficial of such agency (at the Assistant Secretary or*
16 *equivalent level).*

17 *“(2) DUTIES.—The Chief FOIA Officer of each*
18 *agency shall, subject to the authority of the head of*
19 *the agency—*

20 *“(A) have agency-wide responsibility for ef-*
21 *ficient and appropriate compliance with this sec-*
22 *tion;*

23 *“(B) monitor implementation of this section*
24 *throughout the agency and keep the head of the*
25 *agency, the chief legal officer of the agency, and*

1 *the Attorney General appropriately informed of*
2 *the agency’s performance in implementing this*
3 *section;*

4 “(C) *recommend to the head of the agency*
5 *such adjustments to agency practices, policies,*
6 *personnel, and funding as may be necessary to*
7 *improve its implementation of this section;*

8 “(D) *review and report to the Attorney*
9 *General, through the head of the agency, at such*
10 *times and in such formats as the Attorney Gen-*
11 *eral may direct, on the agency’s performance in*
12 *implementing this section;*

13 “(E) *facilitate public understanding of the*
14 *purposes of the statutory exemptions of this sec-*
15 *tion by including concise descriptions of the ex-*
16 *emptions in both the agency’s handbook issued*
17 *under subsection (g), and the agency’s annual re-*
18 *port on this section, and by providing an over-*
19 *view, where appropriate, of certain general cat-*
20 *egories of agency records to which those exemp-*
21 *tions apply;*

22 “(F) *serve as the primary agency liaison*
23 *with the Office of Government Information Serv-*
24 *ices and the Office of Information Policy; and*

1 “(G) designate one or more FOIA Public
2 Liaisons.

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

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

9 “(i) agency regulations;

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

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

15 “(iv) the timely processing of requests
16 for information under this section;

17 “(v) the use of exemptions under sub-
18 section (b); and

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

23 “(B) make recommendations as necessary to
24 improve agency practices and compliance with
25 this section.

1 “(k) *CHIEF FOIA OFFICERS COUNCIL.*—

2 “(1) *ESTABLISHMENT.*—*There is established in*
3 *the executive branch the Chief FOIA Officers Council*
4 *(in this subsection, referred to as the ‘Council’).*

5 “(2) *MEMBERS.*—*The Council shall consist of the*
6 *following members:*

7 “(A) *The Deputy Director for Management*
8 *of the Office of Management and Budget.*

9 “(B) *The Director of the Office of Informa-*
10 *tion Policy at the Department of Justice.*

11 “(C) *The Director of the Office of Govern-*
12 *ment Information Services at the National Ar-*
13 *chives and Records Administration.*

14 “(D) *The Chief FOIA Officer of each agen-*
15 *cy.*

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

18 “(3) *CO-CHAIRS.*—*The Director of the Office of*
19 *Information Policy at the Department of Justice and*
20 *the Director of the Office of Government Information*
21 *Services at the National Archives and Records Ad-*
22 *ministration shall be the Co-Chairs of the Council.*

23 “(4) *SUPPORT SERVICES.*—*The Administrator of*
24 *General Services shall provide administrative and*
25 *other support for the Council.*

1 “(5) *CONSULTATION.*—*In performing its duties,*
2 *the Council shall consult regularly with members of*
3 *the public who make requests under this section.*

4 “(6) *DUTIES.*—*The duties of the Council include*
5 *the following:*

6 “(A) *Develop recommendations for increas-*
7 *ing compliance and efficiency under this section.*

8 “(B) *Disseminate information about agency*
9 *experiences, ideas, best practices, and innovative*
10 *approaches related to this section.*

11 “(C) *Identify, develop, and coordinate ini-*
12 *tiatives to increase transparency and compliance*
13 *with this section.*

14 “(D) *Promote the development and use of*
15 *common performance measures for agency com-*
16 *pliance with this section.*

17 “(7) *MEETINGS.*—

18 “(A) *REGULAR MEETINGS.*—*The Council*
19 *shall meet regularly and such meetings shall be*
20 *open to the public unless the Council determines*
21 *to close the meeting for reasons of national secu-*
22 *rity or to discuss information exempt under sub-*
23 *section (b).*

24 “(B) *ANNUAL MEETINGS.*—*Not less than*
25 *once a year, the Council shall hold a meeting*

1 *that shall be open to the public and permit inter-*
2 *ested persons to appear and present oral and*
3 *written statements to the Council.*

4 “(C) *NOTICE.*—*Not later than 10 business*
5 *days before a meeting of the Council, notice of*
6 *such meeting shall be published in the Federal*
7 *Register.*

8 “(D) *PUBLIC AVAILABILITY OF COUNCIL*
9 *RECORDS.*—*Except as provided in subsection (b),*
10 *the records, reports, transcripts, minutes, appen-*
11 *dixes, working papers, drafts, studies, agenda, or*
12 *other documents that were made available to or*
13 *prepared for or by the Council shall be made*
14 *publicly available.*

15 “(E) *MINUTES.*—*Detailed minutes of each*
16 *meeting of the Council shall be kept and shall*
17 *contain a record of the persons present, a com-*
18 *plete and accurate description of matters dis-*
19 *cussed and conclusions reached, and copies of all*
20 *reports received, issued, or approved by the*
21 *Council.”.*

22 (l) *REGULATIONS.*—

23 (1) *REVISION OF REGULATIONS.*—*Not later than*
24 *180 days after the date of the enactment of this Act,*
25 *the head of each agency shall review the regulations*

1 of such agency and shall issue regulations on proce-
2 dures for the disclosure of records under section 552
3 of title 5, United States Code, in accordance with the
4 amendments made by this section. The regulations of
5 each agency shall include—

6 (A) procedures for engaging in dispute reso-
7 lution; and

8 (B) procedures for engaging with the Office
9 of Government Information Services.

10 (2) *OFFICE OF GOVERNMENT INFORMATION*
11 *SERVICES REPORT.*—Not later than 270 days after the
12 date of the enactment of this Act, the Office of Govern-
13 ment Information Services shall submit to Congress a
14 report on agency compliance with the requirements of
15 this subsection.

16 (3) *REPORT ON NONCOMPLIANCE.*—The head of
17 any agency that does not meet the requirements of
18 paragraph (1) shall submit to Congress a report on
19 the reason for noncompliance not later than 270 days
20 after the date of the enactment of this Act.

21 (4) *INSPECTOR GENERAL REVIEW FOR NON-*
22 *COMPLIANCE.*—Any agency that fails to comply with
23 the requirements of this subsection shall be reviewed
24 by the Office of Inspector General of such agency for

1 compliance with section 552 of title 5, United States
2 Code.

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

6 **SEC. 3. INSPECTOR GENERAL REVIEW; ADVERSE ACTIONS.**

7 (a) *INSPECTOR GENERAL REVIEW.*—

8 (1) *IN GENERAL.*—*The Inspector General of each*
9 *agency shall—*

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

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

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

23 (b) *ADVERSE ACTIONS.*—*The withholding of informa-*
24 *tion in a manner inconsistent with the requirements of sec-*
25 *tion 552 of title 5, United States Code (including any rules,*

1 regulations, or other implementing guidelines), as deter-
2 mined by the appropriate supervisor, shall be a basis for
3 disciplinary action in accordance with subchapter I, II, or
4 V of chapter 75 of such title, as the case may be.

5 **SEC. 4. NO ADDITIONAL FUNDS AUTHORIZED.**

6 No additional funds are authorized to carry out the
7 requirements of this Act and the amendments made by this
8 Act. Such requirements shall be carried out using amounts
9 otherwise authorized or appropriated.

Union Calendar No. 294

114TH CONGRESS
2^D SESSION

H. R. 653

[Report No. 114-391]

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.

JANUARY 7, 2016

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