a clear signal of the purely political manner in which Secretary Babbitt intended to operate the NPS, and resulted in both Democratic and Republican-authored measures to require that the head of the NPS know something about parks other than having vacationed there.

Section 7 of the bill reauthorizes the National Park System advisory board. The statutory authorization for this board expired a couple years ago. While the board has been reauthorized administratively, the role of this board as an independent advisor to the Secretary could be enhanced if it were reestablished by law.

Section 8 establishes and expands the Challenge Cost Share Program for the NPS on a permanent basis. This program, which permits Federal dollars to be leveraged with non-Federal dollars, has proven very effective for the Forest Service; and it is expected to provide similar benefits for the National Park Service at a time when appropriations are limited.

Finally, section 9 of the bill permits the NPS to recover costs from damages to natural resources in the same manner as costs are recovered from damages to marine resources. When the Federal Government recovers costs from such damage, it makes far more sense to apply those funds to restore the resources than to deposit such funds into the Treasury, as is currently the policy.

Mr. Speaker, as Members can see, this bill contains a number of very important provisions which will help our parks, its employees, and make congressional oversight more effective. I commend all Members who have provided input into the bill, Democrats and Republicans alike, and urge all Members to support this bipartisan legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. RICHARDSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me just say that I had hoped that we could keep this discussion of this bill bipartisan. Obviously, I have to disagree with some of the chairman's comments. This is a good bill.

Employee housing, I had a chance to go to Yellowstone over the recess and had a chance to spend some time with our Park Service employees, not just in law enforcement but also park rangers, men and women. The quality of these men and women is really outstanding. They are hard workers. Of course Yellowstone is the crown jewel.

They talked to me about this housing issue. Basically what you have is some of our, especially bachelor, park rangers living in what is generously called some very substandard housing. We have to do better. We have to do better for our park employees.

Let me address some of the chairman's statements. I disagree. I think Secretary Babbitt has done a good job with the Park Service. I think Director Kennedy has done a good job, too. I differ with the chairman on whether Tom Brokaw or Robert Redford would have been good directors of the Park Service. I think what Secretary Babbitt is looking at is somebody with high visibility, to give the parks the visibility that they need.

I know the chairman agrees with me. We have got to find ways to ensure that these parks are funded. We need the private sector to help. I think that was one of the objectives viewed there. But I am not going to get into an argument with him, except to say that this administration has done a good job with the environment and with the Park Service, particularly Director Kennedy and Secretary Babbitt.

This is an occasion where, perhaps a few times that we have come together on a bill, we should recognize that that has happened. I commend the gentleman from Colorado [Mr. HEFLEY] and the gentleman from Utah [Mr. HANSEN] for this bill. It is a good one. They work with us. They compromise. We compromise. We have a good product that I think will advance the national interest.

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Mr. Speaker, I yield back the balance of my time.

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I appreciate the words from the ranking member of the committee. Let me say that, as a Republican member, we have no desire to close any parks, contrary to what people have said, but to make them better.

I think this particular piece of legislation, as we waded through all the sections, points out and expedites the things that will make the parks better and make them work better; and we are very strong on the idea of taking care of our national parks. We have no argument with the administration on most things that they do, but in some of these areas we feel that what they do, but in some of these areas we feel that what should be done should be done not for what is politically expedient, but done fore the benefit of the parks, and that is the agreement we thought we had when we first got into the business of this committee.

I appreciate all those who have worked so diligently on this bill. I personally feel this is an excellent piece of legislation, and I urge all Members to support it.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MILLER of Florida). The question is on the motion offered by the gentleman from Utah [Mr. HANSEN] that the House suspend the rules and pass the bill, H.R. 2941, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HANSEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 2941, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

ELECTRONIC FREEDOM OF INFORMATION ACT AMENDMENTS OF 1996

Mr. HORN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3802) to amend section 552 of title 5, United States Code, popularly known as the Freedom of Information Act, to provide for public access to information in an electronic format, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3802

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Electronic Freedom of Information Act Amendments of 1996''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) the purpose of section 552 of title 5, United States Code, popularly known as the Freedom of Information Act, is to require agencies of the Federal Government to make certain agency information available for public inspection and copying and to establish and enable enforcement of the right of any person to obtain access to the records of such agencies, subject to statutory exemptions, for any public or private purpose;

(2) since the enactment of the Freedom of Information Act in 1966, and the amendments enacted in 1974 and 1986, the Freedom of Information Act has been a valuable means through which any person can learn how the Federal Government operates;

(3) the Freedom of Information Act has led to the disclosure of waste, fraud, abuse, and wrongdoing in the Federal Government;

(4) the Freedom of Information Act has led to the identification of unsafe consumer products, harmful drugs, and serious health hazards;

(5) Government agencies increasingly use computers to conduct agency business and to store publicly valuable agency records and information; and

(6) Government agencies should use new technology to enhance public access to agency records and information.

(b) PURPOSES.—The purposes of this Act are to—

(1) foster democracy by ensuring public access to agency records and information;

(2) improve public access to agency records and information;

(3) ensure agency compliance with statutory time limits; and

(4) maximize the usefulness of agency records and information collected, maintained, used, retained, and disseminated by the Federal Government.

SEC. 3. APPLICATION OF REQUIREMENTS TO ELECTRONIC FORMAT INFORMATION.

Section 552(f) of title 5, United States Code, is amended to read as follows:

''(f) For purposes of this section, the term—

''(1) 'agency' as defined in section 551(1) of this title includes any executive department, military department, Government corporation, Government controlled corporation, or other establishment in the executive branch of the Government (including the Executive Office of the President), or any independent regulatory agency; and

''(2) 'record' and any other term used in this section in reference to information includes any information that would be an agency record subject to the requirements of this section when maintained by an agency in any format, including an electronic format.''.

SEC. 4. INFORMATION MADE AVAILABLE IN ELECTRONIC FORMAT AND INDEXATION OF RECORDS.

Section 552(a)(2) of title 5, United States Code, is amended—

(1) in the second sentence, by striking ''or staff manual or instruction'' and inserting ''staff manual, instruction, or copies of records referred to in subparagraph (D)'';

(2) by inserting before the period at the end of the third sentence the following: '', and the extent of such deletion shall be indicated on the portion of the record which is made available or published, unless including that indication would harm an interest protected by the exemption in subsection (b) under which the deletion is made'';

(3) by inserting after the third sentence the following: ''If technically feasible, the extent of the deletion shall be indicated at the place in the record where the deletion was made.'';

(4) in subparagraph (B), by striking ''and'' after the semicolon;

(5) by inserting after subparagraph (C) the following:

''(D) copies of all records, regardless of form or format, which have been released to any person under paragraph (3) and which, because of the nature of their subject matter, the agency determines have become or are likely to become the subject of subsequent requests for substantially the same records; and

''(E) a general index of the records referred to under subparagraph (D);'';

(6) by inserting after the fifth sentence the following: ''Each agency shall make the index referred to in subparagraph (E) available by computer telecommunications by December 31, 1999.''; and

(7) by inserting after the first sentence the following: ''For records created on or after November 1, 1996, within one year after such date, each agency shall make such records available, including by computer telecommunications or, if computer telecommunications means have not been established by the agency, by other electronic means.''.

SEC. 5. HONORING FORM OR FORMAT REQUESTS.

Section 552(a)(3) of title 5, United States Code, is amended—

(1) by inserting ''(A)'' after ''(3)'';

(2) by striking ''(A)'' the second place it appears and inserting ''(i)'';

(3) by striking ''(B)'' and inserting ''(ii)''; and

(4) by adding at the end the following new subparagraphs:

''(B) In making any record available to a person under this paragraph, an agency shall provide the record in any form or format requested by the person if the record is readily reproducible by the agency in that form or format. Each agency shall make reasonable efforts to maintain its records in forms or formats that are reproducible for purposes of this section.

''(C) In responding under this paragraph to a request for records, an agency shall make reasonable efforts to search for the records in electronic form or format, except when such efforts would significantly interfere with the operation of the agency's automated information system.

''(D) For purposes of this paragraph, the term 'search' means to review, manually or by automated means, agency records for the purpose of locating those records which are responsive to a request.''.

SEC. 6. STANDARD FOR JUDICIAL REVIEW.

Section 552(a)(4)(B) of title 5, United States Code, is amended by adding at the end the following new sentence: ''In addition to any other matters to which a court accords substantial weight, a court shall accord substantial weight to an affidavit of an agency concerning the agency's determination as to technical feasibility under paragraph (2)(C) and subsection (b) and reproducibility under paragraph (3)(B).''.

SEC. 7. ENSURING TIMELY RESPONSE TO REQUESTS.

(a) MULTITRACK PROCESSING.—Section 552(a)(6) of title 5, United States Code, is amended by adding at the end the following new subparagraph:

''(D)(i) Each agency may promulgate regulations, pursuant to notice and receipt of public comment, providing for multitrack processing of requests for records based on the amount of work or time (or both) involved in processing requests.

''(ii) Regulations under this subparagraph may provide a person making a request that does not qualify for the fastest multitrack processing an opportunity to limit the scope of the request in order to qualify for faster processing.

''(iii) This subparagraph shall not be considered to affect the requirement under subparagraph (C) to exercise due diligence.''.

(b) UNUSUAL CIRCUMSTANCES.—Section 552(a)(6)(B) of title 5, United States Code, is amended to read as follows:

''(B)(i) In unusual circumstances as specified in this subparagraph, the time limits prescribed in either clause (i) or clause (ii) of subparagraph (A) may be extended by written notice to the person making such request setting forth the unusual circumstances for such extension and the date on which a determination is expected to be dispatched. No such notice shall specify a date that would result in an extension for more than ten working days, except as provided in clause (ii) of this subparagraph.

''(ii) With respect to a request for which a written notice under clause (i) extends the time limits prescribed under clause (i) of subparagraph (A), the agency shall notify the person making the request if the request cannot be processed within the time limit specified in that clause and shall provide the person an opportunity to limit the scope of the request so that it may be processed within that time limit or an opportunity to arrange with the agency an alternative time frame for processing the request or a modified request. Refusal by the person to reasonably modify the request or arrange such an alternative time frame shall be considered as a factor in determining whether exceptional circumstances exist for purposes of subparagraph (C).

''(iii) As used in this subparagraph, 'unusual circumstances' means, but only to the extent reasonably necessary to the proper processing of the particular requests—

''(I) the need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request;

''(II) the need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request; or

''(III) the need for consultation, which shall be conducted with all practicable speed, with another agency having a substantial interest in the determination of the request or among two or more components of the agency having substantial subject-matter interest therein.

''(iv) Each agency may promulgate regulations, pursuant to notice and receipt of public comment, providing for the aggregation of certain requests by the same requestor, or by a group of requestors acting in concert, if the agency reasonably believes that such requests actually constitute a single request, which would otherwise satisfy the unusual circumstances specified in this subparagraph, and the requests involve clearly related matters. Multiple requests involving unrelated matters shall not be aggregated.''.

(c) EXCEPTIONAL CIRCUMSTANCES.—Section 552(a)(6)(C) of title 5, United States Code, is amended by inserting ''(i)'' after ''(C)'', and by adding at the end the following new clauses:

''(ii) For purposes of this subparagraph, the term 'exceptional circumstances' does not include a delay that results from a predictable agency workload of requests under this section, unless the agency demonstrates reasonable progress in reducing its backlog of pending requests.

''(iii) Refusal by a person to reasonably modify the scope of a request or arrange an alternative time frame for processing a request (or a modified request) under clause (ii) after being given an opportunity to do so by the agency to whom the person made the request shall be considered as a factor in determining whether exceptional circumstances exist for purposes of this subparagraph.''.

SEC. 8. TIME PERIOD FOR AGENCY CONSIDERATION OF REQUESTS.

(a) EXPEDITED PROCESSING.—Section 552(a)(6) of title 5, United States Code (as amended by section 7(a) of this Act), is further amended by adding at the end the following new subparagraph:

''(E)(i) Each agency shall promulgate regulations, pursuant to notice and receipt of public comment, providing for expedited processing of requests for records—

''(I) in cases in which the person requesting the records demonstrates a compelling need; and

''(II) in other cases determined by the agency.

''(ii) Notwithstanding clause (i), regulations under this subparagraph must ensure—

''(I) that a determination of whether to provide expedited processing shall be made, and notice of the determination shall be provided to the person making the request, within 10 days after the date of the request; and

''(II) expeditious consideration of administrative appeals of such determinations of whether to provide expedited processing.

''(iii) An agency shall process as soon as practicable any request for records to which the agency has granted expedited processing under this subparagraph. Agency action to deny or affirm denial of a request for expedited processing pursuant to this subparagraph, and failure by an agency to respond in a timely manner to such a request shall be subject to judicial review under paragraph (4), except that the judicial review shall be based on the record before the agency at the time of the determination.

''(iv) A district court of the United States shall not have jurisdiction to review an agency denial of expedited processing of a request for records after the agency has provided a complete response to the request.

''(v) For purposes of this subparagraph, the term 'compelling need' means—

''(I) that a failure to obtain requested records on an expedited basis under this paragraph could reasonably be expected to

pose an imminent threat to the life or physical safety of an individual; or

''(II) with respect to a request made by a person primarily engaged in disseminating information, urgency to inform the public concerning actual or alleged Federal Government activity.

''(vi) A demonstration of a compelling need by a person making a request for expedited processing shall be made by a statement certified by such person to be true and correct to the best of such person's knowledge and belief.''.

(b) EXTENSION OF GENERAL PERIOD FOR DETERMINING WHETHER TO COMPLY WITH A REQUEST.—Section 552(a)(6)(A)(i) of title 5, United States Code, is amended by striking ''ten days'' and inserting ''20 days''.

(c) ESTIMATION OF MATTER DENIED.—Section 552(a)(6) of title 5, United States Code (as amended by section 7 of this Act and subsection (a) of this section), is further amended by adding at the end the following new subparagraph:

''(F) In denying a request for records, in whole or in part, an agency shall make a reasonable effort to estimate the volume of any requested matter the provision of which is denied, and shall provide any such estimate to the person making the request, unless providing such estimate would harm an interest protected by the exemption in subsection (b) pursuant to which the denial is made.''.

SEC. 9. COMPUTER REDACTION.

Section 552(b) of title 5, United States Code, is amended in the matter following paragraph (9) by inserting after the period the following: ''The amount of information deleted shall be indicated on the released portion of the record, unless including that indication would harm an interest protected by the exemption in this subsection under which the deletion is made. If technically feasible, the amount of the information deleted shall be indicated at the place in the record where such deletion is made.''.

SEC. 10. REPORT TO THE CONGRESS.

Section 552(e) of title 5, United States Code, is amended to read as follows:

''(e)(1) On or before February 1 of each year, each agency shall submit to the Attorney General of the United States a report which shall cover the preceding fiscal year and which shall include—

''(A) the number of determinations made by the agency not to comply with requests for records made to such agency under subsection (a) and the reasons for each such determination;

''(B)(i) the number of appeals made by persons under subsection (a)(6), the result of such appeals, and the reason for the action upon each appeal that results in a denial of information; and

''(ii) a complete list of all statutes that the agency relies upon to authorize the agency to withhold information under subsection (b)(3), a description of whether a court has upheld the decision of the agency to withhold information under each such statute, and a concise description of the scope of any information withheld;

''(C) the number of requests for records pending before the agency as of September 30 of the preceding year, and the median number of days that such requests had been pending before the agency as of that date;

''(D) the number of requests for records received by the agency and the number of requests which the agency processed;

''(E) the median number of days taken by the agency to process different types of requests;

''(F) the total amount of fees collected by the agency for processing requests; and

''(G) the number of full-time staff of the agency devoted to processing requests for records under this section, and the total amount expended by the agency for processing such requests.

''(2) Each agency shall make each such report available to the public including by computer telecommunications, or if computer telecommunications means have not been established by the agency, by other electronic means.

''(3) The Attorney General of the United States shall make each report which has been made available by electronic means available at a single electronic access point. The Attorney General of the United States shall notify the Chairman and ranking minority member of the Committee on Government Reform and Oversight of the House of Representatives and the Chairman and ranking minority member of the Committees on Governmental Affairs and the Judiciary of the Senate, no later than April 1 of the year in which each such report is issued, that such reports are available by electronic means.

''(4) The Attorney General of the United States, in consultation with the Director of the Office of Management and Budget, shall develop reporting and performance guidelines in connection with reports required by this subsection by October 1, 1997, and may establish additional requirements for such reports as the Attorney General determines may be useful.

''(5) The Attorney General of the United States shall submit an annual report on or before April 1 of each calendar year which shall include for the prior calendar year a listing of the number of cases arising under this section, the exemption involved in each case, the disposition of such case, and the cost, fees, and penalties assessed under subparagraphs (E), (F), and (G) of subsection (a)(4). Such report shall also include a description of the efforts undertaken by the Department of Justice to encourage agency compliance with this section.''.

SEC. 11. REFERENCE MATERIALS AND GUIDES.

Section 552 of title 5, United States Code, is amended by adding after subsection (f) the following new subsection:

''(g) The head of each agency shall prepare and make publicly available upon request, reference material or a guide for requesting records or information from the agency, subject to the exemptions in subsection (b), including—

''(1) an index of all major information systems of the agency;

''(2) a description of major information and record locator systems maintained by the agency; and

''(3) a handbook for obtaining various types and categories of public information from the agency pursuant to chapter 35 of title 44, and under this section.''.

SEC. 12. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), this Act shall take effect 180 days after the date of the enactment of this Act.

(b) PROVISIONS EFFECTIVE ON ENACTMENT.—Sections 7 and 8 shall take effect one year after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. HORN] and the gentlewoman from New York [Mrs. MALONEY] each will control 20 minutes.

The Chair recognizes the gentleman from California [Mr. HORN].

Mr. HORN. Mr. Speaker, I will take 2 minutes, and then I am going to yield to the gentleman from Washington [Mr. TATE] for the explanation of the bill.

The hallmark of a free society is that those who are governed have access to the information within the control of those who govern.

James Madison put it very well when he wrote very elegantly over two centuries ago:

> A popular government without popular information or the means of acquiring it, is but a Prologue to a Farce or a Tragedy, or perhaps both. Knowledge will forever govern ignorance, and a people who mean to be the governors, must arm themselves with the power knowledge gives.

Madison, whom we honor with the Madison Library of the Library of Congress, was certainly one of the most thoughtful of our founders and considered by many to be the Father of The Constitution.

In this spirit, 30 years ago Congress passed the Freedom of Information Act, commonly referred to as the FOIA. The committee report that accompanied the original act summarized it as providing a ''true Federal public records statute by requiring the availability, to any member of the public, of all executive branch records'' described in that act. Since its enactment, the annual number of requests which departments and agencies received has grown to more than 600,000 requests a year.

The benefits that the Freedom of Information Act provides the public matter deeply to Congress. In 1995, the very first report issued by the House Committee on Government Reform and Oversight was A Citizen's Guide on Using the Freedom of Information Act and the Privacy Act of 1974 to Request Government Records. This popular publication, available from the Government Printing Office helps average citizens understand their right to obtain government records.

H.R. 3802 clarifies that records kept electronically are subject to disclosure under the Freedom of Information Act. The bill also makes procedural changes in the administration of the law. It strengthens agency reporting requirements. It also requires that more information be available to the public via the Internet.

The Electronic Freedom of Information Amendments of 1996 was introduced by the gentleman from Washington [Mr. TATE], our subcommittee's ranking member, the gentlewoman from New York [Mrs. MALONEY], the gentleman from Minnesota [Mr. PETERSON], and myself. We were the original cosponsors.

I understand that Senator LEAHY intends to offer this identical bill on the floor of the other body as a substitute to S. 1090. The Senate Committee on the Judiciary had previously favorably reported that legislation. We have worked very closely with Senators LEAHY and SPECTER and the administration in producing a bill that now enjoys broad support.

Mr. Speaker, I yield such time as he may consume to the gentleman from Washington [Mr. TATE], my colleague, the prime author of this legislation.

Mr. TATE. Mr. Speaker, I want to thank Chairman CLINGER and Representative HORN for their hard work and leadership.

As chairman of the Government Reform and Oversight Committee—Chairman CLINGER has played a vital role in bringing H.R. 3802—the Electronic Freedom of Information Act Amendments of 1996—before us today.

And Chairman HORN of the Subcommittee on Government Management, Information and Technology—has served on the front lines in our efforts to improve the efficiency and responsiveness of Government operations.

I have been fortunate to work alongside Representative HORN in the area of Federal information policy and the Electronic Freedom of Information Act amendments.

I would also like to acknowledge the support of Representative CAROLYN MALONEY and Representative COLLIN PETERSON. Their contributions have ensured that H.R. 3802 is a truly bipartisan effort.

Opening the work of the Federal Government to the watchful and vigilant eyes of the American taxpayers and the public is an effort that both parties and the administration can and should embrace wholeheartedly.

Thirty years ago—Congress passed the Freedom of Information Act [FOIA] to advance one of the basic tenets of our Constitution—that our Federal Government is always open, accessible, and accountable to the American people.

Government works best under the watchful and vigilant eyes of its owners—the American people.

The more visible and accessible we make the work of the Federal Government—the easier it becomes for all of us to stem Government excess and curb Government abuse.

Before the enactment of the Freedom of Information Act—agencies and departments of the Federal Government regularly restricted the public's access to information.

FOIA was enacted in order to honor—preserve—and promote the public's right to know—ensuring that Government information is—with few very exceptions—public information.

Unfortunately—time after time—FOIA's promise to make Government information open and accessible has been broken.

On many occasions—simple requests for information have languished—unanswered—for years.

In addition—many agencies have not responded to the needs of a public that has already moved into the information age—continuing to focus on answering with volumes of paper rather than with CD–ROM's or computer disks.

In the 30 years since the implementation of the original Freedom of Information Act—our Nation has witnessed enormous technological advances.

My area of the country—the Puget Sound region in Washington State—is the home of Microsoft—the largest computer software company in the world.

My district has welcomed a manufacturing plant for Intel—the largest of the Pentium chip that goes into computer throughout the world.

And my hometown of Puyallup has been to a manufacturing plant owned by Matsushita—one of the largest computer chip producers in the world.

These technological marvels have made the laptop computer—cellular phone—fax—and internet possible—bringing the public into the information age.

It is only fitting that we now work to use modern-day technology to deliver common-sense efficiency and Government accountability to the American people.

H.R. 3802 puts FOIA information online on agency websites, ensuring that citizens in every home—in every town—and in every city—across the Nation will be able to access Government information from the comfort of their own homes.

My neighbors will be able to turn on their computers—click onto the internet—and download information made accessible by the Electronic Freedom of Information Act Amendments of 1996.

Our Government should be user-friendly by making an effort to deliver information to Americans in the format of their choosing.

H.R. 3802 requires Federal agencies to make a concerted effort to produce records in the preferred format—such as CD–ROM or computer disk—ensuring that Government information is not only readily available but also readily usable.

The use of the latest technology by Government agencies will harness the benefits of computer technology and deliver to everyone increased Government accessibility.

This legislation also addresses the problems many citizens face when requesting Federal records—unacceptable delays in getting an answer.

This bill encourages Federal agencies to develop multitrack processing based on the complexity of requests.

For example—simple requests should be answered as if they were going through the express lane at your local supermarket—quickly and efficiently.

Those who seek information which relates to life or safety or is of urgent public interest will receive the timely processing that they need.

In addition—agencies are given an incentive to actively work with the public to deliver the most useful information as fast as possible.

These changes send a clear message that the Federal Government—and its public servants—must always strive for increased Government openness—efficiency—and accountability.

Openness—efficiency—and accountability are the hallmarks of the Electronic Freedom of Information Act amendments. The American people expect their Government to deliver no less.

In a March 21 letter to Chairman HORN, I and Representatives SCARBOROUGH, DAVIS, FOX, BASS, and FLANAGAN urged House consideration of EFOIA and I am delighted to have H.R. 3802 before us today on the House floor.

I thank all my colleagues on the Government Reform and Oversight Committee for their hard work and support in ensuring that the advancement of free information to the American people is pursued on a bipartisan basis.

H.R. 3802 has received endorsements from a broad array of groups—including Americans for Tax Reform—the Newspaper Association of America—the National Association of Broadcasters—and the American Library Association.

The Freedom of Information Act turned 30 this year—it's time to bring the law into the modern information age and require the Federal Government to deliver cutting-edge service to the American people.

We in Congress—as their public servants—should aspire to nothing less. I urge all my colleagues to support the Electronic Freedom of Information Act of 1996.

Mrs. MALONEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, like much of the work that the Committee on Government Reform and Oversight has done this year on legislation, this bill is a triumph of policy over partisanship. In the most partisan Congress in memory, this committee has passed several bills with broad bipartisan support that will collectively save the taxpayers billions of dollars and make Government work better for the average American taxpayer; the Paperwork Reduction Act, the debt collection bill which Treasury estimates will save taxpayers $10 billion over 5 years, the Federal Acquisition Reform Act, the Single Audit Act, and the General Accounting Office Act, to name a few. These achievements are a credit to the gentleman from Pennsylvania [Mr. CLINGER] and the gentleman from California [Mr. HORN], who chairs the Subcommittee on Government Management Information and Technology on which I serve as the ranking member. They are also a credit to a ranking member of the full committee, the gentlewoman from Illinois [Mrs. COLLINS], whose leadership will be greatly missed when she retires at the end of the year. On this particular bill I want to thank the gentleman from Washington [Mr. TATE], for his active leadership and Senator PATRICK LEAHY who has been the driving force behind the bill in the Senate.

I appreciate the majority's willingness to adopt my amendments, in particular one amendment that would track how agencies are responding or not responding to Freedom of Information requests. As Senator LEAHY testified at our committee hearing, long delays in access can mean no access at all.

Mr. Speaker, in short, the Electronic Freedom of Information Act will bring the Freedom of Information Act from the technological stone age into the information age. It has been 30 years since President Johnson set upon signing the original Freedom of Information Act, and I quote:

> This legislation springs from one of our most essential principles, a democracy works best when people have all the information that the security of the Nation permits.

That principle still holds true today, but as written, the Freedom of Information Act is woefully outdated, drafted for a time when personnel computers were unheard of and cyberspace was no more accessible than outer space.

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This bill will change all of that. It clarifies that there is no legal distinction between Government records stored on paper and Government records stored electronically, that records maintained in an electronic format can be subject to FOIA requests.

Government agencies are increasingly storing their information on personal computers, computer databases, and electronic storage media such as CD–ROM's. But some Government agencies have denied freedom of information requests for information stored electronically. They are seeking the green light from Congress to provide access to that information, and this bill gives it to them by placing substance over form instead of form over substance.

The rationale for this provision is obvious. Today our information warehouses are on computer and compact disks, not in huge buildings in industrial zones. By using technology, Government bureaucrats can avoid going through endless file cabinets hunting for information, often to provide identical or overlapping information from previous FOIA requests. And ordinary American citizens can access that information without leaving their desks or driving to the post office, or in some cases having any contact with Government workers at all.

With Government downsizing, Government employees' workloads are mounting, so avoiding the need for contact with them at all can dramatically expedite fulfillment of freedom of information requests, as in the case of identical FOIA requests which have been filed before.

Mr. Speaker, the bill also forces agencies to exercise foresight when installing computer systems which must help expedite agency FOIA requests and operations, rather than impeding them. Furthermore, it would encourage agencies to offer online access to Government information, effectively transforming an individual's home computer into a Government agency's public reading room.

Most importantly, the bill would tackle the mother of all complaints lodged against the Freedom of Information Act: that is, the often ludicrous amount of time it take some agencies to respond, if they respond at all, to freedom of information requests.

By the time freedom of information requests are fulfilled, the information is often useless to the requester, if the requester has not died of old age. If you request a document from the FBI, you may be forced to wait for more than 4 years before you receive it, if not longer.

This bill will make several commonsense changes. It will establish that all freedom of information requests are not created equal. The bill creates a compelling need standard, warranting faster FOIA processing.

Two categories of compelling need would be created. In the first category, the failure to obtain the records within an expedited deadline poses an imminent threat to an individual's life or physical safety. The second category requires a request by someone, and I quote, ''Primarily engaged in disseminating information,'' and ''urgency to inform the public concerning actual or alleged government activity.''

This would apply to our good friends from the media. Marlin Fitzwater once talked about the need to constantly feed the beast, meaning the media, with information. This provision will help keep the media informed in a quicker and faster way.

Mr. Speaker, the bill would further differentiate and prioritize FOIA requests based on size, giving requesters an incentive to frame narrower requests. Agencies would no longer be able to delay responding to FOIA requests on the grounds of ''exceptional circumstances'' if those circumstances are nothing more than the predictable agency overload.

This clause would strengthen the requirement that agencies respond to freedom of information requests on time. However, this bill does recognize the great demands placed on agencies to fulfill FOIA requests by extending the deadline for responding to requests to 20 workdays from the current 10-day workday requirement, which is simply unworkable for many agencies.

The bill also gives agencies an incentive to comply with statutory time limits by allowing them to retain half of the fees. The amendment that I introduced, which has been adopted, acknowledges that we need to make agencies more accountable to the public by requiring them to report to Congress and the public on their efforts to comply with FOIA or their failure in complying with FOIA. Information delayed is certainly information denied.

The bill requires each agency to report on its FOIA workload during the year, the number of requests received and completed, as well as the amount of backlog and the steps the agency is taking to reduce it. Each agency will also report on how long it normally takes to process the request. Finally, each agency will report on the resources, dollars, and persons devoted to responding. This will allow us to make a judgment about whether adequate resources are being devoted to these requests and whether agencies are making a sufficient effort to comply with the law of the land.

The bill also requires agencies to become more user-friendly to the public, informing average Americans in a readily understandable way how one makes a FOIA request, how long it takes for normal requests to be processed, how the Government responds to a request, and in what circumstances the Government is not required to fulfill the request.

One issue not addressed in this legislation is the recent D.C. Circuit Court decision in the case of Armstrong versus the Executive Office of the President. In that decision the court ruled that the National Security Council is not an agency. This is contrary to 20 years of freedom of information practice and contrary to the way Congress has treated the National Security Council in other legislation. I hope the courts will correct this error; but if they do not, I am sure that we will address it in the 105th Congress.

To summarize, Mr. Speaker, this is a comprehensive, bipartisan bill that facilitates the dissemination of public information. It makes the Freedom of Information Act for the 1990's instead of for the 1960's. It helps make Government truly for the people, not just for Government insiders. In passing it unanimously, the Committee on Government Reform and Oversight has proudly lived up to its name.

Mr. Speaker, I reserve the balance of my time.

Mr. HORN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me say in closing on this I thank, again, the gentleman from Washington for his very constructive ideas, and the gentlewoman from New York for her most helpful suggestions. She has mentioned a few of them. The Subcommittee on Government Management, Information, and Technology held a very thorough hearing on H.R. 3802.

This has truly been, as have most of the bills from this subcommittee, based on bipartisan cooperation. Good ideas know no bounds, and what we need to do is get the good ideas into legislation. This is one aspect of that.

We mentioned earlier the 600,000 requests a year. The gentlewoman from New York mentioned the 4-year lag to get a file out of the Federal Bureau of Investigation. That is simply unacceptable in a free society. How are we going to solve that? As we suggested in the hearings, and this was, again, both sides of the aisle suggesting it to the executive branch, we need the Cabinet officers in charge of particular departments to take this seriously, to look at how their needs and how they might better staff and organize to serve the public and the media with this information. The agencies need to put a price tag on the service. Do not necessarily come to Congress to solve

every fiscal problem that arises. The Secretary should be looking at reprogramming money within the department so the public and the media can be served.

So, Mr. Speaker, we expect agencies to look for reprogramming funds. We also expect the appropriations committees to take this up piece by piece as to how well the agencies are dealing with serving the public in the freedom of information area.

I would hope that all parties in the legislative and executive branches take this matter seriously. In the coming year we will be watching the degree to which the backlog is reduced through the oversight conducted by our Committee on Government Reform and Oversight.

Mrs. MALONEY. Mr. Speaker, I yield back the balance of my time.

Mr. HORN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MILLER of Florida). The question is on the motion offered by the gentleman from California [Mr. HORN] that the House suspend the rules and pass the bill, H.R. 3802, as amended.

The question was taken.

Mr. HORN. Mr. Speaker, on that, I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. HORN. Mr. Speaker, I ask unanimous consent that all Members may have two legislative days within which to revise and extend their remarks on H.R. 3802, the bill just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

CONFERRING HONORARY U.S. CITIZENSHIP TO MOTHER TERESA

Mr. FLANAGAN. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 191) to confer honorary citizenship of the United States on Agnes Gonxha Bojaxhiu, also known as Mother Teresa, as amended.

The Clerk read as follows:

H.J. RES. 191

Whereas the United States has conferred honorary citizenship on only three occasions in its more than two hundred years, and honorary citizenship is and should remain an extraordinary honor not lightly conferred nor frequently granted;

Whereas Agnes Gonxha Bojaxhiu, better known through out the world as Mother Teresa, has worked tirelessly with orphaned and abandoned children, the poor, the sick, and the dying;

Whereas Mother Teresa founded the Missionaries of Charity in 1950, and has taken in those who have been rejected as ''unacceptable'' and cared for them when no one else would, regardless of race, color, creed, or condition;

Whereas Mother Teresa has deservedly received numerous honors, including the 1979 Nobel Peace Prize and the 1985 Presidential Medal of Freedom;

Whereas Mother Teresa has worked in areas all over the world, including the United States, to provide comfort to the world's neediest; and

Whereas Mother Teresa through her Missionaries of Charity has established within the United States numerous soup kitchens, emergency shelters for women, shelters for unwed mothers, shelters for men, after-school and summer camp programs for children, homes for the dying, prison ministry, nursing homes, and hospital and shut-in ministry: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Agnes Gonxha Bojaxhiu, also known as Mother Teresa, is proclaimed to be an honorary citizen of the United States of America.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois [Mr. FLANAGAN] and the gentlewoman from California [Ms. LOFGREN] each will control 20 minutes.

The Chair recognizes the gentleman from Illinois [Mr. FLANAGAN].

GENERAL LEAVE

Mr. FLANAGAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Joint Resolution 191, the joint resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. FLANAGAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Joint Resolution 191, legislation which I introduced that confers honorary U.S. citizenship upon Mother Teresa.

Mr. Speaker, Mother Teresa is a living saint. Her work has affected people around the globe. She has worked tirelessly for the sick and the dying, giving them comfort and care. Mother Teresa has always, through her Missionaries of Charity, taken in those who are ''unacceptable,'' and thus unwanted, and cared for them when no one else would. Her commitment to humanity is unwavering.

Born on August 27, 1910, Mother Teresa has worked for over 65 years for the betterment of mankind. She began her religious studies in Ireland in 1928. Later that same year, she went to Calcutta, India, where she has so nobly performed countless acts of faith and devotion.

Mother Teresa's caregiving has reached beyond creed, nationality, race, or place. She has extended her service to those who are poor and those who are unwanted around the world. Aside from her work in India, Mother Teresa has touched the lives of many in Ireland, Venezuela, Tanzania, Australia, Jordan, her own Albania, and of course, right here in the United States, to name but just a few of the more than 90 countries where Mother Teresa and her order have been active.

Bestowing such a prestigious tribute as honorary U.S. citizenship does not come easily. There have been only three other occasions on which this privilege has been awarded. Only four individuals have received honorary citizenship. They are, first, Sir Winston Churchill, Prime Minister of Great Britain during World War II, America's greatest ally, second, Raoul Wallenberg, a Swedish diplomat who, during World War II, saved the lives of thousands of Jews, and third, William Penn and his wife, Hannah Callowhill Penn, were honored for their role in the colonial days of our great country.

Honorary U.S. citizenship does not grant any legal rights or obligations. It does not give the recipient any voting privileges. This has been a concern in the past. It is crystal clear from the legislative history of the Churchill, Wallenberg, and Penn bills that conferral of honorary citizenship is purely a symbolic gesture. It is recognition of their outstanding commitment to their fellow man and to America.

There is no question that Mother Teresa is a worthy recipient of this prestigious honor. She has established numerous soup kitchens, women's shelters, shelters for unwed mothers, religious education programs, nursing homes, orphanages, after school and summer camp programs for children, homes for the dying, prison ministry, family counseling programs, and missionary work in the United States. She has also been awarded the 1979 Nobel Peace Prize for her work as well as the 1985 U.S. Presidential Medal of Freedom and countless other honors. It would surely take up the rest of the day to list them all.

The Missionaries of Charity, Mother Teresa's order, was founded in India in 1950. The order was established in the United States in 1971. There are approximately 4,500 sisters affiliated with the congregation. It is represented in the United States in the Archdioceses of Atlanta, Boston, Chicago, Denver, Detroit, Los Angeles, Miami, New York, Newark, Philadelphia, San Francisco, St. Louis, and Washington. Also in the Dioceses of Baton Rouge, Brooklyn, Dallas, Fall River, Gallup, Lafayette, Lexington, Little Rock, Peoria, Phoenix, and Memphis. It's very possible that more have been added since the last official report. God only knows where Mother Teresa's influence and good works may turn up next.

Mother Teresa is a woman of simple, yet eloquent, faith. This is best illustrated by an observation she once made. She said:

We do not accept any government assistance or church subsidies, salaries or fixed income. The birds of the air and the flowers of the field do not have an income, but God takes care of them. Therefore, will not God also take care of us, who are more important than flowers and birds?

But, it is Mother Teresa and her Missionaries of Charity who, through their good works throughout the world have, in some way, shape, or form, taken