

an agency's denial of information. The bill also holds agencies accountable for their decisions by enhancing the authority of the Office of Special Counsel to take disciplinary action against Government officials who arbitrarily and capriciously deny disclosure.

Mr. Speaker, I strongly support H.R. 1309 and urge all my colleagues to join me in supporting this legislation that will restore public confidence in the administration of the executive branch of the Federal Government.

Mr. UDALL of Colorado. Mr. Speaker, I strongly support this bill, which will increase the transparency and accountability of the Federal Government by making a number of long-overdue revisions to the Freedom of Information Act, or FOIA.

The bill will reemphasize that disclosure is to be the rule, secrecy the exception. It will help people seeking documents to get timely responses, and improve transparency in agency compliance. It will reduce the need for people seeking documents to go to court, and provide accountability for agency decisions on whether to release requested information.

Mr. Speaker, the enactment of FOIA in 1966 was a watershed. It established as fundamental policy the principle that information within the government's control should be available and established a presumptive right for the public to obtain identifiable, existing records of Federal agencies. Anyone can use FOIA to request access to Government information. Requesters do not have to show a need or reason for seeking information, and the burden of proof for withholding requested material rests with the department or agency that seeks to deny the request. Agencies may deny access only to records, or portions of records, that fall within certain specific categories.

FOIA has been used effectively by journalists, public interest organizations, corporations, and individuals to access Government information. But the process could be better—because of delays and backlogs, requesters often have found it hard to learn about the status of their requests, and a recent Supreme Court decision has hampered requesters' ability to litigate their claims.

H.R. 1309 would address these and other concerns about the implementation of FOIA. It is a modest measure, but an important one that deserves the approval of the House.

That's especially true because, as the Rocky Mountain News noted in a recent editorial, "The Bush administration may have been the most openly contemptuous of FOIA's mission since the act first passed. . . . President Bush will leave office in 2009, but it's not enough to trust that future administrations will abide by the promise of openness that FOIA represents. The law needs specific measures to ensure accountability, and the amendments within H.R. 1309 mark a large stride forward."

For the information of our colleagues, I attach the complete text of that editorial:

[From the Rocky Mountain News, Mar. 13, 2007]

OPEN RECORDS UPGRADE

CONGRESS HAS CHANCE TO IMPROVE CRITICAL LAW

We welcome bipartisan efforts in Congress to beef up the Freedom of Information Act—the four-decade-old law that affords citizens access to the inner workings of the executive branch.

FOIA could certainly stand a little love, as open Government has been attacked many times since Lyndon Johnson signed the act into law July 4, 1966.

The revisions to FOIA in H.R. 1309, which could come before the full House as early as today, would both shine more light on the nooks and crannies of federal bureaucracies and force agencies to better respect the spirit of the law.

Here are a few of the improvements:

The Government would have to act on FOIA requests more quickly. Agencies that did not respond to a request within 20 business days would forfeit any copying and research fees; agencies are now supposed to respond within that period, but there are no penalties.

Federal departments would have to set up FOIA hotlines and individual tracking numbers so that people and organizations that file FOIA requests can easily follow the process.

Citizen journalists and freelancers would gain new credibility. An agency could no longer summarily deny FOIA requests from journalists who are not employed or under contract with established media organizations or watchdog groups. Such requests from unaffiliated individuals can now be rejected.

The amended law would force agencies to consider any request to disseminate information to a broad audience as legitimate, particularly if the party making the request has any record of publication (including bloggers).

The Government would have to reimburse the legal fees of more parties that sue under FOIA. Currently, there's only one way a party that has filed suit to enforce a FOIA request can get repaid: The Government has to lose in court. The amendments would force agencies to repay attorney fees if the government turns over records before a final ruling is issued. This would prevent agencies from sticking media groups with attorney fees by surrendering records just before a judge rules.

The Bush administration may have been the most openly contemptuous of FOIA's mission since the act first passed. Former Attorney General John Ashcroft urged Federal agencies to fight FOIA requests and not presume that the public has a right to know what goes on inside the executive branch. The administration also placed gratuitous limits on requests to the Department of Homeland Security.

President Bush will leave office in 2009, but it's not enough to trust that future administrations will abide by the promise of openness that FOIA represents. The law needs specific measures to ensure accountability, and the amendments within H.R. 1309 mark a large stride forward.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. CLAY) that the House suspend the rules and pass the bill, H.R. 1309, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the

Chair's prior announcement, further proceedings on this question will be postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 1254, by the yeas and nays;

H.R. 1255, by the yeas and nays;

H.R. 1309, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

PRESIDENTIAL LIBRARY DONATION REFORM ACT OF 2007

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 1254.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Connecticut (Mr. MURPHY) that the House suspend the rules and pass the bill, H.R. 1254, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 390, nays 34, not voting 9, as follows:

[Roll No. 142]

YEAS—390

Abercrombie	Boyda (KS)	Cuellar
Ackerman	Brady (PA)	Cummings
Aderholt	Brady (TX)	Davis (AL)
Akin	Braley (IA)	Davis (CA)
Alexander	Brown, Corrine	Davis (IL)
Allen	Brown-Waite,	Davis, David
Altmire	Ginny	Davis, Lincoln
Andrews	Buchanan	Davis, Tom
Arcuri	Burton (IN)	Deal (GA)
Baca	Butterfield	DeFazio
Bachmann	Buyer	DeGette
Bachus	Calvert	Delahunt
Baird	Camp (MI)	DeLauro
Baker	Cantor	Dent
Baldwin	Capito	Diaz-Balart, L.
Barrett (SC)	Capps	Diaz-Balart, M.
Barrow	Capuano	Dicks
Bean	Cardoza	Dingell
Becerra	Carnahan	Doggett
Berkley	Carney	Donnelly
Berman	Carson	Doyle
Berry	Carter	Drake
Biggert	Castle	Dreier
Bilbray	Castor	Duncan
Bilirakis	Chabot	Edwards
Bishop (GA)	Chandler	Ehlers
Bishop (NY)	Clarke	Ellison
Bishop (UT)	Clay	Ellsworth
Blackburn	Cleaver	Emanuel
Blumenauer	Clyburn	Emerson
Blunt	Cohen	Engel
Boehner	Cole (OK)	Etheridge
Bonner	Conyers	Everett
Bono	Cooper	Fallin
Boozman	Costa	Farr
Boren	Costello	Fattah
Boswell	Courtney	Feeney
Boucher	Cramer	Ferguson
Boustany	Crenshaw	Finer
Boyd (FL)	Crowley	Forbes

Fortenberry	Lungren, Daniel	Roskam	Flake	Jones (NC)	Paul	Davis (AL)	Kaptur	Rahall
Fossella	E.	Ross	Foxx	King (IA)	Sensenbrenner	Davis (CA)	Keller	Ramstad
Frank (MA)	Lynch	Rothman	Franks (AZ)	Kingston	Shadegg	Davis (IL)	Kennedy	Rangel
Frelinghuysen	Mack	Royal-Allard	Gingrey	Lamborn	Tancredo	Davis, Lincoln	Kildee	Regula
Gallely	Mahoney (FL)	Royce	Gohmert	Linder	Walberg	Davis, Tom	Kilpatrick	Reichert
Garrett (NJ)	Maloney (NY)	Ruppersberger	Hastert	Manullo	Westmoreland	DeFazio	Kind	Reyes
Gerlach	Marchant	Rush	Hensarling	McHenry		DeGette	King (NY)	Reynolds
Giffords	Markey	Ryan (OH)	Hoekstra	Myrick		Delahunt	Klein (FL)	Rodriguez
Gilchrest	Marshall	Ryan (WI)				DeLauro	Knollenberg	Rohrabacher
Gillibrand	Matheson	Salazar				Dent	Kucinich	Ros-Lehtinen
Gillmor	Matsui	Sali	Brown (SC)	Granger	Miller, George	Diaz-Balart, L.	LaHood	Roskam
Gonzalez	McCarthy (CA)	Sánchez, Linda	Davis, Jo Ann	Kanjorski	Saxton	Diaz-Balart, M.	Lampson	Ross
Goode	McCarthy (NY)	T.	Eshoo	Meehan	Sullivan	Dicks	Langevin	Rothman
Goodlatte	McCaul (TX)	Sanchez, Loretta				Dingell	Lantos	Royal-Allard
Gordon	McCollum (MN)	Sarbanes	ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE			Doggett	Larsen (WA)	Royce
Graves	McCotter	Schakowsky	The SPEAKER pro tempore (during			Donnelly	Larson (CT)	Ruppersberger
Green, Al	McCrery	Schiff	the vote). Members are advised that			Doyle	Latham	Rush
Green, Gene	McDermott	Schmidt	there are 2 minutes remaining on this			Dreier	LaTourette	Ryan (OH)
Grijalva	McGovern	Schwartz	vote.			Duncan	Lee	Ryan (WI)
Gutierrez	McHugh	Scott (GA)				Edwards	Levin	Salazar
Hall (NY)	McIntyre	Scott (VA)				Ehlers	Lewis (CA)	Sánchez, Linda
Hall (TX)	McKeon	Serrano				Ellison	Lewis (GA)	T.
Hare	McMorris	Sessions				Ellsworth	Lipinski	Sanchez, Loretta
Harman	Rodgers	Sestak	Messrs. COBLE, CONAWAY, DAVIS			Emanuel	LoBiondo	Sarbanes
Hastings (FL)	McNerney	Shays	of Kentucky, KINGSTON, ENGLISH of			Emerson	Loeb sack	Schakowsky
Hastings (WA)	McNulty	Shea-Porter	Pennsylvania, LINDER, TANCREDO,			Engel	Lofgren, Zoe	Schiff
Hayes	Meek (FL)	Sherman	KING of Iowa, BURGESS, SENSEN-			English (PA)	Lowey	Schwartz
Heller	Meeks (NY)	Shimkus	BRENNER, HOEKSTRA, WALBERG,			Eshoo	Lynch	Scott (GA)
Herger	Melancon	Shuler	KING of Iowa, BURGESS, SENSEN-			Etheridge	Mahoney (FL)	Scott (VA)
Herseth	Mica	Shuster	BRENNER, HOEKSTRA, WALBERG,			Farr	Maloney (NY)	Serrano
Higgins	Michaud	Simpson	HENSARLING, LAMBORN, and CAN-			Fattah	Markey	Sestak
Hill	Millender-	Sires	NON, Ms. FOXX and Mrs. MYRICK			Ferguson	Marshall	Shays
Hinchoy	McDonald	Skelton	changed their vote from “yea” to			Filner	Matheson	Shea-Porter
Hinojosa	Miller (FL)	Slaughter	“nay.”			Forbes	Matsui	Sherman
Hirono	Miller (MI)	Smith (NE)	Mr. JACKSON of Illinois changed his			Fortenberry	McCarthy (NY)	Shuler
Hobson	Miller (NC)	Smith (NJ)	vote from “nay” to “yea.”			Frank (MA)	McCaul (TX)	Simpson
Hodes	Miller, Gary	Smith (TX)	So (two-thirds being in the affirma-			Frelinghuysen	McCollum (MN)	Sires
Holden	Mitchell	Smith (WA)	tive) the rules were suspended and the			Gallely	McCotter	Skelton
Holt	Mollohan	Snyder	bill was passed.			Gerlach	McDermott	Slaughter
Honda	Moore (KS)	Solis	The result of the vote was announced			Giffords	McGovern	Smith (NE)
Hooley	Moore (WI)	Souder	as above recorded.			Gilchrest	McHugh	Smith (NJ)
Hoyer	Moran (KS)	Space	A motion to reconsider was laid on			Gillibrand	McIntyre	Smith (WA)
Hulshof	Moran (VA)	Spratt	the table.			Gillmor	McMorris	Snyder
Hunter	Murphy (CT)	Stark				Gohmert	Rodgers	Solis
Inglis (SC)	Murphy, Patrick	Stearns				Gonzalez	McNerney	Space
Inlee	Murphy, Tim	Stupak				Goode	McNulty	Spratt
Israel	Murtha	Sutton				Goodlatte	Meek (FL)	Stark
Issa	Musgrave	Tanner				Gordon	Meeks (NY)	Stearns
Jackson (IL)	Nadler	Tauscher				Graves	Melancon	Stupak
Jackson-Lee	Napolitano	Taylor				Green, Al	Michaud	Sutton
(TX)	Neal (MA)	Terry				Green, Gene	Millender-	Tanner
Jefferson	Neugebauer	Thompson (CA)				Grijalva	McDonald	Tauscher
Jindal	Nunes	Thompson (MS)				Gutierrez	Miller (MI)	Taylor
Johnson (GA)	Oberstar	Thornberry				Hall (NY)	Miller (NC)	Terry
Johnson (IL)	Obey	Tiahrt				Hare	Mitchell	Thompson (CA)
Johnson, E. B.	Oliver	Tiberi				Harman	Mollohan	Thompson (MS)
Johnson, Sam	Ortiz	Tierney				Hastings (FL)	Moore (KS)	Tiahrt
Jones (OH)	Pallone	Towns				Hayes	Moore (WI)	Tiberi
Jordan	Pascrell	Turner				Heller	Moran (KS)	Tierney
Kagen	Pastor	Udall (CO)				Herger	Moran (VA)	Towns
Kaptur	Payne	Udall (NM)				Herseth	Murphy (CT)	Turner
Keller	Pearce	Upton				Higgins	Murphy, Patrick	Udall (CO)
Kennedy	Pence	Van Hollen				Hill	Murphy, Tim	Udall (NM)
Kildee	Perlmutter	Velázquez				Hinchoy	Murtha	Upton
Kilpatrick	Peterson (MN)	Visclosky				Hinojosa	Nadler	Van Hollen
Kind	Peterson (PA)	Walden (OR)				Hirono	Napolitano	Velázquez
King (NY)	Petri	Walsh (NY)				Hobson	Neal (MA)	Visclosky
Kirk	Pickering	Walz (MN)				Hodes	Nunes	Walden (OR)
Klein (FL)	Pitts	Wamp				Hoekstra	Oberstar	Walsh (NY)
Kline (MN)	Platts	Wasserman				Holden	Obey	Walz (MN)
Knollenberg	Poe	Schultz				Holt	Olver	Wamp
Kucinich	Pomeroy	Waters				Honda	Ortiz	Wasserman
Kuhl (NY)	Porter	Watson				Hooley	Pallone	Schultz
LaHood	Price (GA)	Watt				Hoyer	Pascrell	Waters
Lampson	Price (NC)	Waxman				Hulshof	Pastor	Watson
Langevin	Pryce (OH)	Weiner				Inlee	Paul	Watt
Lantos	Putnam	Welch (VT)				Israel	Payne	Waxman
Larsen (WA)	Radanovich	Weldon (FL)				Issa	Pearce	Weiner
Larson (CT)	Rahall	Weller				Jackson (IL)	Perlmutter	Welch (VT)
Latham	Ramstad	Wexler				Jackson-Lee	Peterson (MN)	Wexler
Latham	Rangel	Whitfield				(TX)	Peterson (PA)	Wicker
LaTourette	Regula	Wicker				Jefferson	Petri	Wilson (OH)
Lee	Rehberg	Wilson (NM)				Jindal	Pickering	Wilson (SC)
Levin	Reichert	Wilson (OH)				Johnson (GA)	Platts	Wolf
Lewis (CA)	Renzi	Wilson (SC)				Johnson (IL)	Pomeroy	Woolsey
Lewis (KY)	Reyes	Wolf				Johnson, E. B.	Porter	Wu
Lipinski	Rodriguez	Woolsey				Jones (NC)	Price (NC)	Wynn
LoBiondo	Rogers (AL)	Wu				Jones (OH)	Pryce (OH)	Yarmuth
Loeb sack	Rogers (KY)	Wynn				Kagen	Radanovich	Young (FL)
Lofgren, Zoe	Rogers (MI)	Young (AK)						
Lowey	Rohrabacher	Young (FL)						
Lucas	Ros-Lehtinen							

NOT VOTING—9

Brown (SC) Granger Miller, George
Davis, Jo Ann Kanjorski Saxton
Eshoo Meehan Sullivan

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that there are 2 minutes remaining on this vote.

□ 1223

Messrs. COBLE, CONAWAY, DAVIS of Kentucky, KINGSTON, ENGLISH of Pennsylvania, LINDER, TANCREDO, KING of Iowa, BURGESS, SENSENBRENNER, HOEKSTRA, WALBERG, HENSARLING, LAMBORN, and CANNON, Ms. FOXX and Mrs. MYRICK changed their vote from “yea” to “nay.”

Mr. JACKSON of Illinois changed his vote from “nay” to “yea.”

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PRESIDENTIAL RECORDS ACT
AMENDMENTS OF 2007

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 1255, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. CLAY) that the House suspend the rules and pass the bill, H.R. 1255, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 333, nays 93, not voting 7, as follows:

[Roll No. 143]

YEAS—333

Abercrombie	Bono	Carnahan
Ackerman	Boozman	Carney
Alexander	Boren	Carson
Allen	Boswell	Carter
Altmire	Boucher	Castle
Andrews	Boustany	Castor
Arcuri	Boyd (FL)	Chabot
Baca	Boyd (KS)	Chandler
Baird	Brady (PA)	Clarke
Baker	Brady (TX)	Clay
Baldwin	Braley (IA)	Cleaver
Barrow	Brown, Corrine	Clyburn
Bartlett (MD)	Brown-Waite,	Coble
Bean	Ginny	Cohen
Becerra	Burgess	Conyers
Berkley	Burton (IN)	Cooper
Berman	Butterfield	Costa
Berry	Buyer	Costello
Bilirakis	Calvert	Courtney
Bishop (GA)	Camp (MI)	Cramer
Bishop (NY)	Capito	Crenshaw
Blumenauer	Capps	Crowley
Blunt	Capuano	Cuellar
Bonner	Cardoza	Cummings

NAYS—93

Aderholt	Bishop (UT)	Conaway
Akin	Blackburn	Cubin
Bachmann	Boehner	Culberson
Bachus	Buchanan	Davis (KY)
Barrett (SC)	Campbell (CA)	Davis, David
Barton (TX)	Cannon	Deal (GA)
Biggart	Cantor	Doolittle
Bilbray	Cole (OK)	Drake

NAYS—34

Bartlett (MD)	Cannon	Culberson
Barton (TX)	Coble	Davis (KY)
Burgess	Conaway	Doolittle
Campbell (CA)	Cubin	English (PA)