

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22
U.S.C. 1754(b), CODEL MCCONNELL FOR TRAVEL FROM JAN. 6 TO JAN. 11, 2010—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Pakistan	Dollar		90.00						90.00
Afghanistan	Dollar		156.00						156.00
Senator Roger F. Wicker:									
Kuwait	Dollar		463.74						463.74
Pakistan	Dollar		160.00						160.00
Afghanistan	Dollar		156.00						156.00
Brian Monahan:									
Kuwait	Dollar		436.74						436.74
Pakistan	Dollar		160.00						160.00
Afghanistan	Dollar		156.00						156.00
Kyle Simmons:									
Kuwait	Dollar		220.74						220.74
Pakistan	Dollar		160.00						160.00
Afghanistan	Dollar		156.00						156.00
Tom Hawkins:									
Kuwait	Dollar		278.74						278.74
Pakistan	Dollar		90.00						90.00
Afghanistan	Dollar		156.00						156.00
Roy Brownell:									
Kuwait	Dollar		233.36						233.36
Pakistan	Dollar		160.00						160.00
Afghanistan	Dollar		156.00						156.00
* Delegation Expenses:									
Kuwait							1,543.22		1,543.22
Pakistan							615.07		615.07
Total			4,899.26				2,158.29		7,057.55

SENATOR MITCH MCCONNELL,
Republican Leader, Mar. 8, 2010.

FASTER FOIA ACT OF 2010

Mr. DODD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No 350, S. 3111.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 3111) to establish the Commission on Freedom of Information Act Processing Delays.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary, with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italics.)

S. 3111

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

SECTION 1. COMMISSION ON FREEDOM OF INFORMATION ACT PROCESSING DELAYS.

(a) **SHORT TITLE.**—This Act may be cited as the “Faster FOIA Act of 2010”.

(b) **ESTABLISHMENT.**—There is established the Commission on Freedom of Information Act Processing Delays (in this Act referred to as the “Commission” for the purpose of conducting a study relating to methods to help reduce delays in processing requests submitted to Federal agencies under section 552 of title 5, United States Code (commonly referred to as the “Freedom of Information Act”).

(c) **MEMBERSHIP.**—

(1) **IN GENERAL.**—The Commission shall be composed of 16 members of whom—

(A) 3 shall be appointed by the chairman of the Committee on the Judiciary of the Senate;

(B) 3 shall be appointed by the ranking member of the Committee on the Judiciary of the Senate;

(C) 3 shall be appointed by the chairman of the Committee on Government Reform of the House of Representatives;

(D) 3 shall be appointed by the ranking member of the Committee on Government Reform of the House of Representatives;

(E) 1 shall be appointed by the Attorney General of the United States;

(F) 1 shall be appointed by the Director of the Office of Management and Budget;

(G) 1 shall be appointed by the Archivist of the United States; and

(H) 1 shall be appointed by the Comptroller General of the United States.

[(2) **QUALIFICATIONS OF CONGRESSIONAL APPOINTEES.**—Of the 3 appointees under each of subparagraphs (A), (B), (C), and (D) of paragraph (1)—

[(A) at least 1 shall have experience in submitting requests under section 552 of title 5, United States Code, to Federal agencies, such as on behalf of nonprofit research or educational organizations or news media organizations; and

[(B) at least 1 shall have experience in academic research in the fields of library science, information management, or public access to Government information.]

(2) **QUALIFICATIONS OF CONGRESSIONAL APPOINTEES.**—Of the 3 appointees under each of subparagraphs (A), (B), (C), and (D) of paragraph (1) at least 2 shall have experience in academic research in the fields of library science, information management, or public access to Government information.

(3) **TIMELINESS OF APPOINTMENTS.**—*Appointments to the Commission shall be made as expeditiously as possible, but not later than 60 days after the date of enactment of this Act.*

(d) **STUDY.**—The Commission shall conduct a study to—

(1) identify methods that—

(A) will help reduce delays in the processing of requests submitted to Federal agencies under section 552 of title 5, United States Code; and

(B) ensure the efficient and equitable administration of that section throughout the Federal Government; [and]

(2) examine whether the system for charging fees and granting waivers of fees under section 552 of title 5, United States Code, needs to be reformed in order to reduce delays in processing requests[.]; and

(3) *examine and determine—*

(A) *why the Federal Government’s use of the exemptions under section 552(b) of title 5, United States Code, increased during fiscal year 2009;*

(B) the reasons for any increase, including whether the increase was warranted and whether the increase contributed to FOIA processing delays;

(C) what efforts were made by Federal agencies to comply with President Obama’s January 21, 2009 Presidential Memorandum on Freedom of Information Act Requests and whether those efforts were successful; and

(D) make recommendations on how the use of exemptions under section 552(b) of title 5, United States Code, may be limited.

(e) **REPORT.**—Not later than 1 year after the date of enactment of this Act, the Commission shall submit a report to Congress and the President containing the results of the study under this section, which shall include—

(1) a description of the methods identified by the study;

(2) the conclusions and recommendations of the Commission regarding—

(A) each method identified; and

(B) the charging of fees and granting of waivers of fees; and

(3) recommendations for legislative or administrative actions to implement the conclusions of the Commission.

(f) **STAFF AND ADMINISTRATIVE SUPPORT SERVICES.**—The Comptroller General of the United States shall provide to the Commission such staff and administrative support services, including research assistance at the request of the Commission, as necessary for the Commission to perform its functions efficiently and in accordance with this section.

(g) **INFORMATION.**—To the extent permitted by law, the heads of executive agencies, the Government Accountability Office, and the Congressional Research Service shall provide to the Commission such information as the Commission may require to carry out its functions.

(h) **COMPENSATION OF MEMBERS.**—Members of the Commission shall serve without compensation for services performed for the Commission.

(i) **TRAVEL EXPENSES.**—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(j) **APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.**—The Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the Commission.

(k) **TERMINATION.**—The Commission shall terminate 30 days after the submission of the report under subsection (e).

Mr. LEAHY. Mr. President, I commend the Senate in promptly passing the Leahy-Cornyn Faster FOIA Act of 2010—an important measure to improve the administration of the Freedom of Information Act, FOIA. This bill will establish a bipartisan commission to examine the root causes of agency FOIA delays and to recommend to the Congress and the President steps to help eliminate FOIA backlogs.

Senator CORNYN and I first introduced this bill in 2005 to address the growing problem of excessive FOIA delays within our Federal agencies. In the 5 years since, we have successfully worked together to reinvigorate FOIA through several other legislative initiatives. I thank Senator CORNYN for his work on this bill and for his leadership on this issue. I also thank Senators FEINGOLD, WHITEHOUSE and KLOBUCHAR, who have cosponsored this bill. We have also worked with Senator GRASSLEY and Senator SESSIONS to make further improvements.

The Obama administration has also made significant progress in improving the FOIA process. In March, the administration announced that the number of overdue FOIA cases fell by 50 percent governmentwide during the past year. This is good news. But large FOIA backlogs remain a major roadblock to public access to information.

According to the Department of Justice's Freedom of Information Act Annual Report for Fiscal Year 2009, the Department had a backlog of almost 5,000 FOIA requests at the end of 2009. The Department of Homeland Security's report for the same period shows a backlog of 18,918 FOIA requests.

The Associated Press recently reported that more than 67,000 overdue FOIA requests remain outstanding across the Federal Government. Their report also indicates that the government's use of FOIA exemptions to withhold information from the public which often contributes to FOIA delays increased during fiscal year 2009.

Senator CORNYN and I believe that these delays are simply unacceptable. And that is why we introduced this bill.

The Commission created by the Faster FOIA Act will make key recommendations to Congress and the President for reducing impediments to the efficient processing of FOIA requests. The Commission will also study why Federal agencies are relying more and more on FOIA exemptions to withhold information from the public. In addition, the Commission will examine whether the current system for charging fees and granting fee waivers under FOIA should be modified. The Commission will be made up of government and nongovernmental representatives with a broad range of experience related to handling FOIA requests.

I have said many times that open government is neither a Democratic issue nor a Republican issue—it is truly an American value and virtue that we all must uphold. The Senate will unanimously pass this bipartisan legislation. I hope that the House of Representatives will promptly consider this bill so that Congress can send it to the President before the end of the year.

Mr. DODD. Mr. President, I ask unanimous consent that the committee-reported amendments be considered; that a Leahy-Cornyn amendment, which is at the desk, be agreed to; that the committee-reported amendments be agreed to; that the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Committee amendments were agreed to.

The amendment (No. 3847) was agreed to, as follows:

(Purpose: To provide for the Archivist of the United States to provide staff and administrative support services to the Commission)

On page 6, line 5, strike “The Comptroller General of the United States” and insert “The Archivist of the United States”.

On page 7, strike lines 1 through 3, and insert the following:

(j) **TRANSPARENCY.**—All meetings of the Commission shall be open to the public, except that a meeting, or any portion of it, may be closed to the public if it concerns matters or information described in chapter 552(b) of title 5, United States Code. Interested persons shall be permitted to appear at open meetings and present oral or written statements on the subject matter of the meeting. The Commission may administer oaths or affirmations to any person appearing before the Commission.

The bill (S. 3111), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3111

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

SECTION 1. COMMISSION ON FREEDOM OF INFORMATION ACT PROCESSING DELAYS.

(a) **SHORT TITLE.**—This Act may be cited as the “Faster FOIA Act of 2010”.

(b) **ESTABLISHMENT.**—There is established the Commission on Freedom of Information Act Processing Delays (in this Act referred to as the “Commission”) for the purpose of conducting a study relating to methods to help reduce delays in processing requests submitted to Federal agencies under section 552 of title 5, United States Code (commonly referred to as the “Freedom of Information Act”).

(c) **MEMBERSHIP.**—

(1) **IN GENERAL.**—The Commission shall be composed of 16 members of whom—

(A) 3 shall be appointed by the chairman of the Committee on the Judiciary of the Senate;

(B) 3 shall be appointed by the ranking member of the Committee on the Judiciary of the Senate;

(C) 3 shall be appointed by the chairman of the Committee on Government Reform of the House of Representatives;

(D) 3 shall be appointed by the ranking member of the Committee on Government Reform of the House of Representatives;

(E) 1 shall be appointed by the Attorney General of the United States;

(F) 1 shall be appointed by the Director of the Office of Management and Budget;

(G) 1 shall be appointed by the Archivist of the United States; and

(H) 1 shall be appointed by the Comptroller General of the United States.

(2) **QUALIFICATIONS OF CONGRESSIONAL APPOINTEES.**—Of the 3 appointees under each of subparagraphs (A), (B), (C), and (D) of paragraph (1) at least 2 shall have experience in academic research in the fields of library science, information management, or public access to Government information.

(3) **TIMELINESS OF APPOINTMENTS.**—Appointments to the Commission shall be made as expeditiously as possible, but not later than 60 days after the date of enactment of this Act.

(d) **STUDY.**—The Commission shall conduct a study to—

(1) identify methods that—

(A) will help reduce delays in the processing of requests submitted to Federal agencies under section 552 of title 5, United States Code; and

(B) ensure the efficient and equitable administration of that section throughout the Federal Government;

(2) examine whether the system for charging fees and granting waivers of fees under section 552 of title 5, United States Code, needs to be reformed in order to reduce delays in processing requests; and

(3) examine and determine—

(A) why the Federal Government's use of the exemptions under section 552(b) of title 5, United States Code, increased during fiscal year 2009;

(B) the reasons for any increase, including whether the increase was warranted and whether the increase contributed to FOIA processing delays;

(C) what efforts were made by Federal agencies to comply with President Obama's January 21, 2009 Presidential Memorandum on Freedom of Information Act Requests and whether those efforts were successful; and

(D) make recommendations on how the use of exemptions under section 552(b) of title 5, United States Code, may be limited.

(e) **REPORT.**—Not later than 1 year after the date of enactment of this Act, the Commission shall submit a report to Congress and the President containing the results of the study under this section, which shall include—

(1) a description of the methods identified by the study;

(2) the conclusions and recommendations of the Commission regarding—

(A) each method identified; and

(B) the charging of fees and granting of waivers of fees; and

(3) recommendations for legislative or administrative actions to implement the conclusions of the Commission.

(f) **STAFF AND ADMINISTRATIVE SUPPORT SERVICES.**—The Archivist of the United States shall provide to the Commission such staff and administrative support services, including research assistance at the request of the Commission, as necessary for the Commission to perform its functions efficiently and in accordance with this section.

(g) **INFORMATION.**—To the extent permitted by law, the heads of executive agencies, the Government Accountability Office, and the Congressional Research Service shall provide to the Commission such information as the

Commission may require to carry out its functions.

(h) **COMPENSATION OF MEMBERS.**—Members of the Commission shall serve without compensation for services performed for the Commission.

(i) **TRAVEL EXPENSES.**—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(j) **TRANSPARENCY.**—All meetings of the Commission shall be open to the public, except that a meeting, or any portion of it, may be closed to the public if it concerns matters or information described in chapter 552b(c) of title 5, United States Code. Interested persons shall be permitted to appear at open meetings and present oral or written statements on the subject matter of the meeting. The Commission may administer oaths or affirmations to any person appearing before the Commission.

(k) **TERMINATION.**—The Commission shall terminate 30 days after the submission of the report under subsection (e).

CLARIFYING THE TERM "CENSUS"

Mr. DODD. Mr. President, I ask unanimous consent that the Homeland Security and Governmental Affairs Committee be discharged from further consideration of H.R. 5148, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 5148) to amend title 39, United States Code, to clarify the instances in which the term "census" may appear on mailable matter.

There being no objection, the Senate proceeded to consider the bill.

Mr. DODD. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 5148) was ordered to a third reading, was read the third time, and passed.

NATIONAL CHARTER SCHOOLS WEEK

Mr. DODD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 514, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 514) congratulating the students, parents, teachers, and administrators of charter schools across the United States for ongoing contributions to education and supporting the ideals and goals of the 11th annual National Charter Schools Week, to be held May 2 through May 8, 2010.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DODD. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 514) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 514

Whereas charter schools deliver high-quality public education and challenge all students to reach their potential;

Whereas charter schools promote innovation and excellence in public education;

Whereas charter schools provide thousands of families with diverse and innovative educational options for their children;

Whereas charter schools are public schools authorized by a designated public entity that respond to the needs of communities, families, and students in the United States, and promote the principles of quality, accountability, choice, and innovation;

Whereas, in exchange for flexibility and autonomy, charter schools are held accountable by their sponsors for improving student achievement and for the financial and other operations of the charter schools;

Whereas 40 States, the District of Columbia, and Guam have passed laws authorizing charter schools;

Whereas 4,956 charter schools are operating nationwide, serving more than 1,600,000 students;

Whereas, in fiscal year 2010 and the 16 previous fiscal years, Congress has provided a total of more than \$2,734,370,000 in financial assistance to the charter school movement through grants for planning, startup, implementation, dissemination, and facilities;

Whereas numerous charter schools improve the achievements of students and stimulate improvement in traditional public schools;

Whereas charter schools are required to meet the student achievement accountability requirements under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) in the same manner as traditional public schools;

Whereas charter schools often set higher and additional individual goals than the requirements of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) to ensure that charter schools are of high quality and truly accountable to the public;

Whereas charter schools give parents the freedom to choose public schools, routinely measure parental satisfaction levels, and must prove their ongoing success to parents, policymakers, and the communities served by the charter schools;

Whereas more than 50 percent of charter schools report having a waiting list, and the total number of students on all such waiting lists is enough to fill more than 1,100 average-sized charter schools;

Whereas the President has called for doubling the Federal support for charter schools, including replicating and expanding the highest performing charter models to meet the dramatic demand created by the more than 365,000 children on charter school waiting lists; and

Whereas the 11th annual National Charter Schools Week is to be held May 2, through May 8, 2010: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the students, parents, teachers, and administrators of charter schools across the United States for ongoing contributions to education, the impressive strides made in closing the persistent academic achievement gap in the United States, and improving and strengthening the public school system in the United States;

(2) supports the ideals and goals of the 11th annual National Charter Schools Week, a week-long celebration to be held May 2 through May 8, 2010, in communities throughout the United States; and

(3) encourages the people of the United States to hold appropriate programs, ceremonies, and activities during National Charter Schools Week to demonstrate support for charter schools.

ORDERS FOR THURSDAY, MAY 6, 2010

Mr. DODD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., Thursday, May 6; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of S. 3217, Wall Street reform, as provided for under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. DODD. Mr. President, under the previous order, at 10 a.m., the Senate will proceed to vote in relation to the Tester-Hutchison amendment regarding insurance premiums.

ORDER FOR ADJOURNMENT

Mr. DODD. If there is no further business to come before the Senate, I ask it adjourn under the previous order, following the remarks of Senator MARK UDALL of Colorado.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Colorado.

Mr. UDALL of Colorado. Mr. President, are we in morning business?

The PRESIDING OFFICER. Yes, we are.

AMENDMENT NO. 3778 TO S. 3217

Mr. UDALL of Colorado. Mr. President, I rise today to speak about a bipartisan amendment which Senator LUGAR and I have filed based on our bill, the Fair Access to Credit Scores Act of 2010. This amendment is cosponsored by 17 of our colleagues from both sides of the aisle, which I have to say is a rare bipartisan piece of legislation. Our amendment corrects one of the fundamental inequities in our financial system by giving Americans free annual access to their credit score.

The problem is that most people have been misled to believe that people have access to a free credit score, but that simply is not true. They only have access to their report. A credit report