

of Cuba's destruction of two unarmed U.S.-registered civilian aircraft in international airspace north of Cuba on February 24, 1996, as amended and expanded on February 26, 2004, is to continue in effect beyond March 1, 2014.

BARACK OBAMA.

THE WHITE HOUSE, February 25, 2014.

## RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 2 o'clock and 13 minutes p.m.), the House stood in recess.

□ 1502

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. DUNCAN of Tennessee) at 3 o'clock and 2 minutes p.m.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

## FOIA OVERSIGHT AND IMPLEMENTATION ACT OF 2014

Mr. ISSA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1211) to amend section 552 of title 5, United States Code (commonly known as the Freedom of Information Act), to provide for greater public access to information, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1211

*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 "FOIA Oversight and Implementation Act of 2014" or the "FOIA Act".

### SEC. 2. FREEDOM OF INFORMATION ACT AMENDMENTS.

(a) **ELECTRONIC ACCESSIBILITY.**—Section 552 of title 5, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (2)—

(i) by striking "for public inspection and copying" and inserting "in an electronic, publicly accessible format" each place it appears;

(ii) by striking "and" and inserting a semicolon;

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

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

"(F) a general index of the records referred to under subparagraphs (D) and (E);"; and

(iv) in the matter following subparagraph (F) (as added by clause (ii) of this subparagraph)—

(I) by striking "subparagraph (D)" and inserting "subparagraphs (D) and (E)"; and

(II) by striking "subparagraph (E)" and inserting "subparagraph (F)"; and

(B) in paragraph (7)—

(i) in subparagraph (A), by striking "that will take longer than ten days to process"; and

(ii) in subparagraph (B), by inserting "automated" after "provides";

(2) in subsection (g), by striking "make publicly available upon request" and inserting "make available in an electronic, publicly accessible format"; and

(3) by adding at the end the following new subsection:

"(m) **FOIA WEB SITE REQUIRED.**—Not later than one year after the date of enactment of this subsection, the Office of Management and Budget shall ensure the existence and operation of a single website, accessible by the public at no cost to access, that allows the public to—

"(1) submit requests for records under subsection (a)(3);

"(2) receive automated information about the status of a request under subsection (a)(7); and

"(3) file appeals.".

(b) **PRESUMPTION OF OPENNESS.**—Section 552(b) of title 5, United States Code, is amended in the matter following paragraph (9), by inserting before "Any reasonably segregable portion" the following: "An agency may not withhold information under this subsection unless such agency reasonably foresees that disclosure would cause specific identifiable harm to an interest protected by an exemption, or if disclosure is prohibited by law.".

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

(1) in subsection (a)(4)(A)(i), by striking "the Director of the Office of Management and Budget" and inserting "the Director of the Office of Management and Budget, in consultation with the Director of the Office of Government Information Services,"; and

(2) by amending subsection (h) to read as follows:

"(h) **THE OFFICE OF GOVERNMENT INFORMATION SERVICES.**—

"(1) **ESTABLISHMENT.**—There is established the Office of Government Information Services within the National Archives and Records Administration. The head of the Office is the Director of the Office of Government Information Services.

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

"(A) review policies and procedures of agencies under this section;

"(B) review compliance with this section by agencies;

"(C) identify methods that improve compliance under this section that may include—

"(i) the timely processing of requests submitted to agencies under this section;

"(ii) the system for assessing fees and fee waivers under this section; and

"(iii) the use of any exemption under subsection (b); and

"(D) review and provide guidance to agencies on the use of fees and fee waivers.

"(3) **MEDIATION SERVICES.**—The Office of Government Information Services shall offer mediation services to resolve disputes between persons making requests under this section and agencies as a non-exclusive alternative to litigation and, at the discretion

of the Office, may issue advisory opinions if mediation has not resolved the dispute.

"(4) **SUBMISSION OF REPORT.**—

"(A) **IN GENERAL.**—The Office of Government Information Services shall not less than annually submit to the committees described in subparagraph (C) and the President a report on the findings from the information reviewed and identified under paragraph (2), a summary of the Office's activities under paragraph (3) (including any advisory opinions issued), and legislative and regulatory recommendations to improve the administration of this section.

"(B) **ELECTRONIC AVAILABILITY OF REPORTS.**—The Office shall make available any report submitted under paragraph (A) in a publicly accessible format.

"(C) **CONGRESSIONAL SUBMISSION OF REPORT.**—The committees described in this subparagraph are the following:

"(i) The Committee on Oversight and Government Reform of the House of Representatives.

"(ii) The Committees on Homeland Security and Governmental Affairs and the Judiciary of the Senate.

"(D) **DIRECT SUBMISSION OF REPORTS AND TESTIMONY.**—Any report submitted under paragraph (A), any testimony, or any other communication to Congress shall be submitted directly to the committees and the President, without any requirement that any officer or employee outside of the Office of Government Information Services, including the Archivist of the United States and the Director of the Office of Management and Budget, review such report, testimony, or other communication.

"(5) **SUBMISSION OF ADDITIONAL INFORMATION.**—The Director of the Office of Government Information Services may submit additional information to Congress and the President that the Director determines to be appropriate.

"(6) **ANNUAL MEETING REQUIRED.**—Not less than once a year, the Office of Government Information Services shall hold a meeting that is open to the public on the review and reports by the Office and permit interested persons to appear and present oral or written statements at such meeting.".

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

(1) in clause (i), by striking "of such determination and the reasons therefor, and of the right of such person to appeal to the head of the agency any adverse determination; and" and inserting the following: "of—

"(I) such determination and the reasons therefor;

"(II) the right of such person to seek assistance from the agency FOIA Public Liaison; and

"(III) the right of such person to appeal to the head of the agency any adverse determination, within a period determined by the agency that is not less than 90 days after the receipt of such adverse determination; and"; and

(2) in clause (ii), by striking the period and inserting the following: "and the right of such person to seek dispute resolution services from the agency FOIA Public Liaison or the Office of Government Information Services."

(e) **ADDITIONAL DISCLOSURE OF INFORMATION REQUIREMENTS.**—Section 552(a) of title 5, United States Code, is amended by adding at the end the following new paragraphs:

"(8) **DISCLOSURE OF INFORMATION FOR INCREASED PUBLIC UNDERSTANDING OF THE GOVERNMENT.**—Each agency shall—

"(A) review the records of such agency to determine whether the release of the records would be in the public interest because it is likely to contribute significantly to public

understanding of the operations or activities of the Government;

“(B) for records determined to be in the public interest under subparagraph (A), reasonably segregate and redact any information exempted from disclosure under subsection (b); and

“(C) make available in an electronic, publicly accessible format, any records identified in subparagraph (A), as modified pursuant to subparagraph (B).

“(9) INCREASED DISCLOSURE OF INFORMATION.—Each agency shall—

“(A) make information public to the greatest extent possible through modern technology to—

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

“(ii) ensure timely disclosure of information; and

“(B) establish procedures for identifying categories of records that may be disclosed regularly and additional records of interest to the public that are appropriate for public disclosure, and for posting such records in an electronic, publicly accessible format.”.

(f) REPORT ON CATEGORIES OF INFORMATION FOR DISCLOSURE.—Not later than one year after the date of the enactment of this Act, and every two years thereafter, the Director of the Office of Information Policy of the Department of Justice, after consultation with agencies selected by the Director, shall submit to the Committee on Oversight and Government Reform of the House of Representatives and the Committees on Homeland Security and Governmental Affairs and the Judiciary of the Senate a report that identifies categories of records that would be appropriate for proactive disclosure, and shall make such report available in an electronic, publicly accessible format.

(g) AGENCY FOIA REPORT.—Section 552(e) of title 5, United States Code, is amended—

(1) in paragraph (1)—

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

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

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

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

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

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

“(R) the number of records that were made available in an electronic, publicly accessible format under subsection (a)(2); and

“(S) the number of times the agency assessed a search or duplication fee under subsection (a)(4)(A) and did not comply with a time limit under subsection (a)(6).”;

(2) by amending paragraph (3) to read as follows:

“(3) ELECTRONIC ACCESSIBILITY OF REPORTS.—Each agency shall make each such report available in an electronic, publicly accessible format. In addition, each agency shall make the raw statistical data used in its reports available in a timely manner in an electronic, publicly accessible format. Such data shall be—

“(A) made available without charge, license, or registration requirement;

“(B) capable of being searched and aggregated; and

“(C) permitted to be downloaded and downloaded in bulk.”;

(3) in paragraph (4)—

(A) by striking “Committee on Government Reform and Oversight” and inserting

“Committee on Oversight and Government Reform”;

(B) by striking “Governmental Affairs” and inserting “Homeland Security and Governmental Affairs”;

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

(4) in paragraph (5)—

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

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

(5) by amending paragraph (6) to read as follows:

“(6) ATTORNEY GENERAL FOIA REPORT.—

“(A) IN GENERAL.—The Attorney General of the United States shall submit to Congress and the President an annual report on or before March 1 of each calendar year which shall include for the prior calendar year—

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

“(ii) each subsection under this section, each paragraph of the subsection, and any exemption, if applicable, 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); and

“(iii) a description of the efforts undertaken by the Department of Justice to encourage agency compliance with this section.

“(B) ELECTRONIC AVAILABILITY.—The Attorney General of the United States—

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

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

“(I) made available without charge, license, or registration requirement;

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

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

(h) SEARCH OR DUPLICATION FEES.—Section 552(a)(4)(A)(viii) of title 5, United States Code, is amended by adding at the end the following new sentence: “Any agency that does assess search or duplication fees after failing to comply with a time limit under paragraph (6) shall provide written notice to the requester of the circumstance that justifies the fees. If an agency fails to provide such notice, the agency may not assess search or duplication fees.”.

(i) GOVERNMENT ACCOUNTABILITY OFFICE.—Subsection (i) of section 552 of title 5, United States Code, is amended to read as follows:

“(i) GOVERNMENT ACCOUNTABILITY OFFICE.—The Government Accountability Office shall—

“(1) conduct audits of administrative agencies on compliance with and implementation of the requirements of this section and issue reports detailing the results of such audits;

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

“(3) review and prepare a report on the processing of requests by agencies for information pertaining to an entity that has received assistance under title I of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5211 et seq.) during any period in which the Government owns or owned more than 50 percent of the stock of such entity.”.

(j) CHIEF FOIA OFFICER RESPONSIBILITIES; COUNCIL; REVIEW.—Section 552 of title 5, United States Code, is amended—

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

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

“(j) CHIEF FOIA OFFICER.—

“(1) DESIGNATION.—Each agency shall designate a Chief FOIA Officer who shall be a senior official of such agency (at the Assistant Secretary or equivalent level).

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

“(A) have agency-wide responsibility for efficient and appropriate compliance with this section;

“(B) monitor implementation of this section throughout the agency and keep the head of the agency, the chief legal officer of the agency, and the Attorney General appropriately informed of the agency's performance in implementing this section;

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

“(D) review and report to the Attorney General, through the head of the agency, at such times and in such formats as the Attorney General may direct, on the agency's performance in implementing this section;

“(E) facilitate public understanding of the purposes of the statutory exemptions of this section by including concise descriptions of the exemptions in both the agency's handbook issued under subsection (g), and the agency's annual report on this section, and by providing an overview, where appropriate, of certain general categories of agency records to which those exemptions apply;

“(F) serve as the primary agency liaison with the Office of Government Information Services and the Office of Information Policy; and

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

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

“(A) review, not less than annually, all aspects of the agency's administration of this section to ensure compliance with the requirements of this section, including—

“(i) agency regulations;

“(ii) disclosure of records required under paragraphs (2), (8), and (9) of subsection (a);

“(iii) assessment of fees and determination of eligibility for fee waivers;

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

“(v) the use of exemptions under subsection (b); and

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

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

“(k) CHIEF FOIA OFFICERS COUNCIL.—

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

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

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

“(B) The Director of the Office of Information Policy at the Department of Justice.

“(C) The Director of the Office of Government Information Services at the National Archives and Records Administration.

“(D) The Chief FOIA Officer of each agency.

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

“(3) CO-CHAIRS.—The Director of the Office of Information Policy at the Department of Justice and the Director of the Office of Government Information Services at the National Archives and Records Administration shall be the Co-Chairs of the Council.

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

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

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

“(A) Develop recommendations for increasing compliance and efficiency under this section.

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

“(C) Identify, develop, and coordinate initiatives to increase transparency and compliance with this section.

“(D) Promote the development and use of common performance measures for agency compliance with this section.

“(7) **MEETINGS.**—

“(A) **REGULAR MEETINGS.**—The Council shall meet regularly and such meetings shall be open to the public unless the Council determines to close the meeting for reasons of national security or to discuss information exempt under subsection (b).

“(B) **ANNUAL MEETINGS.**—Not less than once a year, the Council shall hold a meeting that shall be open to the public and permit interested persons to appear and present oral and written statements to the Council.

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

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

“(E) **MINUTES.**—Detailed minutes of each meeting of the Council shall be kept and shall contain a record of the persons present, a complete and accurate description of matters discussed and conclusions reached, and copies of all reports received, issued, or approved by the Council.”

(k) **REGULATIONS.**—

(1) **REVISION OF REGULATIONS.**—Not later than 180 days after the date of the enactment of this Act, the head of each agency shall review the regulations of such agency and shall issue regulations on procedures for the disclosure of records under section 552 of title 5, United States Code, in accordance with the amendments made by this section. The regulations of each agency shall include—

(A) procedures for engaging in dispute resolution; and

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

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

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

(4) **INSPECTOR GENERAL REVIEW FOR NONCOMPLIANCE.**—Any agency that fails to comply with the requirements of this subsection shall be reviewed by the Office of Inspector General of such agency for compliance with section 552 of title 5, United States Code.

(5) **AGENCY DEFINED.**—In this section, the term “agency” has the meaning given such

term in section 552(f) of title 5, United States Code.

### SEC. 3. PILOT PROGRAM.

(a) **ESTABLISHMENT.**—The Director of the Office of Management and Budget shall establish a pilot program for 3 years to review the benefits of a centralized portal to process requests and release information under section 552 of title 5, United States Code (commonly known as the Freedom of Information Act).

(b) **PLAN REQUIRED.**—Not later than 90 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall establish a plan to evaluate the functionality and benefits of a centralized portal to receive and track requests made under section 552 of title 5, United States Code, by selecting no less than 3 agencies that have not previously participated in a centralized portal, including at least one of the following:

(1) An agency that receives more than 30,000 requests annually for information under section 552 of title 5, United States Code.

(2) An agency that receives between 15,000 and 30,000 requests annually for information under such section.

(3) An agency that receives 15,000 or fewer requests annually for information under such section.

(c) **AGENCY USE OF WEB SITE.**—Each agency selected under subsection (b) shall use the centralized portal to—

(1) receive requests under section 552 of title 5, United States Code;

(2) consult with and refer requests to participating agencies;

(3) if practicable, process requests received under such section;

(4) track the status of requests submitted under such section; and

(5) make records released available publicly through the centralized portal.

(d) **REVIEW REQUIRED.**—The Director of the Office of Management and Budget shall, in consultation with the Attorney General, the Office of Government Information Services, and the head of each agency participating in the pilot program, review the benefits of a centralized portal, including—

(1) any cost saving, resource saving, or efficiency gained;

(2) any change in the amount of requests received under section 552 of title 5, United States Code;

(3) any increase in transparency and accessibility to Government information; and

(4) any changes in the ability to access and compile information needed for agency annual reports required under section 552 of title 5, United States Code.

(e) **REPORT REQUIRED.**—Not later than 3 months after the completion of the pilot program, the head of each agency participating in the program—

(1) shall submit to Congress a report on the impact of the pilot program on agency processes under section 552 of title 5, United States Code, whether the agency will continue to participate in the centralized portal, and any recommendations the head of the agency considers appropriate; and

(2) shall make such report available in an electronic, publicly accessible format.

(f) **DEFINITIONS.**—In this section:

(1) **AGENCY.**—The term “agency” has the meaning given such term in section 552(f) of title 5, United States Code.

(2) **CENTRALIZED PORTAL.**—The term “centralized portal” means an electronic online portal that allows a requester to submit a request under section 552 of title 5, United States Code, to any participating agency, to track the status of a request, and to obtain a response to a request made through the portal.

### SEC. 4. INSPECTOR GENERAL REVIEW; ADVERSE ACTIONS.

(a) **INSPECTOR GENERAL REVIEW.**—

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

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

(B) make recommendations the Inspector General determines to be necessary to the head of the agency, including recommendations for disciplinary action.

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

(b) **ADVERSE ACTIONS.**—The withholding of information in a manner inconsistent with the requirements of section 552 of title 5, United States Code (including any rules, regulations, or other implementing guidelines), as determined by the appropriate supervisor, shall be a basis for disciplinary action in accordance with subchapter I, II, or V of chapter 75 of such title, as the case may be.

### SEC. 5. OPEN GOVERNMENT ADVISORY COMMITTEE.

(a) **ESTABLISHMENT.**—The Archivist of the United States shall establish an Open Government Advisory Committee (in this section, referred to as the “Committee”), an independent advisory committee to make recommendations for improving Government transparency.

(b) **MEMBERSHIP; CHAIR; MEETINGS; QUALIFICATIONS OF MEMBERS.**—The Committee shall be composed of at least nine members appointed by the Archivist, one of whom shall be designated the Chair by the members, and shall meet at such times and places as may be designated by the Chair. Each member of the Committee shall be qualified by education, training, or experience to make recommendations on improving Government transparency. The membership of the Committee shall include—

(1) representatives of the Department of Justice and the Office of Government Information Services;

(2) at least two members with experience requesting information under section 552 of title 5, United States Code (including one member of the news media); and

(3) at least one member with expertise in information technology.

(c) **COMPENSATION.**—While serving on the business of the Committee, and while so serving away from home and the member's regular place of business, a member may be allowed travel expenses, as authorized by the Archivist.

(d) **CONFLICT OF INTEREST DISCLOSURE.**—The members of the Committee shall be considered to be special Government employees (as such term is defined in section 202 of title 18, United States Code).

(e) **STAFF.**—The Archivist may appoint and fix the compensation of such personnel as may be necessary to enable the Committee to carry out its functions. Any personnel of the Committee who are employees shall be employees under section 2105 of title 5, United States Code. Any Federal Government employee may be detailed to the Committee without reimbursement from the Committee, and such detailee shall retain the rights, status, and privileges of regular employment of such employee without interruption.

(f) **APPLICABILITY OF THE FEDERAL ADVISORY COMMITTEE ACT.**—The Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the Committee and any subcommittee or subgroup thereof.

(g) DISCLOSURE OF INFORMATION.—The Archivist shall make publicly available the following information:

- (1) The charter of the Committee.
- (2) A description of the process used to establish and appoint the members of the Committee, including the following:
  - (A) The process for identifying prospective members.
  - (B) The process of selecting members for balance of viewpoints or expertise.
  - (C) The reason each member was appointed to the Committee.
  - (3) A list of all current members, including, for each member, the name of any person or entity that nominated the member.
  - (4) A summary of the process used by the Committee for making decisions.
  - (5) A transcript or audio or visual recording of each meeting of the Committee.
  - (6) Any written determination by the President or the Archivist, pursuant to section 10(d) of the Federal Advisory Committee Act (5 U.S.C. App.), to close a meeting or any portion of a meeting and the reasons for such determination.
  - (7) Notices of future meetings of the Committee.

(h) MANNER OF DISCLOSURE.—

(1) WEBSITE PUBLICATION.—Except as provided in paragraph (2), the Archivist shall make the information required to be disclosed under this section available electronically on the official public website of the National Archives and Records Administration at least 15 calendar days before each meeting of the Committee. If the Archivist determines that such timing is not practicable for any required information, the Archivist shall make the information available as soon as practicable but no later than 48 hours before the next meeting of the Committee.

(2) AVAILABILITY OF COMMITTEE MEETING.—The Archivist shall make available electronically, on the official public website of the National Archives and Records Administration, a transcript or audio or video recording of each Committee meeting not later than 30 calendar days after such meeting.

#### SEC. 6. NO ADDITIONAL FUNDS AUTHORIZED.

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

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. ISSA) and the gentleman from Maryland (Mr. CUMMINGS) each will control 20 minutes.

The Chair recognizes the gentleman from California.

#### GENERAL LEAVE

Mr. ISSA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on the bill under consideration.

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

There was no objection.

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

H.R. 1211, the FOIA Oversight and Implementation Act, or FOIA Act, is a bipartisan bill approved unanimously by the House Oversight and Government Reform Committee last March. I cosponsored the legislation, which Ranking Member ELIJAH CUMMINGS authored.

The bill is a product of the joint effort by our staffs. The legislation has been endorsed by 29 nonpartisan transparency groups, including the Project On Government Oversight, known as POGO, Government in the Sunshine, the Sunlight Foundation, and the American Society of News Editors.

Mr. Speaker, it is critical at this time that the American people believe and actually receive the information that lets them understand what their government is doing.

A key provision of this bill is to codify requirements in a FOIA memorandum issued by President Obama and Attorney General Holder. This includes making the presumption of openness standard the law of the land. That means that an agency can only withhold information if the disclosure of such records would cause foreseeable harm. This shifts the burden of proof from the public requester seeking information about a government agency, with which he must now demonstrate that he has the need to the government being open and transparent, unless it has a good reason to withhold.

The FOIA Act of 2014 also requires an unprecedented level of proactive disclosure. That means that more information will be made available to the public without each individual interested in the information needing to file separate FOIA requests to get it.

Mr. Speaker, in plain English, if one person and then another person or one entity and another entity seem to want to have the same information, rather than the agencies possibly posting it publicly, they will be required to post it publicly, so that which a few agencies want to know or a few private organizations want to know, the entire public would have easy access. Another way of putting it is, if you are going to tell one person that it is reasonable to have public access, then all the public should have easy access to that information.

These proactive disclosure requirements are intended to make the information-sharing a routine part of government. Like the DATA Act passed earlier this year, which the House approved, the FOIA Act requires all information be posted in an electronic, publicly accessible format.

Raw data will be available as the original format so that it can be machine-searched and give the widest ability for the public to have not just access to the letters, but access to the meaning and the cross-meaning of this information.

Under this bill, more agencies will be using technology to increase transparency by processing FOIA requests through a centralized Web portal. Users will submit requests in one location, where agencies can automatically post their response. This kind of one-point access is something the public has long waited for from the Federal Government.

The legislation before the House today modestly amends the com-

mittee-reported bill by establishing an Open Government Advisory Committee, housed within the National Archives' Office of Government Information Services. The Open Government Advisory Committee will ensure that reform efforts continue after this bill is enacted.

Mr. Speaker, this amendment to the FOIA law is one of the most important additional accesses to the American people; and I might note with thanks that this is an initiative begun by this administration, by President Obama, that we believe should be there for all times.

With that, I reserve the balance of my time.

Mr. CUMMINGS. I yield myself such time as I may consume.

Mr. Speaker, I want to thank Chairman ISSA for sponsoring this bill with me. This bill, if enacted, would be a landmark reform of our most important open government law, the Freedom of Information Act.

This legislation would make significant improvements to the current law, which has not been consistently implemented.

During the Clinton administration, Attorney General Janet Reno adopted a policy under which the Department of Justice would defend an agency's use of a FOIA exemption only when the agency could reasonably foresee that disclosure would harm an interest protected by that exemption.

In the Bush administration, Attorney General John Ashcroft reversed this standard and directed the Justice Department to defend agency decisions to withhold records, as long as they had a legal basis for doing so.

President Obama, to his credit, on his first day in office, directed agencies to implement FOIA with a presumption of openness. Attorney General Holder overturned the Ashcroft standard and reinstated the foreseeable harm standard.

The legislation before us today would codify, in law, this presumption in favor of disclosure, no matter who is President.

Under this bill, an agency would not be allowed to withhold information in response to a FOIA request, unless disclosure is prohibited by law or would cause specific identifiable harm to an interest protected by one of FOIA's exemptions.

This bill also would create an advisory committee to make recommendations to improve government transparency. The President recently endorsed this idea in the Open Government National Action Plan issued by the administration in December of 2013.

This legislation also would create a pilot project to encourage participation in a centralized FOIA portal. A centralized portal, such as FOIAonline, that is run by EPA, allows requesters to use one Webcast to file requests to multiple agencies.

The bill also would strengthen the Office of Government Information

Services by enhancing its role in providing guidance to agencies and ensuring that agencies notify requesters of their right to use its mediation services.

The bill would strengthen the independence of this office by allowing it to send testimony and reports directly to Congress without approval from the Office of Management and Budget.

I urge every Member of this body to support this open government legislation by voting for it.

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

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

We don't often find in this body the kind of consensus behind something that, as the ranking member said, has gone both ways under different Presidents.

I am a proud Republican, but I believe that the order given by President Obama was the right order. The order given by President Bush, perhaps in light of 9/11, perhaps in light of other considerations, might have seemed right at the time.

But let me make something clear today: on our committee, there is unanimity. The American people must have access to all the information, unless there is a specific reason to withhold it.

This requirement under FOIA today will drive the DATA Act and other reforms that will cause information to be likely stored in formats that are easier for agencies to determine that which they must withhold. We think it is important.

Today, legions of people often spend countless hours redacting nothing more than one name or one Social Security number that cannot be found, except by a set of eyes scanning over it.

So, in addition to the American people getting what they are entitled to under this act, we believe that it will drive the kind of innovation automation that actually will save the American people money and cause more information to be available.

Just as census data is critical to our economy, so is access to what your government is doing, planning to do, or thought about, talked about, or did in the process of making laws, regulations, and rules.

So I join with my colleague in believing that this is a time in which we say this President acted properly in how he ordered something, we believe codifying it, so that no follow-on President could modify it or fail to deliver what this legislation envisions.

With that, I reserve the balance of my time.

Mr. CUMMINGS. Mr. Speaker, I yield myself such time as I may consume, and I am about to close.

Again, I want to thank Chairman ISSA for his hard work on this. This is so very, very important.

I often tell my constituents, Mr. Speaker, that this is our watch. We are

the guardians of the democracy today, and it is important to us to pass on a stronger and a better democracy than the one we found when we came upon this Earth.

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A significant part of any democracy is openness, where people can know what the government is doing. When you have a representative government, people come to the town hall meetings trying to find out what is going on, and now they can go to computers and find out what is going on. We must have as much openness as possible and as is reasonable, and I think that this is a big step in the right direction of preserving that part of the democracy that calls for transparency.

So I agree with the chairman. This is so much bigger than us. This is not just about this moment. This is about generations yet unborn. This is about people trying simply to be a part of their democracy, who are trying to understand it, who are trying to use information so that they can be participants in it. If they do not know what is going on, it is kind of hard to participate. If they do not know what is going on, it is kind of hard to go to their representatives to urge them to make appropriate changes.

So, with that, I urge all of the Members of this body to vote in favor of this legislation.

With that, I yield back the balance of my time.

Mr. ISSA. Mr. Speaker, as I close, I want to thank my partner in this legislation, Mr. CUMMINGS.

In order to get this kind of legislation, you do need to make sure that you have dotted the i's, and I believe we have done so. The minor modification that was made between the time it left the committee and the floor is one that was done on a bipartisan basis. Were this to go back to our committee, of course it would pass unanimously. Therefore, I urge all Members to vote "yes" on H.R. 1211—to support the bill, to support freedom, to support the opportunity for the American people to know.

With that, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. ISSA) that the House suspend the rules and pass the bill, H.R. 1211, 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. ISSA. 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, further proceedings on this motion will be postponed.

## FEDERAL INFORMATION TECHNOLOGY ACQUISITION REFORM ACT

Mr. ISSA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1232) to amend titles 40, 41, and 44, United States Code, to eliminate duplication and waste in information technology acquisition and management, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1236

*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 "Federal Information Technology Acquisition Reform Act".

### SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. Definitions.

### TITLE I—MANAGEMENT OF INFORMATION TECHNOLOGY WITHIN FEDERAL GOVERNMENT

- Sec. 101. Increased authority of agency Chief Information Officers over information technology.
- Sec. 102. Lead coordination role of Chief Information Officers Council.
- Sec. 103. Reports by Government Accountability Office.

### TITLE II—DATA CENTER OPTIMIZATION

- Sec. 201. Purpose.
- Sec. 202. Definitions.
- Sec. 203. Federal data center optimization initiative.
- Sec. 204. Performance requirements related to data center consolidation.
- Sec. 205. Cost savings related to data center optimization.
- Sec. 206. Reporting requirements to Congress and the Federal Chief Information Officer.

### TITLE III—ELIMINATION OF DUPLICATION AND WASTE IN INFORMATION TECHNOLOGY ACQUISITION

- Sec. 301. Inventory of information technology software assets.
- Sec. 302. Website consolidation and transparency.
- Sec. 303. Transition to the cloud.
- Sec. 304. Elimination of unnecessary duplication of contracts by requiring business case analysis.

### TITLE IV—STRENGTHENING AND STREAMLINING INFORMATION TECHNOLOGY ACQUISITION MANAGEMENT PRACTICES

#### Subtitle A—Strengthening and Streamlining IT Program Management Practices

- Sec. 401. Pilot program on interagency collaboration.
- Sec. 402. Designation of assisted acquisition centers of excellence.

#### Subtitle B—Strengthening IT Acquisition Workforce

- Sec. 411. Expansion of training and use of information technology acquisition cadres.
- Sec. 412. Plan on strengthening program and project management performance.
- Sec. 413. Personnel awards for excellence in the acquisition of information systems and information technology.

### TITLE V—ADDITIONAL REFORMS

- Sec. 501. Maximizing the benefit of the Federal strategic sourcing initiative.