

Mr. COTTON, Mr. SASSE, Mr. ALEXANDER, Mr. JOHNSON, Mr. HOEVEN, Mr. ROUNDS, Mrs. CAPITO, Mr. TILLIS, Mr. GRAHAM, Mr. CASSIDY, Ms. MURKOWSKI, Mr. SESSIONS, and Mr. RISCH):

S. 339. A bill to repeal the Patient Protection and Affordable Care Act and the Health Care and Education Reconciliation Act of 2010 entirely; read the first time.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MARKEY:

S. Res. 61. A resolution honoring the life and legacy of Peggy Charren; to the Committee on the Judiciary.

By Ms. HEITKAMP (for herself, Mr. THUNE, Ms. BALDWIN, Mr. BARRASSO, Mr. DAINES, Mr. FRANKEN, Mr. HEINRICH, Ms. HIRONO, Mr. HOEVEN, Ms. KLOBUCHAR, Mr. LANKFORD, Mr. MORAN, Mrs. MURRAY, Mr. PETERS, Ms. STABENOW, Mr. TESTER, and Mr. UDALL):

S. Res. 62. A resolution designating the week beginning on February 8, 2015, as "National Tribal Colleges and Universities Week"; considered and agreed to.

#### ADDITIONAL COSPONSORS

S. 167

At the request of Mr. MCCAIN, the names of the Senator from Oregon (Mr. WYDEN), the Senator from North Dakota (Mr. HOEVEN), the Senator from Wisconsin (Mr. JOHNSON), the Senator from Colorado (Mr. BENNET) and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of S. 167, a bill to direct the Secretary of Veterans Affairs to provide for the conduct of annual evaluations of mental health care and suicide prevention programs of the Department of Veterans Affairs, to require a pilot program on loan repayment for psychiatrists who agree to serve in the Veterans Health Administration of the Department of Veterans Affairs, and for other purposes.

S. 176

At the request of Mr. REID, his name was added as a cosponsor of S. 176, a bill to advance integrated water management and development through innovation, resiliency, conservation, and efficiency in the 21st century, and for other purposes.

S. 197

At the request of Ms. BALDWIN, the names of the Senator from Rhode Island (Mr. WHITEHOUSE), the Senator from Vermont (Mr. SANDERS) and the Senator from New Mexico (Mr. UDALL) were added as cosponsors of S. 197, a bill to amend the Elementary and Secondary Education Act of 1965 to award grants to States to improve delivery of high-quality assessments, and for other purposes.

S. 198

At the request of Mr. DURBIN, the name of the Senator from Wisconsin

(Ms. BALDWIN) was added as a cosponsor of S. 198, a bill to amend the Internal Revenue Code of 1986 to modify the rules relating to inverted corporations.

S. 207

At the request of Mr. MORAN, the names of the Senator from Oregon (Mr. WYDEN) and the Senator from North Dakota (Mr. HOEVEN) were added as cosponsors of S. 207, a bill to require the Secretary of Veterans Affairs to use existing authorities to furnish health care at non-Department of Veterans Affairs facilities to veterans who live more than 40 miles driving distance from the closest medical facility of the Department that furnishes the care sought by the veteran, and for other purposes.

S. 240

At the request of Mr. BOOKER, the name of the Senator from Maine (Mr. KING) was added as a cosponsor of S. 240, a bill to promote competition, to preserve the ability of local governments to provide broadband capability and services, and for other purposes.

S. 257

At the request of Mr. MORAN, the names of the Senator from Iowa (Mr. GRASSLEY) and the Senator from Wyoming (Mr. BARRASSO) were added as cosponsors of S. 257, a bill to amend title XVIII of the Social Security Act with respect to physician supervision of therapeutic hospital outpatient services.

S. 258

At the request of Mr. ROBERTS, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 258, a bill to amend title XVIII of the Social Security Act to remove the 96-hour physician certification requirement for inpatient critical access hospital services.

S. 269

At the request of Mr. KIRK, the names of the Senator from Ohio (Mr. PORTMAN) and the Senator from Arkansas (Mr. BOOZMAN) were added as cosponsors of S. 269, a bill to expand sanctions imposed with respect to Iran and to impose additional sanctions with respect to Iran, and for other purposes.

S. 270

At the request of Mrs. SHAHEEN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 270, a bill to amend title 38, United States Code, to revise the definition of spouse for purposes of veterans benefits in recognition of new State definitions of spouse, and for other purposes.

S. 273

At the request of Mr. CRUZ, the name of the Senator from Utah (Mr. LEE) was added as a cosponsor of S. 273, a bill to amend title 18, United States Code, to prohibit the intentional discrimination of a person or organization by an employee of the Internal Revenue Service.

S. 274

At the request of Mr. CRUZ, the name of the Senator from Utah (Mr. LEE) was

added as a cosponsor of S. 274, a bill to prohibit the Department of the Treasury from assigning tax statuses to organizations based on their political beliefs and activities.

S. 293

At the request of Mr. CORNYN, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 293, a bill to amend the Endangered Species Act of 1973 to establish a procedure for approval of certain settlements.

S. 314

At the request of Mr. GRASSLEY, the name of the Senator from West Virginia (Mrs. CAPITO) was added as a cosponsor of S. 314, a bill to amend title XVIII of the Social Security Act to provide for coverage under the Medicare program of pharmacist services.

S. 316

At the request of Mr. KIRK, the names of the Senator from Delaware (Mr. CARPER) and the Senator from Delaware (Mr. COONS) were added as cosponsors of S. 316, a bill to amend the charter school program under the Elementary and Secondary Education Act of 1965.

S. 322

At the request of Ms. AYOTTE, the name of the Senator from Pennsylvania (Mr. TOOMEY) was added as a cosponsor of S. 322, a bill to amend the Internal Revenue Code of 1986 to exclude certain compensation received by public safety officers and their dependents from gross income.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GRASSLEY (for himself, Mr. CASEY, Mr. BURR, Mr. WARNER, Mr. ROBERTS, and Mr. CARDIN):

S. 335. A bill to amend the Internal Revenue Code of 1986 to improve 529 plans; to the Committee on Finance.

Mr. GRASSLEY. Mr. President, I am glad to be joined by Senator CASEY of Pennsylvania in introducing bipartisan legislation to improve upon the already immensely successful college 529 savings programs. Those are savings plans to go to college. The 529 plans have helped millions earn a college degree without piling up a mountain of debt. These plans have long had strong bipartisan support, and I am glad the introduction of this bill today continues that tradition.

Given the bipartisan nature of 529 plans, it came as a shock to me, and I am sure to most of my colleagues, when the President put forth a proposal that would undermine years of hard work toward making savings for college as accessible as it is today. College savings vehicles, we now know by the Tax Code section—that is where section 529 comes from—were first started by States in the late 1980s. However, it was only after a bipartisan effort led by then-Senator Bob Graham of Florida and Senator MCCONNELL,

now our majority leader, in 1996 that these savings plans were finally enshrined in section 529 of the Tax Code.

By recognizing college savings plans in the Tax Code, States and participants could now be certain about the favorable tax treatment they would receive and thus the plans flourished. During this time, individuals' parents and grandparents were able to contribute to savings plans with certainty that the college savings for themselves and their loved ones would accumulate tax free. However, while 529 plans could accumulate interest tax free, tax was still owed once money was distributed to pay for college.

So in 2001, as chairman of the Finance Committee, I worked with Senator Baucus of Montana and others to advance a proposal to further enhance college savings by excluding distributions from 529 plans from income tax so long as the money was used to pay for college education costs. We were then successful in making this provision permanent in the tax law as part of the Pension Protection Act of 2006.

This change helped 529 plans take off to even new heights. From 2001 to 2002 assets in these plans doubled from \$13 billion to \$26 billion and totalled nearly \$245 billion by July last year. The total number of accounts also nearly doubled. The number of accounts increased from 2.4 million in 2001 to 4.4 million in 2002 and increased to nearly 12 million by July of last year.

The misguided proposal put forth in the President's State of the Union Address has a potential to reverse these gains by once again subjecting distributions to tax. The policy rationale given by the President was that too much of the benefit for 529 plans went to more affluent households and individuals. I believe a big reason the President's proposal was met with bipartisan disapproval is that we all know firsthand through communications with our constituents back home that the typical family with a 529 account is one with only modest means. We hear about how they have scrimped and pinched pennies so they could put money away for their child's college. They have a dream of sending their child to college and graduating without a crushing amount of debt holding them back as they start their new career post-college.

Data from the College Savings Plans Network backs up this anecdotal evidence that we receive at the grassroots from our constituents. On a national basis the average account balance is under \$21,000 and for Iowans the average balance is slightly lower than \$17,878. This is obviously hard evidence that a typical family contributing to a 529 account is far from being part of the wealthy elite the President wants us to believe they are.

A private study commissioned by the College Savings Foundation further demonstrates that these accounts are largely held by middle-class families. According to this study, about 10 per-

cent of 529 accounts are owned by households with income below \$50,000, over 70 percent are owned by households with income below \$150,000, and almost 95 percent of 529 accounts are in households with incomes below \$250,000.

The bill I introduced today with Democratic Senator CASEY will help build on the success that has so far been achieved by increasing the attractiveness of 529 plans.

This bill has three primary provisions:

The first provision recognizes the reality that in today's world a computer is just as much a necessary educational tool—and the expense associated with it—as a required class textbook. As such, this bill allows 529 funds to purchase a computer on the same tax payroll basis as other required materials.

The second provision eliminates an outdated and unnecessary aggregation rule that increases paperwork and costs for plan administrators.

The final provision provides tax and penalty relief in instances where a student may have to withdraw from school for illness or other reasons. Under current law, any refunds from the college are subject to immediate taxation and a 10-percent tax penalty. This provision eliminates this tax and penalty if the refund is redeposited in a 529 account. This permits a family to set the refund aside to pay for the student's education should that student be able to return to college or to use it for another family member.

The reforms in 529 plans included in Senator CASEY's and my bill are very modest but will help keep administrative costs low and provide a little extra incentive for parents to put money away for their child's education. The bill further demonstrates a renewed bipartisan commitment to 529 plans that will hopefully help erase concerns some may have in contributing to 529s given the President's misguided proposal.

I hope Congress will act on this legislation and speak with a loud bipartisan voice on its commitment to college savings.

By Mr. CORNYN (for himself, Mr. LEAHY, and Mr. GRASSLEY):

S. 337. A bill to improve the Freedom of Information Act; to the Committee on the Judiciary.

Mr. CORNYN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 337

*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 Improvement Act of 2015".

#### SEC. 2. AMENDMENTS TO FOIA.

Section 552 of title 5, United States Code, is amended—

- (1) in subsection (a)—
- (A) in paragraph (2)—

- (i) in the matter preceding subparagraph (A), by striking "for public inspection and copying"; and inserting "for public inspection in an electronic format";

- (ii) by striking subparagraph (D) and inserting the following:

"(D) copies of all records, regardless of form or format—

- "(i) that have been released to any person under paragraph (3); and

- "(ii)(I) that 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; or

- "(II) that have been requested 3 or more times; and"; and

- (iii) in the undesignated matter following subparagraph (E), by striking "public inspection and copying current" and inserting "public inspection in an electronic format current";

- (B) in paragraph (4)(A), by striking clause (viii) and inserting the following:

"(viii)(I) Except as provided in subclause (II), an agency shall not assess any search fees (or in the case of a requester described under clause (ii)(II) of this subparagraph, duplication fees) under this subparagraph if the agency has failed to comply with any time limit under paragraph (6).

"(II)(aa) If an agency has determined that unusual circumstances apply (as the term is defined in paragraph (6)(B)) and the agency provided a timely written notice to the requester in accordance with paragraph (6)(B), a failure described in subclause (I) is excused for an additional 10 days. If the agency fails to comply with the extended time limit, the agency may not assess any search fees (or in the case of a requester described under clause (ii)(II) of this subparagraph, duplication fees).

"(bb) If an agency has determined that unusual circumstances apply and more than 50,000 pages are necessary to respond to the request, an agency may charge search fees (or in the case of a requester described under clause (ii)(II) of this subparagraph, duplication fees) if the agency has provided a timely written notice to the requester in accordance with paragraph (6)(B) and the agency has discussed with the requester via written mail, electronic mail, or telephone (or made not less than 3 good-faith attempts to do so) how the requester could effectively limit the scope of the request in accordance with paragraph (6)(B)(ii).

"(cc) If a court has determined that exceptional circumstances exist (as that term is defined in paragraph (6)(C)), a failure described in subclause (I) shall be excused for the length of time provided by the court order.";

(C) in paragraph (6)—

- (i) in subparagraph (A)(i), by striking "making such request" and all that follows through "determination; and" and inserting the following: "making such request of—"

- "(I) such determination and the reasons therefor;

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

- "(III) in the case of an adverse determination—

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

- "(bb) the right of such person to seek dispute resolution services from the FOIA Public Liaison of the agency or the Office of Government Information Services; and"; and

- (ii) in subparagraph (B)(ii), by striking "the agency." and inserting "the agency, and notify the requester of the right of the

requester to seek dispute resolution services from the Office of Government Information Services.”; and

(D) by adding at the end the following:

“(8)(A) An agency—

“(i) shall—

“(I) withhold information under this section only if—

“(aa) the agency reasonably foresees that disclosure would harm an interest protected by an exemption described in subsection (b) or other provision of law; or

“(bb) disclosure is prohibited by law; and

“(II)(aa) consider whether partial disclosure of information is possible whenever the agency determines that a full disclosure of a requested record is not possible; and

“(bb) take reasonable steps necessary to segregate and release nonexempt information; and

“(ii) may not—

“(I) withhold information requested under this section merely because the agency can demonstrate, as a technical matter, that the records fall within the scope of an exemption described in subsection (b); or

“(II) withhold information requested under this section merely because disclosure of the information may be embarrassing to the agency or because of speculative or abstract concerns.

“(B) Nothing in this paragraph requires disclosure of information that is otherwise prohibited from disclosure by law, or otherwise exempted from disclosure under subsection (b)(3).”;

(2) in subsection (b), by amending paragraph (5) to read as follows:

“(5) inter-agency or intra-agency memorandums or letters that would not be available by law to a party other than an agency in litigation with the agency, if the requested record or information was created less than 25 years before the date on which the request was made.”;

(3) in subsection (e)

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by inserting “and to the Director of the Office of Government Information Services” after “United States”;

(ii) in subparagraph (N), by striking “and” at the end;

(iii) in subparagraph (O), by striking the period at the end and inserting a semicolon; and

(iv) by adding at the end the following:

“(P) the number of times the agency denied a request for records under subsection (c); and

“(Q) the number of records that were made available for public inspection in an electronic format under subsection (a)(2).”;

(B) by striking paragraph (3) and inserting the following:

“(3) Each agency shall make each such report available for public inspection in an electronic format. In addition, each agency shall make the raw statistical data used in each report available in a timely manner for public inspection in an electronic format, which shall be made available—

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

“(B) in an aggregated, searchable format; and

“(C) in a format that may be downloaded in bulk.”;

(C) in paragraph (4)—

(i) by striking “Government Reform and Oversight” and inserting “Oversight and Government Reform”;

(ii) by inserting “Homeland Security and” before “Governmental Affairs”; and

(iii) by striking “April” and inserting “March”; and

(D) by striking paragraph (6) and inserting the following:

“(6)(A) The Attorney General of the United States shall submit to the Committee on Oversight and Government Reform of the House of Representatives, the Committee on Judiciary of the Senate, and the President a 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) a listing of—

“(I) each subsection, and any exemption, if applicable, involved in each case arising under this section;

“(II) the disposition of each case arising under this section; and

“(III) 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) The Attorney General of the United States shall make—

“(i) each report submitted under subparagraph (A) available for public inspection in an electronic format; and

“(ii) the raw statistical data used in each report submitted under subparagraph (A) available for public inspection in an electronic format, which shall be made available—

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

“(II) in an aggregated, searchable format; and

“(III) in a format that may be downloaded in bulk.”;

(4) in subsection (g), in the matter preceding paragraph (1), by striking “publicly available upon request” and inserting “available for public inspection in an electronic format”;

(5) in subsection (h)—

(A) in paragraph (1), by adding at the end the following: “The head of the Office shall be the Director of the Office of Government Information Services.”;

(B) in paragraph (2), by striking subparagraph (C) and inserting the following:

“(C) identify procedures and methods for improving compliance under this section.”;

(C) by striking paragraph (3) and inserting the following:

“(3) The Office of Government Information Services shall offer mediation services to resolve disputes between persons making requests under this section and administrative agencies as a non-exclusive alternative to litigation and may issue advisory opinions at the discretion of the Office or upon request of any party to a dispute.”; and

(D) by adding at the end the following:

“(4)(A) Not less frequently than annually, the Director of the Office of Government Information Services shall submit to the Committee on Oversight and Government Reform of the House of Representatives, the Committee on the Judiciary of the Senate, and the President—

“(i) a report on the findings of the information reviewed and identified under paragraph (2);

“(ii) a summary of the activities of the Office of Government Information Services under paragraph (3), including—

“(I) any advisory opinions issued; and

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

“(iii) legislative and regulatory recommendations, if any, to improve the administration of this section.

“(B) The Director of the Office of Government Information Services shall make each

report submitted under subparagraph (A) available for public inspection in an electronic format.

“(C) The Director of the Office of Government Information Services shall not be required to obtain the prior approval, comment, or review of any officer or agency of the United States, including the Department of Justice, the Archivist of the United States, or the Office of Management and Budget before submitting to Congress, or any committee or subcommittee thereof, any reports, recommendations, testimony, or comments, if such submissions include a statement indicating that the views expressed therein are those of the Director and do not necessarily represent the views of the President.

“(5) The Director of the Office of Government Information Services may directly submit additional information to Congress and the President as the Director determines to be appropriate.

“(6) Not less frequently than annually, the Office of Government Information Services shall conduct a meeting that is open to the public on the review and reports by the Office and shall allow interested persons to appear and present oral or written statements at the meeting.”;

(6) by striking subsections (i), (j), and (k), and inserting the following:

“(i) The Government Accountability Office shall—

“(1) not later than 1 year after the date of enactment of the FOIA Improvement Act of 2015 and every 2 years thereafter, conduct audits of 3 or more administrative agencies on compliance with and implementation of the requirements of this section and issue reports detailing the results of such audits;

“(2) not later than 1 year after the date of enactment of the FOIA Improvement Act of 2015 and every 2 years thereafter, issue a report cataloging the number of exemptions described in paragraphs (3) and (5) of subsection (b) and the use of such exemptions by each agency;

“(3) not later than 1 year after the date of enactment of the FOIA Improvement Act of 2015, conduct a study on the methods Federal agencies use to reduce the backlog of requests under this section and issue a report on the effectiveness of those methods; and

“(4) submit copies of all reports and audits described in this subsection to the Committee on Oversight and Government Reform of the House of Representatives and the Committee on the Judiciary of the Senate.

“(j)(1) 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) 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) offer training to agency staff regarding their responsibilities under this section;

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

“(H) designate 1 or more FOIA Public Liaisons.

“(3) The Chief FOIA Officer of each agency shall review, not less frequently than annually, all aspects of the administration of this section by the agency to ensure compliance with the requirements of this section, including—

“(A) agency regulations;

“(B) disclosure of records required under paragraphs (2) and (8) of subsection (a);

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

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

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

“(F) dispute resolution services with the assistance of the Office of Government Information Services or the FOIA Public Liaison.

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

“(2) The Council shall be comprised 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.

“(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) The Director of the Office of Information Policy at the Department of Justice and the Director of the Office of Government Information Services shall be the Co-Chairs of the Council.

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

“(5)(A) The duties of the Council shall include the following:

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

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

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

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

“(B) In performing the duties described in subparagraph (A), the Council shall consult on a regular basis with members of the public who make requests under this section.

“(6)(A) 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) Not less frequently than annually, 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) Not later than 10 business days before a meeting of the Council, notice of such

meeting shall be published in the Federal Register.

“(D) Except as provided in subsection (b), the records, reports, transcripts, minutes, appendices, 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) 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. The minutes shall be redacted as necessary and made publicly available.”; and

(7) by adding at the end the following:

“(m)(1) The Director of the Office of Management and Budget, in consultation with the Attorney General, shall ensure the operation of a consolidated online request portal that allows a member of the public to submit a request for records under subsection (a) to any agency from a single website. The portal may include any additional tools the Director of the Office of Management and Budget finds will improve the implementation of this section.

“(2) This subsection shall not be construed to alter the power of any other agency to create or maintain an independent online portal for the submission of a request for records under this section. The Director of the Office of Management and Budget shall establish standards for interoperability between the portal required under paragraph (1) and other request processing software used by agencies subject to this section.”.

### SEC. 3. REVIEW AND ISSUANCE OF REGULATIONS.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the head of each agency (as defined in section 551 of title 5, United States Code) 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 section 2.

(b) REQUIREMENTS.—The regulations of each agency shall include procedures for engaging in dispute resolution through the FOIA Public Liaison and the Office of Government Information Services.

### SEC. 4. PROACTIVE DISCLOSURE THROUGH RECORDS MANAGEMENT.

Section 3102 of title 44, United States Code, is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4); and

(2) by inserting after paragraph (1) the following:

“(2) procedures for identifying records of general interest or use to the public that are appropriate for public disclosure, and for posting such records in a publicly accessible electronic format.”.

### SEC. 5. NO ADDITIONAL FUNDS AUTHORIZED.

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

Mr. LEAHY. Mr. President, I am proud to once again join with Senator CORNYN to introduce the FOIA Improvement Act, a bipartisan bill that will make our Federal government more accountable to all Americans by strengthening the Freedom of Information Act.

Senator CORNYN and I introduced an almost identical bill last year, and despite it passing the Senate unani-

mously, the House failed to act. This was deeply disappointing, and was a missed opportunity for Congress. But Senator CORNYN and I have worked together for more than a decade to make our government more open, through Democratic and Republican administrations and Republican and Democratic-led Congresses. We have a strong partnership, and we will not quit. We are determined to make progress on creating a more open and transparent government for all Americans.

The FOIA Improvement Act of 2015 codifies what President Obama laid out in his historic 2009 memorandum by requiring Federal agencies to adopt a “Presumption of Openness” when considering the release of government information under FOIA. Under this bill, when considering FOIA requests Federal agencies must find a reasonable foreseeable harm in order to invoke a discretionary exemption and withhold information from the public. The government should always err on the side of disclosure. Our legislation also provides additional independence to the Office of Government Information Services, OGIS, an office created by the Leahy-Cornyn OPEN Government Act in 2007 that helps mediate disputes between the Federal Government and FOIA requesters. Finally, our legislation will limit the use of Exemption 5 by placing a 25 year limitation on information covered by the exemption.

I have fought for years to make our government more open and transparent. Senator CORNYN has been an important partner in these efforts, and our collaboration has resulted in the enactment of several improvements to FOIA including the OPEN Government Act, the first major reform to FOIA in more than a decade; the OPEN FOIA Act, which increased the transparency of legislative exemptions to FOIA; and the Faster FOIA Act, which responded to the concerns of FOIA requesters and addressed agency delays in processing requests.

After four decades in the Senate, I appreciate that legislating requires compromise. The FOIA Improvement Act of 2015 reflects the input of both sides of the aisle, the open government community, the administration, and many other stakeholders. It is the product of nearly a year of careful negotiations on behalf of Senator CORNYN and me. It is supported by more than 70 public interest groups that advocate for government transparency and it had the unanimous support of the Judiciary Committee and the full Senate last year. Above all, it marks an historic step forward in our continued effort to open the government by codifying what President Obama set out to achieve in 2009 when he said “In the face of doubt, openness prevails.” This is common sense, and so I urge the Senate to quickly take up and pass this bill and for the House to follow suit so we can show the American people, in a bipartisan fashion, that we are committed to advancing their interests

above special interests, no matter who holds control of Congress or the White House.

### SUBMITTED RESOLUTIONS

#### SENATE RESOLUTION 61—HONORING THE LIFE AND LEGACY OF PEGGY CHARREN

Mr. MARKEY submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 61

Whereas Peggy Charren was born on March 9, 1928, in New York City;

Whereas Peggy Charren founded the Action for Children's Television in 1968 to promote educational television programming for children;

Whereas under the extraordinary leadership of Peggy Charren, the Action for Children's Television grew to a strong organization of more than 20,000 advocates for children;

Whereas Peggy Charren and the Action for Children's Television worked tirelessly for decades to establish youth-friendly educational programming standards for television for children;

Whereas Peggy Charren and the Action for Children's Television played a central role in the passage of the Children's Television Act of 1990, which established standards for children's television by requiring television stations to serve the educational needs of children in the United States;

Whereas Peggy Charren was awarded the Presidential Medal of Freedom on September 29, 1995, by the 42nd President of the United States for her leadership in reforming television for children in the United States;

Whereas Peggy Charren remained a powerful voice for television programming for children over the course of her entire life, constantly fighting for the interests of the youngest viewers in the United States; and

Whereas the content of television for children in the United States has been forever altered for the better thanks to the remarkable efforts of Peggy Charren: Now, therefore, be it

*Resolved*, That—

(1) the Senate—

(A) honors the lifetime of service by Peggy Charren to the children of the United States;

(B) recognizes the lasting contributions made by Peggy Charren to the children of the United States and educational television programming worldwide; and

(C) requests the Secretary of the Senate to prepare an official copy of this resolution for presentation to the family of Peggy Charren; and

(2) when the Senate adjourns today, it stand adjourned as a further mark of respect to the memory of Peggy Charren.

#### SENATE RESOLUTION 62—DESIGNATING THE WEEK BEGINNING ON FEBRUARY 8, 2015, AS "NATIONAL TRIBAL COLLEGES AND UNIVERSITIES WEEK"

Ms. HEITKAMP (for herself, Mr. THUNE, Ms. BALDWIN, Mr. BARRASSO, Mr. DAINES, Mr. FRANKEN, Mr. HEINRICH, Ms. HIRONO, Mr. HOEVEN, Ms. KLOBUCHAR, Mr. LANKFORD, Mr. MORAN, Mrs. MURRAY, Mr. PETERS, Ms. STABENOW, Mr. TESTER, and Mr. UDALL) submitted the following resolution; which was considered and agreed to:

S. RES. 62

Whereas there are 37 tribal colleges and universities operating on more than 75 campuses in 16 States;

Whereas tribal colleges and universities are tribally or federally chartered institutions of higher education and therefore have a unique relationship with the Federal Government;

Whereas tribal colleges and universities serve students from more than 250 federally recognized Indian tribes;

Whereas tribal colleges and universities offer students access to knowledge and skills grounded in cultural traditions and values, including indigenous languages, which enhance Indian communities and enrich the United States as a whole;

Whereas tribal colleges and universities provide access to high quality postsecondary education opportunities for American Indians, Alaska Natives, and other individuals living in some of the most isolated and economically depressed areas in the United States;

Whereas tribal colleges and universities are accredited institutions of higher education that effectively prepare students to succeed in their academic pursuits and in a global and highly competitive workforce;

Whereas tribal colleges and universities have open enrollment policies, and approximately 20 percent of the students at tribal colleges and universities are non-Indian; and

Whereas the collective mission and considerable achievements of tribal colleges and universities deserve national recognition: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates the week beginning on February 8, 2015, as "National Tribal Colleges and Universities Week"; and

(2) calls on the people of the United States and interested groups to observe the week with appropriate ceremonies, activities, and programs to demonstrate support for tribal colleges and universities.

#### NATIONAL TRIBAL COLLEGES AND UNIVERSITIES WEEK

Mr. CORNYN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 62, which was submitted earlier today.

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

The assistant legislative clerk read as follows:

A resolution (S. Res. 62) designating the week beginning on February 8, 2015, as "National Tribal Colleges and Universities Week."

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

Mr. CORNYN. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The resolution (S. Res. 62) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under "Submitted Resolutions.")

#### MEASURES READ THE FIRST TIME—S. 338 AND S. 339

Mr. CORNYN. Mr. President, I understand that there are two bills at the desk, and I ask for their first reading en bloc.

The PRESIDING OFFICER. The clerk will report the bills by title for the first time.

The assistant legislative clerk read as follows:

A bill (S. 338) to permanently reauthorize the Land and Water Conservation Fund.

A bill (S. 339) to repeal the Patient Protection and Affordable Care Act and the Health Care and Education Reconciliation Act of 2010 entirely.

Mr. CORNYN. Mr. President, I now ask for a second reading, and I object to my own request en bloc.

The PRESIDING OFFICER. Objection having been heard, the bills will be read for the second time on the next legislative day.

#### APPOINTMENT

The PRESIDING OFFICER. The Chair announces, on behalf of the majority leader, pursuant to the provisions of Public Law 93-112, as amended by Public Law 112-166, and further amended by Public Law 113-128, the appointment of the following to serve as a member of the National Council on Disability: Neil Romano of Maryland.

#### ORDERS FOR TUESDAY, FEBRUARY 3, 2015

Mr. CORNYN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. Tuesday, February 3; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; that following leader remarks, the Senate will be in a period of morning business for 1 hour, with Senators permitted to speak therein, equally divided, with the Democrats controlling the first half and the Republicans controlling the final half; that following morning business, the Senate proceed to the consideration of Calendar No. 6, H.R. 203, the Clay Hunt SAV Act, with the time until 12 p.m. equally divided, and following the use or yielding back of time, the bill be read a third time and the Senate vote on passage of the bill. I ask consent that the Senate recess following the vote until 2:15 p.m. to allow for the weekly conference meetings.

The PRESIDING OFFICER. Is there objection?

Mr. WHITEHOUSE. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Reserving the right to object, during the Keystone debate, the Energy and Natural Resources Committee chair said we