

## HR 867

OPEN Government Act of 2005

**Congress:** 109 (2005–2007, Ended)

**Chamber:** House

**Policy Area:** Government Operations and Politics

**Introduced:** Feb 16, 2005

**Current Status:** Forwarded by Subcommittee to Full Committee (Amended) by Voice Vote .

**Latest Action:** Forwarded by Subcommittee to Full Committee (Amended) by Voice Vote . (Sep 27, 2006)

**Official Text:** <https://www.congress.gov/bill/109th-congress/house-bill/867>

### Sponsor

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**Name:** Rep. Smith, Lamar [R-TX-21]

**Party:** Republican • **State:** TX • **Chamber:** House

## Cosponsors (32 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Moran, James P. [D-VA-8]	D · VA		Mar 16, 2005
Rep. Moran, Jerry [R-KS-1]	R · KS		Mar 17, 2005
Rep. Boucher, Rick [D-VA-9]	D · VA		Apr 5, 2005
Rep. McCaul, Michael T. [R-TX-10]	R · TX		Apr 5, 2005
Rep. Paul, Ron [R-TX-14]	R · TX		Apr 5, 2005
Rep. Sherman, Brad [D-CA-27]	D · CA		Apr 5, 2005
Rep. Woolsey, Lynn C. [D-CA-6]	D · CA		Apr 6, 2005
Rep. Berman, Howard L. [D-CA-28]	D · CA		Apr 12, 2005
Rep. Udall, Mark [D-CO-2]	D · CO		Apr 12, 2005
Rep. Cuellar, Henry [D-TX-28]	D · TX		Apr 13, 2005
Rep. Maloney, Carolyn B. [D-NY-14]	D · NY		May 10, 2005
Rep. Owens, Major R. [D-NY-11]	D · NY		May 10, 2005
Rep. Doggett, Lloyd [D-TX-25]	D · TX		May 23, 2005
Rep. Waxman, Henry A. [D-CA-30]	D · CA		May 23, 2005
Rep. Souder, Mark E. [R-IN-3]	R · IN		Jun 24, 2005
Rep. Frank, Barney [D-MA-4]	D · MA		Jun 27, 2005
Rep. Rothman, Steven R. [D-NJ-9]	D · NJ		Jul 11, 2005
Rep. Brown, Sherrod [D-OH-13]	D · OH		Jul 18, 2005
Rep. Filner, Bob [D-CA-51]	D · CA		Jul 18, 2005
Rep. Payne, Donald M. [D-NJ-10]	D · NJ		Jul 18, 2005
Rep. Kilpatrick, Carolyn C. [D-MI-13]	D · MI		Jul 20, 2005
Rep. Murtha, John P. [D-PA-12]	D · PA		Jul 28, 2005
Rep. Grijalva, Raúl M. [D-AZ-7]	D · AZ		Sep 7, 2005
Rep. McCollum, Betty [D-MN-4]	D · MN		Sep 7, 2005
Rep. Smith, Adam [D-WA-9]	D · WA		Sep 7, 2005
Rep. Schakowsky, Janice D. [D-IL-9]	D · IL		Sep 13, 2005
Rep. Eshoo, Anna G. [D-CA-14]	D · CA		Sep 28, 2005
Rep. Andrews, Robert E. [D-NJ-1]	D · NJ		Oct 6, 2005
Rep. Rahall, Nick J., II [D-WV-3]	D · WV		Feb 1, 2006
Rep. Watson, Diane E. [D-CA-33]	D · CA		Mar 28, 2006
Rep. Herse, Stephanie [D-SD-At Large]	D · SD		Apr 5, 2006
Rep. Moore, Gwen [D-WI-4]	D · WI		May 3, 2006

## Committee Activity

Committee	Chamber	Activity	Date
Oversight and Government Reform Committee	House	Reported by	Sep 27, 2006

## Subjects & Policy Tags

### Policy Area:

Government Operations and Politics

## Related Bills

Bill	Relationship	Last Action
109 S 394	Identical bill	<b>Sep 21, 2006:</b> Placed on Senate Legislative Calendar under General Orders. Calendar No. 628.

## Summary (as of Feb 16, 2005)

Openess Promotes Effectiveness in our National Government Act of 2005 or OPEN Government Act of 2005 - Amends the Freedom of Information Act (FOIA) to prohibit a Federal agency from denying the present fee status for a news media representative solely on the absence of institutional associations of the requester and requires consideration of the requester's prior publication history. Requires an agency, if a requester has no prior publication history or current affiliation, to consider the requester's stated intent at the time the request is made to distribute information to a reasonably broad audience.

Provides that, for purposes of recovery of attorney fees and other litigation costs, a complainant has substantially prevailed if : (1) the complainant has obtained a substantial part of its requested relief through a judicial or administrative order or an enforceable written agreement; or (2) the complainant's pursuit of a nonfrivolous claim or defense has been a catalyst for a voluntary or unilateral change in position by the opposing party that provides a substantial part of the requested relief.

Directs the Attorney General to: (1) notify the Special Counsel of civil actions taken for arbitrary and capricious rejections of requests for agency records; and (2) annually submit reports on the number of such actions taken.

Provides for the commencement of the 20-day time limit within which agencies shall determine whether to comply with a request for agency records on the day in which the request is first received.

Requires agencies to establish: (1) a system to assign tracking numbers for requests for information; and (2) telephone or Internet service that provides the status of requests.

Prohibits applying FOIA section 552 provisions to matters that are specifically exempted from disclosure by a statute (other than open meetings under the Government in the Sunshine Act) that specifically cites this Act.

Establishes the Office of Government Information Services within the U.S. Administrative Conference to review section 552 policies and procedures by administrative agencies.

Requires the: (1) Comptroller General to annually report on implementation of provisions for the protection of voluntarily shared critical infrastructure information; and (2) Office of Personnel Management to report on personnel policies related to FOIA.

## Actions Timeline

- **Sep 27, 2006:** Subcommittee Consideration and Mark-up Session Held.
- **Sep 27, 2006:** Forwarded by Subcommittee to Full Committee (Amended) by Voice Vote .
- **Mar 7, 2005:** Referred to the Subcommittee on Government Management, Finance, and Accountability.
- **Feb 16, 2005:** Introduced in House
- **Feb 16, 2005:** Referred to the House Committee on Government Reform.

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