

HR 1309

Freedom of Information Act Amendments of 2007

Congress: 110 (2007–2009, Ended)

Chamber: House

Policy Area: Government Operations and Politics

Introduced: Mar 5, 2007

Current Status: Received in the Senate and Read twice and referred to the Committee on Homeland Security and Governm

Latest Action: Received in the Senate and Read twice and referred to the Committee on Homeland Security and Governmental Affairs. (Mar 15, 2007)

Official Text: <https://www.congress.gov/bill/110th-congress/house-bill/1309>

Sponsor

Name: Rep. Clay, Wm. Lacy [D-MO-1]

Party: Democratic • **State:** MO • **Chamber:** House

Cosponsors (2 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Platts, Todd Russell [R-PA-19]	R · PA		Mar 5, 2007
Rep. Waxman, Henry A. [D-CA-30]	D · CA		Mar 5, 2007

Committee Activity

Committee	Chamber	Activity	Date
Homeland Security and Governmental Affairs Committee	Senate	Referred To	Mar 15, 2007
Oversight and Government Reform Committee	House	Reported by	Mar 6, 2007

Subjects & Policy Tags

Policy Area:

Government Operations and Politics

Related Bills

Bill	Relationship	Last Action
110 S 2488	Related bill	Dec 31, 2007: Became Public Law No: 110-175.
110 S 2427	Related bill	Dec 6, 2007: Read twice and referred to the Committee on the Judiciary. (text of measure as introduced: CR S14854-14855)
110 S 849	Related bill	Sep 4, 2007: Held at the desk.
110 HR 1326	Related bill	Mar 27, 2007: Referred to the Subcommittee on Information Policy, Census, and National Archives.

Freedom of Information Act Amendments of 2007 - Amends the Freedom of Information Act (FOIA) to revise requirements for federal agency disclosures of information requested under that Act.

(Sec. 3) Prohibits a federal agency, in setting document duplication fees, from denying news media status to 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 such 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.

(Sec. 4) Provides that, for purposes of awarding attorney fees and litigation costs, a FOIA complainant has substantially prevailed in a legal proceeding to compel disclosure if such complainant obtained relief through either: (1) a judicial order, administrative action, or an enforceable written agreement or consent decree; or (2) a voluntary or unilateral change in position by the opposing party in a case in which the complainant's claim or defense was not frivolous.

(Sec. 5) 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) submit annual reports to Congress on the number of such civil actions in the preceding year. Directs the Special Counsel to submit an annual report to Congress on investigations of agency rejections of FOIA requests.

(Sec. 6) Requires the 20-day period during which an agency must determine whether to comply with a FOIA request to begin on the date on which the request is first received by such agency. Prohibits the tolling of the 20-day period without the consent of the FOIA requester.

Requires an agency to refund fees for a FOIA request if the agency fails to comply with the 20-day period (applies to requests made one year after the enactment of this Act).

(Sec. 7) Requires agencies to establish: (1) a system to assign an individualized tracking number for FOIA requests and provide requesters with such tracking number within 10 days after receiving a request; and (2) a telephone line or Internet service that provides information on the status of a request. Makes this requirement effective one year after the enactment of this Act.

(Sec. 8) Requires any statutory exemption from disclosure under FOIA enacted after the date of enactment of this Act to cite directly to FOIA disclosure exemption provisions.

(Sec. 9) Revises annual agency reporting requirements on compliance with FOIA to require information on: (1) compliance of each principal component of an agency and for the agency overall; (2) FOIA denials based upon particular statutes; and (3) agency response times.

Requires agencies to make the raw statistical data used in reports electronically available to the public upon request.

(Sec. 10) Redefines "record" under FOIA to include any information maintained by a contractor for a federal agency.

(Sec. 11) Establishes in the National Archives an Office of Government Information Services under the supervision and direction of a National Information Advocate. Requires such Office to: (1) provide guidance to FOIA requesters; and (2) review agency FOIA policies and procedures and recommend policy changes to Congress.

(Sec. 12) Requires the Comptroller General to report to Congress, not later than January 1 of each of the three years after the enactment of this Act, on the implementation and use of provisions for the protection of voluntarily shared critical infrastructure information under the Homeland Security Act of 2002. Requires such reports to be submitted in unclassified form, allowing a classified annex.

(Sec. 13) Requires the Office of Personnel Management (OPM) to report to Congress on personnel policies related to FOIA.

(Sec. 14) Declares it to be the policy of the federal government to release information to the public in response to a FOIA request if the release is required by law or the release is allowed by law and the agency concerned does not reasonably foresee that disclosure would be harmful to an interest protected by an applicable exemption.

(Sec. 15) Requires agencies making partial FOIA disclosures to note the exemption or exemptions used to withhold information and to indicate the exemption used to delete information at the place in the record where the deletion is made.

Actions Timeline

- **Mar 15, 2007:** Received in the Senate and Read twice and referred to the Committee on Homeland Security and Governmental Affairs.
- **Mar 14, 2007:** Mr. Clay moved to suspend the rules and pass the bill, as amended.
- **Mar 14, 2007:** Considered under suspension of the rules. (consideration: CR H2500-2507)
- **Mar 14, 2007:** DEBATE - The House proceeded with forty minutes of debate on H.R. 1309.
- **Mar 14, 2007:** At the conclusion of debate, the Yeas and Nays were demanded and ordered. Pursuant to the provisions of clause 8, rule XX, the Chair announced that further proceedings on the motion would be postponed.
- **Mar 14, 2007:** Considered as unfinished business. (consideration: CR H2509)
- **Mar 14, 2007:** Passed/agreed to in House: On motion to suspend the rules and pass the bill, as amended Agreed to by the Yeas and Nays: (2/3 required): 308 - 117 (Roll no. 144).(text: CR H2500-2502)
- **Mar 14, 2007:** On motion to suspend the rules and pass the bill, as amended Agreed to by the Yeas and Nays: (2/3 required): 308 - 117 (Roll no. 144). (text: CR H2500-2502)
- **Mar 14, 2007:** Motion to reconsider laid on the table Agreed to without objection.
- **Mar 12, 2007:** Reported (Amended) by the Committee on Oversight and Government. H. Rept. 110-45.
- **Mar 12, 2007:** Placed on the Union Calendar, Calendar No. 21.
- **Mar 8, 2007:** Committee Consideration and Mark-up Session Held.
- **Mar 8, 2007:** Ordered to be Reported (Amended) by Voice Vote.
- **Mar 6, 2007:** Subcommittee Consideration and Mark-up Session Held.
- **Mar 6, 2007:** Forwarded by Subcommittee to Full Committee by Voice Vote .
- **Mar 5, 2007:** Introduced in House
- **Mar 5, 2007:** Referred to the Subcommittee on Information Policy, Census, and National Archives.
- **Mar 5, 2007:** Referred to the House Committee on Oversight and Government Reform.