

HR 653

FOIA Act

Congress: 114 (2015–2017, Ended)

Chamber: House

Policy Area: Government Operations and Politics

Introduced: Feb 2, 2015

Current Status: Received in the Senate and Read twice and referred to the Committee on the Judiciary.

Latest Action: Received in the Senate and Read twice and referred to the Committee on the Judiciary. (Jan 12, 2016)

Official Text: <https://www.congress.gov/bill/114th-congress/house-bill/653>

Sponsor

Name: Rep. Issa, Darrell E. [R-CA-49]

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

Cosponsors (55 total)

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| Rep. Allen, Rick W. [R-GA-12] | R · GA | | Mar 4, 2015 |
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| Rep. Byrne, Bradley [R-AL-1] | R · AL | | Mar 4, 2015 |
| Rep. Carter, Earl L. "Buddy" [R-GA-1] | R · GA | | Mar 4, 2015 |
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| Rep. Sessions, Pete [R-TX-32] | R · TX | | Mar 4, 2015 |
| Rep. Tipton, Scott R. [R-CO-3] | R · CO | | Mar 4, 2015 |
| Rep. Collins, Doug [R-GA-9] | R · GA | | Mar 13, 2015 |
| Rep. Gosar, Paul A. [R-AZ-4] | R · AZ | | Mar 13, 2015 |
| Rep. Hurt, Robert [R-VA-5] | R · VA | | Mar 13, 2015 |
| Rep. McCaul, Michael T. [R-TX-10] | R · TX | | Mar 13, 2015 |
| Rep. Ross, Dennis A. [R-FL-15] | R · FL | | Mar 13, 2015 |
| Rep. Walberg, Tim [R-MI-7] | R · MI | | Mar 13, 2015 |
| Rep. Ashford, Brad [D-NE-2] | D · NE | | Mar 24, 2015 |
| Rep. Bishop, Mike [R-MI-8] | R · MI | | Mar 24, 2015 |
| Rep. Emmer, Tom [R-MN-6] | R · MN | | Mar 24, 2015 |
| Rep. Foster, Bill [D-IL-11] | D · IL | | Mar 24, 2015 |
| Rep. Hensarling, Jeb [R-TX-5] | R · TX | | Mar 24, 2015 |
| Rep. Honda, Michael M. [D-CA-17] | D · CA | | Mar 24, 2015 |
| Rep. Johnson, Henry C. "Hank," Jr. [D-GA-4] | D · GA | | Mar 24, 2015 |
| Rep. Kuster, Ann M. [D-NH-2] | D · NH | | Mar 24, 2015 |
| Rep. Lawrence, Brenda L. [D-MI-14] | D · MI | | Mar 24, 2015 |
| Rep. Rangel, Charles B. [D-NY-13] | D · NY | | Mar 24, 2015 |
| Rep. Stutzman, Marlin A. [R-IN-3] | R · IN | | Mar 24, 2015 |
| Rep. Welch, Peter [D-VT-At Large] | D · VT | | Mar 24, 2015 |
| Resident Commissioner Pierluisi, Pedro R. [D-PR-At Large] | D · PR | | Mar 24, 2015 |
| Rep. Brownley, Julia [D-CA-26] | D · CA | | Mar 25, 2015 |
| Rep. Cartwright, Matt [D-PA-17] | D · PA | | Apr 14, 2015 |
| Rep. Gabbard, Tulsi [D-HI-2] | D · HI | | Apr 14, 2015 |
| Rep. Lipinski, Daniel [D-IL-3] | D · IL | | Apr 14, 2015 |
| Rep. Payne, Donald M., Jr. [D-NJ-10] | D · NJ | | Apr 14, 2015 |
| Rep. Lewis, John [D-GA-5] | D · GA | | Apr 23, 2015 |
| Rep. Vargas, Juan [D-CA-51] | D · CA | | Apr 23, 2015 |
| Rep. Palazzo, Steven M. [R-MS-4] | R · MS | | Apr 28, 2015 |

| Cosponsor | Party / State | Role | Date Joined |
|-----------------------------------|---------------|------|--------------|
| Rep. Posey, Bill [R-FL-8] | R · FL | | May 12, 2015 |
| Rep. DeSaulnier, Mark [D-CA-11] | D · CA | | Jun 3, 2015 |
| Rep. Hice, Jody B. [R-GA-10] | R · GA | | Jun 3, 2015 |
| Rep. Lieu, Ted [D-CA-33] | D · CA | | Jun 3, 2015 |
| Rep. Amodei, Mark E. [R-NV-2] | R · NV | | Jun 9, 2015 |
| Rep. Duckworth, Tammy [D-IL-8] | D · IL | | Jun 10, 2015 |
| Rep. Polis, Jared [D-CO-2] | D · CO | | Jun 16, 2015 |
| Rep. Olson, Pete [R-TX-22] | R · TX | | Jun 23, 2015 |
| Rep. Messer, Luke [R-IN-6] | R · IN | | Jul 7, 2015 |
| Rep. Ribble, Reid J. [R-WI-8] | R · WI | | Jul 21, 2015 |
| Rep. Yoho, Ted S. [R-FL-3] | R · FL | | Jul 21, 2015 |
| Rep. McGovern, James P. [D-MA-2] | D · MA | | Jul 23, 2015 |
| Rep. Abraham, Ralph Lee [R-LA-5] | R · LA | | Sep 8, 2015 |
| Rep. Cicilline, David N. [D-RI-1] | D · RI | | Jan 7, 2016 |

Committee Activity

| Committee | Chamber | Activity | Date |
|---|---------|-------------|--------------|
| Judiciary Committee | Senate | Referred To | Jan 12, 2016 |
| Oversight and Government Reform Committee | House | Reported By | Jan 7, 2016 |

Subjects & Policy Tags

Policy Area:

Government Operations and Politics

Related Bills

| Bill | Relationship | Last Action |
|-----------|--------------|---|
| 114 S 337 | Related bill | Jun 30, 2016: Became Public Law No: 114-185. |

FOIA Oversight and Implementation Act of 2016 or the FOIA Act

This bill amends the Freedom of Information Act (FOIA) to:

- require federal agencies to make information that is disclosable under such Act available to the public in an electronic, publicly accessible format;
- make available to the public copies of all releasable records under FOIA that have been requested three or more times or that inform the public of the operations and activities of the government;
- require agencies to provide the name, phone number, and email address of an agency employee who can provide current information about the status of a FOIA request;
- require the Office of Management and Budget to ensure the operation of a consolidated online request portal that allows a member of the public to submit a FOIA request for records from a single website;
- require agencies, at a minimum, to provide an email address at which FOIA requests are accepted and to publish such email address on the agency website;
- establish a presumption of openness in administering FOIA by prohibiting an agency from withholding information otherwise disclosable under FOIA unless the agency reasonably foresees that disclosure would cause identifiable harm to an interest protected by a FOIA exemption or if the disclosure is prohibited by law;
- require agencies to identify the statute that exempts a record from disclosure;
- exempt from disclosure under FOIA records or information that would adversely affect intelligence sources and methods that are protected by a FOIA exemption;
- prohibit agencies from denying requests from Congress for information based upon a FOIA exemption;
- limit the FOIA exemption for agency communications to 25 years after the creation of records and information and require agency disclosure of opinions that are controlling interpretations of law, final reports or memoranda solicited and used to make a final policy decision, and guidance documents used to respond to the public; and
- require mandatory awards of attorney fees and litigation costs to prevailing parties in FOIA proceedings.

The bill expands the duties and reporting requirements of the Office of Government Information Services (OGIS). Requires the OGIS to: (1) identify categories of records that would be appropriate for proactive disclosure, (2) offer mediation services for disputed FOIA requests, (3) make its annual reports available in an electronic, publicly accessible format, and (4) hold annual public meetings.

The bill:

- requires agencies that consult with any entity with substantial interests in the determination of a FOIA request to notify the consulted party of need to consult in writing and the consultation requester of specified information about the consultation process;
- prohibits agencies from assessing search or duplication fees if they have failed to comply with a statutory deadline for a FOIA request, with limited exceptions for unusual circumstances and FOIA requests of more than 3,000 pages;
- expands the role of agency Chief FOIA officers to require such officers to serve as the primary liaison between the OGIS and the Office of Information Policy;
- establishes a Chief FOIA Officers Council for developing recommendations to increase FOIA compliance;
- requires each agency to review its FOIA regulations within 180 days after the enactment of this Act and issue regulations on procedures for the disclosure of records under FOIA, for engaging in dispute resolution, and for

engaging with the OGIS; and

- requires the Government Accountability Office to conduct, and report on, a study of the feasibility of requiring non-custodians to search for records to respond to FOIA requests.

(Sec. 3) The bill requires the Inspector General of each federal agency to: (1) periodically review agency compliance with FOIA, including regarding the timely processing of requests, the assessment of fees and fee waivers, and the use of FOIA exemptions; and (2) make recommendations to each agency, including for disciplinary action. This review must be completed and recommendations made not less than once every two years.

(Sec. 4) No additional funds are authorized to carry out the requirements of this Act.

Actions Timeline

- **Jan 12, 2016:** Received in the Senate and Read twice and referred to the Committee on the Judiciary.
- **Jan 11, 2016:** Mr. Chaffetz moved to suspend the rules and pass the bill, as amended.
- **Jan 11, 2016:** Considered under suspension of the rules. (consideration: CR H249-255)
- **Jan 11, 2016:** DEBATE - The House proceeded with forty minutes of debate on H.R. 653.
- **Jan 11, 2016:** Passed/agreed to in House: On motion to suspend the rules and pass the bill, as amended Agreed to by voice vote.(text: CR H249-252)
- **Jan 11, 2016:** On motion to suspend the rules and pass the bill, as amended Agreed to by voice vote. (text: CR H249-252)
- **Jan 11, 2016:** Motion to reconsider laid on the table Agreed to without objection.
- **Jan 7, 2016:** Reported (Amended) by the Committee on Oversight and Government Reform. H. Rept. 114-391.
- **Jan 7, 2016:** Placed on the Union Calendar, Calendar No. 294.
- **Mar 25, 2015:** Committee Consideration and Mark-up Session Held.
- **Mar 25, 2015:** Ordered to be Reported (Amended) by Voice Vote.
- **Feb 2, 2015:** Introduced in House
- **Feb 2, 2015:** Referred to the House Committee on Oversight and Government Reform.

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