

Suspend the Rules and Pass the Bill, H.R. 1615, With An Amendment

(The amendment strikes all after the enacting clause and inserts a new text)

114TH CONGRESS
1ST SESSION

H. R. 1615

To direct the Chief FOIA Officer of the Department of Homeland Security to make certain improvements in the implementation of section 552 of title 5, United States Code (commonly known as the Freedom of Information Act), and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 25, 2015

Mr. CARTER of Georgia (for himself, Mr. McCAUL, Mr. KATKO, Mr. HURD of Texas, Mr. WALKER, Mr. LOUDERMILK, Ms. McSALLY, and Mr. RATCLIFFE) introduced the following bill; which was referred to the Committee on Homeland Security

A BILL

To direct the Chief FOIA Officer of the Department of Homeland Security to make certain improvements in the implementation of section 552 of title 5, United States Code (commonly known as the Freedom of Information Act), and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “DHS FOIA Efficiency
3 Act of 2015”.

4 **SEC. 2. DEPARTMENT OF HOMELAND SECURITY FREEDOM**
5 **OF INFORMATION ACT IMPLEMENTATION.**

6 (a) DEADLINE FOR UPDATING REGULATIONS.—Not
7 later than 90 days after the date of the enactment of this
8 Act, the Chief FOIA Officer of the Department of Home-
9 land Security, as appointed pursuant to section 552(j) of
10 title 5, United States Code, shall finalize and issue an up-
11 dated regulation implementing section 552 of title 5,
12 United States Code (commonly known as the Freedom of
13 Information Act), which shall include—

14 (1) public guidance on procedures to be fol-
15 lowed when making requests under paragraph (1),
16 (2), or (3) of section 552(a) of title 5, United States
17 Code;

18 (2) updated guidance to the components of the
19 Department responsible for processing such re-
20 quests, which may include information on how to
21 adopt automated processing of requests made under
22 paragraphs (1), (2), or (3) of section 552(a) of title
23 5, United States Code;

24 (3) detailed information on fees and costs asso-
25 ciated with such requests; and

1 (4) detailed information on the appeals process
2 for such requests.

3 (b) IDENTIFICATION OF COSTS.—

4 (1) IN GENERAL.—Not later than 90 days after
5 the date of the enactment of this Act, the Chief
6 FOIA Officer, in coordination with the Chief Finan-
7 cial Officer of the Department and the heads of each
8 of the relevant components of the Department, shall
9 identify the total annual cost to the Department of
10 implementing section 552 of title 5, United States
11 Code.

12 (2) GUIDANCE.—The Chief FOIA Officer shall
13 develop guidance on reporting standards related to
14 the direct and indirect costs to the Department asso-
15 ciated with the processing of requests made under
16 paragraphs (1), (2), and (3) of section 552(a) of
17 title 5, United States Code.

18 (c) COST SAVINGS.—The Chief FOIA Officer, in col-
19 laboration with the heads of each of the relevant compo-
20 nents of the Department, shall—

21 (1) identify unnecessary and duplicative actions
22 taken by the Department in the course of processing
23 requests made under paragraphs (1), (2), and (3) of
24 section 552(a) of title 5, United States Code, by not

1 later than 120 days after the date of the enactment
2 of this Act; and

3 (2) eliminate unnecessary and duplicative ac-
4 tions taken by the Department in the course of proc-
5 essing requests made under paragraphs (1), (2), and
6 (3) of section 552(a) of title 5, United States Code,
7 by not later than 12 months after the identification
8 of such action under paragraph (1).

9 (d) FOIA TRACKING SYSTEMS.—Not later than 90
10 days after the date of the enactment of this Act, the Chief
11 FOIA Officer shall develop a plan to automate the proc-
12 essing of requests made under paragraphs (1), (2), and
13 (3) of section 552(a) of title 5, United States Code to the
14 Department. Such plan shall take into account the specific
15 needs of each of the components of the Department re-
16 sponsible for processing such requests and address re-
17 quired and recommended technology capabilities and ele-
18 ments. Such plan shall include an assessment of the costs
19 and benefits associated with establishing and using elec-
20 tronic processing systems to process requests made under
21 paragraphs (1), (2), and (3) of section 552(a) of title 5,
22 United States Code.

23 (e) FOIA BACKLOG.—Not later than 90 days after
24 the date of the enactment of this Act, the Chief Privacy
25 Officer of the Department, in consultation with the Chief

1 FOIA Officer, shall update and issue guidance to the
2 heads of each of the relevant components of the Depart-
3 ment regarding the goal of reducing the backlog in proc-
4 essing requests made under paragraphs (1), (2), and (3)
5 of section 552(a) of title 5, United States Code, by 50
6 percent between fiscal year 2015 and fiscal year 2018.

7 (f) REPORT.—

8 (1) SEMIANNUAL PRIVACY REPORT.—The Chief
9 FOIA Officer shall include in each semiannual pri-
10 vacy report submitted under section 1062(f) of the
11 Intelligence Reform and Terrorism Prevention Act
12 of 2004 (42 U.S.C. 2000ee–1(f)) each of the fol-
13 lowing:

14 (A) The total costs to the Department of
15 meeting the requirements of section 552 of title
16 5, United States Code, for the period covered
17 by the report.

18 (B) An assessment of progress made to-
19 ward meeting the backlog goals pursuant to
20 subsection (e) during the period covered by the
21 report and the periods covered by the two pre-
22 ceding reports.

23 (C) An assessment of whether the Depart-
24 ment has adequate staffing and other resources
25 to address the backlog goals pursuant to sub-

1 section (e) for processing requests made under
2 paragraphs (1), (2), and (3) of section 552(a)
3 of title 5, United States Code.

4 (D) An assessment of the progress made
5 towards automating the processing of requests
6 made under paragraphs (1), (2), and (3) of sec-
7 tion 552(a) of title 5, United States Code, dur-
8 ing the period covered by the report.

9 (2) FISCAL YEAR 2016 REQUIREMENTS.—The
10 Chief FOIA Officer shall include in the second semi-
11 annual privacy report for fiscal year 2016 each of
12 the following:

13 (A) A description of any cost savings iden-
14 tified under subsection (d).

15 (B) The plan developed under subsection
16 (d).

17 (g) DUPLICATIVE ACTION DEFINED.—In this sec-
18 tion, the term “duplicative actions” means actions carried
19 out by two or more components or programs that are en-
20 gaged in the same activities or provide the same services
21 related to the processing of FOIA requests to the same
22 beneficiaries.

23 **SEC. 3. PROGRESS ON AUTOMATION.**

24 Upon completion of the plan to automate the proc-
25 essing of requests made under paragraphs (1), (2), and

1 (3) of section 552(a) of title 5, United States Code, the
2 Chief FOIA Officer shall provide the plan to the heads
3 of the components of the Department and seek written
4 feedback from each head of a component agency regarding
5 the extent to which that component will adopt the plan,
6 the associated costs, and the projected timelines.