

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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “DHS FOIA Efficiency
5 Act of 2015”.

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

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

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

15 (2) updated guidance to the components of the
16 Department responsible for processing such re-
17 quests;

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

20 (4) detailed information on the appeals process
21 for such requests.

22 (b) IDENTIFICATION OF COSTS.—

23 (1) IN GENERAL.—Not later than 90 days after
24 the date of the enactment of this Act, the Chief
25 FOIA Officer, in coordination with the Chief Finan-
26 cial Officer of the Department and the heads of each

1 of the relevant components of the Department, shall
2 identify the total annual cost to the Department of
3 implementing section 552 of title 5, United States
4 Code.

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

11 (c) COST SAVINGS.—Not later than 120 days after
12 the date of the enactment of this Act, the Chief FOIA
13 Officer, in collaboration with the heads of each of the rel-
14 evant components of the Department, shall identify and
15 eliminate unnecessary and duplicative actions taken by the
16 Department in the course of processing requests made
17 under paragraphs (1), (2), and (3) of section 552(a) of
18 title 5, United States Code.

19 (d) FOIA TRACKING SYSTEMS.—Not later than 90
20 days after the date of the enactment of this Act, the Chief
21 FOIA Officer shall develop a plan to automate the proc-
22 essing of requests made under paragraphs (1), (2), and
23 (3) of section 552(a) of title 5, United States Code to the
24 Department. Such plan shall take into account the specific
25 needs of each of the components of the Department re-

1 sponsible for processing such requests and address re-
2 quired and recommended technology capabilities and ele-
3 ments. Such plan shall include an assessment of the costs
4 and benefits associated with establishing and using elec-
5 tronic processing systems to process requests made under
6 paragraphs (1), (2), and (3) of section 552(a) of title 5,
7 United States Code.

8 (e) FOIA BACKLOG.—Not later than 90 days after
9 the date of the enactment of this Act, the Chief Privacy
10 Officer of the Department, in consultation with the Chief
11 FOIA Officer, shall update and issue guidance to the
12 heads of each of the relevant components of the Depart-
13 ment regarding the goal of reducing the backlog in proc-
14 essing requests made under paragraphs (1), (2), and (3)
15 of section 552(a) of title 5, United States Code, by 50
16 percent between fiscal year 2015 and fiscal year 2018.

17 (f) REPORT.—

18 (1) SEMIANNUAL PRIVACY REPORT.—The Chief
19 FOIA Officer shall include in each semiannual pri-
20 vacy report submitted under section 1062(f) of the
21 Intelligence Reform and Terrorism Prevention Act
22 of 2004 (42 U.S.C. 2000ee–1(f)) each of the fol-
23 lowing:

24 (A) The total costs to the Department of
25 meeting the requirements of section 552 of title

1 5, United States Code, for the period covered
2 by the report.

3 (B) An assessment of progress made to-
4 ward meeting the backlog goals pursuant to
5 subsection (e) during the period covered by the
6 report and the periods covered by the two pre-
7 ceding reports.

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

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

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

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