

**AMENDMENT IN THE NATURE OF A SUBSTITUTE  
TO H.R. 1615  
OFFERED BY MR. CARTER OF GEORGIA**

Strike all after the enacting clause and insert the following:

**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;

1           (2) updated guidance to the components of the  
2 Department responsible for processing such re-  
3 quests;

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

6           (4) detailed information on the appeals process  
7 for such requests.

8 (b) IDENTIFICATION OF COSTS.—

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

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

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

1           (1) identify unnecessary and duplicative actions  
2           taken by the Department in the course of processing  
3           requests made under paragraphs (1), (2), and (3) of  
4           section 552(a) of title 5, United States Code, by not  
5           later than 120 days after the date of the enactment  
6           of this Act; and

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

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

1 paragraphs (1), (2), and (3) of section 552(a) of title 5,  
2 United States Code.

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

12 (f) REPORT.—

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

19 (A) The total costs to the Department of  
20 meeting the requirements of section 552 of title  
21 5, United States Code, for the period covered  
22 by the report.

23 (B) An assessment of progress made to-  
24 ward meeting the backlog goals pursuant to  
25 subsection (e) during the period covered by the

1 report and the periods covered by the two pre-  
2 ceding reports.

3 (C) An assessment of whether the Depart-  
4 ment has adequate staffing and other resources  
5 to address the backlog goals pursuant to sub-  
6 section (e) for processing requests made under  
7 paragraphs (1), (2), and (3) of section 552(a)  
8 of title 5, United States Code.

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.

