

109TH CONGRESS
1ST SESSION

S. _____

To establish the Commission on Freedom of Information Act Processing
Delays.

IN THE SENATE OF THE UNITED STATES

Mr. CORNYN (for himself and Mr. LEAHY) introduced the following bill; which
was read twice and referred to the Committee on _____

A BILL

To establish the Commission on Freedom of Information
Act Processing Delays.

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. COMMISSION ON FREEDOM OF INFORMATION**

4 **ACT PROCESSING DELAYS.**

5 (a) SHORT TITLE.—This Act may be cited as the
6 “Faster FOIA Act of 2005”.

7 (b) ESTABLISHMENT.—There is established the Com-
8 mission on Freedom of Information Act Processing Delays
9 (in this Act referred to as the “Commission”) for the pur-
10 pose of conducting a study relating to methods to help

1 reduce delays in processing requests submitted to Federal
2 agencies under section 552 of title 5, United States Code
3 (commonly referred to as the “Freedom of Information
4 Act”).

5 (c) MEMBERSHIP.—

6 (1) IN GENERAL.—The Commission shall be
7 composed of 16 members of whom—

8 (A) 3 shall be appointed by the chairman
9 of the Committee on the Judiciary of the Sen-
10 ate;

11 (B) 3 shall be appointed by the ranking
12 member of the Committee on the Judiciary of
13 the Senate;

14 (C) 3 shall be appointed by the chairman
15 of the Committee on Government Reform of the
16 House of Representatives;

17 (D) 3 shall be appointed by the ranking
18 member of the Committee on Government Re-
19 form of the House of Representatives;

20 (E) 1 shall be appointed by the Attorney
21 General of the United States;

22 (F) 1 shall be appointed by the Director of
23 the Office of Management and Budget;

24 (G) 1 shall be appointed by the Archivist
25 of the United States; and

1 (H) 1 shall be appointed by the Comp-
2 troller General of the United States.

3 (2) QUALIFICATIONS OF CONGRESSIONAL AP-
4 POINTEES.—Of the 3 appointees under each of sub-
5 paragraphs (A), (B), (C), and (D) of paragraph
6 (1)—

7 (A) at least 1 shall have experience in sub-
8 mitting requests under section 552 of title 5,
9 United States Code, to Federal agencies, such
10 as on behalf of nonprofit research or edu-
11 cational organizations or news media organiza-
12 tions; and

13 (B) at least 1 shall have experience in aca-
14 demic research in the fields of library science,
15 information management, or public access to
16 Government information.

17 (d) STUDY.—The Commission shall conduct a study
18 to—

19 (1) identify methods that—

20 (A) will help reduce delays in the proc-
21 essing of requests submitted to Federal agen-
22 cies under section 552 of title 5, United States
23 Code; and

1 (B) ensure the efficient and equitable ad-
2 ministration of that section throughout the
3 Federal Government; and

4 (2) examine whether the system for charging
5 fees and granting waivers of fees under section 552
6 of title 5, United States Code, needs to be reformed
7 in order to reduce delays in processing requests.

8 (e) REPORT.—Not later than 1 year after the date
9 of enactment of this Act, the Commission shall submit a
10 report to Congress and the President containing the re-
11 sults of the study under this section, which shall include—

12 (1) a description of the methods identified by
13 the study;

14 (2) the conclusions and recommendations of the
15 Commission regarding—

16 (A) each method identified; and

17 (B) the charging of fees and granting of
18 waivers of fees; and

19 (3) recommendations for legislative or adminis-
20 trative actions to implement the conclusions of the
21 Commission.

22 (f) STAFF AND ADMINISTRATIVE SUPPORT SERV-
23 ICES.—The Comptroller General of the United States
24 shall provide to the Commission such staff and adminis-
25 trative support services, including research assistance at

1 the request of the Commission, as necessary for the Com-
2 mission to perform its functions efficiently and in accord-
3 ance with this section.

4 (g) INFORMATION.—To the extent permitted by law,
5 the heads of executive agencies, the Government Account-
6 ability Office, and the Congressional Research Service
7 shall provide to the Commission such information as the
8 Commission may require to carry out its functions.

9 (h) COMPENSATION OF MEMBERS.—Members of the
10 Commission shall serve without compensation for services
11 performed for the Commission.

12 (i) TRAVEL EXPENSES.—The members of the Com-
13 mission shall be allowed travel expenses, including per
14 diem in lieu of subsistence, at rates authorized for employ-
15 ees of agencies under subchapter I of chapter 57 of title
16 5, United States Code, while away from their homes or
17 regular places of business in the performance of services
18 for the Commission.

19 (j) APPLICABILITY OF FEDERAL ADVISORY COM-
20 MITTEE ACT.—The Federal Advisory Committee Act (5
21 U.S.C. App.) shall apply to the Commission.

22 (k) TERMINATION.—The Commission shall terminate
23 30 days after the submission of the report under sub-
24 section (e).