

In this highly competitive world, we applaud your efforts to lead this legislation to maintain U.S. leadership in research and innovation.

Sincerely,

BARBARA J. WILSON,
Interim Chancellor.

OFFICE OF THE CHANCELLOR,
THE TEXAS A&M UNIVERSITY SYSTEM,
College Station, TX, June 8, 2016.

Hon. LAMAR SMITH,
Chairman, House Committee on Science, Space, and Technology, Washington, DC.

DEAR CHAIRMAN SMITH: Thank you for your leadership in advancing the bipartisan Networking and Information Technology Research and Development (NITRD) Modernization Act of 2016. As our nation and its citizens become increasingly connected through information technology, the need to reauthorize this critical program is evident.

We especially applaud the Committee for updating the program to focus on large-scale, long-term transformative interdisciplinary research. We face growing challenges that are complex and interrelated—from cybersecurity threats to human interfaces with information technology—that require new approaches to research and development. To this end, we are also pleased to see an increased focus in this legislation on Grand Challenges and cyber security needs.

As a leader in cybersecurity and information technology research and education, Texas A&M University is proud to partner with industry and Federal agencies to provide solutions to some of our nation's most vexing issues. The National Security Agency (NSA) and the Department of Homeland Security (DHS) designated Texas A&M University as a National Center of Academic Excellence, both in education and in research. This well-regarded designation places Texas A&M among a select group of only 30 universities that have earned both distinctions. Further the Texas A&M Engineering Extension Service (TEEX) provides a wide variety of online cybersecurity training for community leaders and businesses from cyberlaw and white collar crime to ethics to risk management and network vulnerability assessment. Given the rapidly expanding workforce needs in this area, Texas A&M prides itself on preparing students and professionals to keep our nation competitive.

We are grateful for your leadership of the Science Committee and the work that you have put into this legislation. We look forward to continuing our work with you in the coming months and years.

Sincerely,

JOHN SHARP,
Chancellor.

INFORMATION TECHNOLOGY
INDUSTRY COUNCIL,
Washington, DC, June 10, 2016.

Re H.R. 5312, the Networking and Information Technology Research and Development Modernization Act of 2016

Hon. PAUL D. RYAN,
Speaker of the House, House of Representatives, Washington, DC.

Hon. NANCY PELOSI,
Democratic Leader, House of Representatives, Washington, DC.

DEAR SPEAKER RYAN AND LEADER PELOSI: On behalf of the 60 members of the Information Technology Industry Council (ITI), I write to express our support for H.R. 5312, the Networking and Information Technology Research and Development (NITRD) Modernization Act of 2016.

The NITRD Program ensures the proper coordination of unclassified networking and information technology (NIT) research and development (R&D) across multiple federal agencies. More specifically, the Program

aims to avoid investment redundancies, as well as increase interoperability in supercomputing, high-speed networking, cybersecurity, software engineering, and information management. However, since its inception in 1991, there have been unprecedented technological advances that are not currently addressed in the Program's overall structure. H.R. 5312 comprehensively modernizes the Program by updating essential terminology throughout the underlying law; addressing new areas of NIT research; and encouraging large-scale, long-term, interagency research in critical areas such as data analytics, social computing, human-robot interaction, privacy, and health technology.

The Program plays a key role in supporting continuous federal research in various aspects related to computing, including cybersecurity. Promoting greater federal R&D in cybersecurity is essential for securing our country's digital infrastructure. Consequently, we urge you to support the NITRD Modernization Act when it comes to the floor for a vote.

Sincerely,

DEAN C. GARFIELD,
President and CEO.

COMPUTING RESEARCH ASSOCIATION,
Washington, DC, May 23 2016.

Hon. LAMAR SMITH,
Chairman, House Science, Space, and Technology Committee, Washington, DC.

Hon. EDDIE BERNICE JOHNSON,
Ranking Member, House Science, Space, and Technology Committee, Washington, DC.

CHAIRMAN SMITH, RANKING MEMBER JOHNSON: As an organization representing over 240 industry and academic institutions involved in computing research and six affiliated professional societies, the Computing Research Association is pleased to support your efforts to bolster Federal information technology research through the Networking and Information Technology Research and Development Modernization Act of 2016.

As you are aware, advances in information technology are transforming all aspects of our lives. Virtually every human endeavor today has been touched by information technology, including commerce, education, employment, health care, energy, manufacturing, governance, national security, communications, the environment, entertainment, science and engineering. The profound reach of IT is enabled in large part by the innovations that spawn from the IT research ecosystem—that incredibly productive, yet complex interplay of industry, universities and the Federal government. Indeed, nearly every sub-sector of the IT economy today bears the stamp of Federal support. The program responsible for overseeing this crucial investment is the Networking and Information Technology Research and Development (NITRD) program.

We believe this Act makes the NITRD program stronger by improving the planning and coordination of the National Coordination Office for NITRD, requiring that the NCO and the NITRD agencies create a five-year strategic plan for the program, and requiring the periodic review and assessment of the program contents and funding. All have been recommendations of the President's Council of Advisors for Science and Technology in their recent reviews of the program.

We thank you for your work on this legislation and for your long-standing support of the Federal investment in IT research. We look forward to working with you and your colleagues as you endeavor to move the legislation forward this session.

Sincerely,

SUSAN B. DAVIDSON,
Chair, Board of Directors.

COMPTIA,

Washington, DC, June 13, 2016.

CHRIS SHANK,
*Policy and Coalitions Director,
House Science, Space, and Technology Committee, Washington, DC.*

CHRIS: Thank you for providing ComptIA the opportunity to lend our support to the Networking and Information Technology Research and Development (NITRD) Modernization Act of 2016 (H.R. 5312).

As stated on the NITRD website, "the multiagency NITRD Program seeks to provide the research and development (R&D) foundations for assuring continued U.S. technological leadership and meeting the needs of the Federal Government for advanced information technologies." ComptIA strongly supports the Act as it assures that NITRD continues to receive the funding necessary to help drive innovation through the scientific community. ComptIA also supports the development of a national coordination office to ensure improved communication within the NITRD ecosystem. Finally, ComptIA supports the focus on Grand Challenges that correlates with the NITRD portfolio.

Best Regards,

DAVID LOGSDON,
*Senior Director,
Public Advocacy.*

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. LAHOOD) that the House suspend the rules and pass the bill, H.R. 5312, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. LAHOOD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

FOIA IMPROVEMENT ACT OF 2016

Mr. MEADOWS. Mr. Speaker, I move to suspend the rules and pass the bill (S. 337) to improve the Freedom of Information Act.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 337

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "FOIA Improvement Act of 2016".

SEC. 2. AMENDMENTS TO FOIA.

Section 552 of title 5, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by striking "for public inspection and copying" and inserting "for public inspection in an electronic format";

(ii) by striking subparagraph (D) and inserting the following:

"(D) copies of all records, regardless of form or format—

"(i) that have been released to any person under paragraph (3); and

"(ii) (I) that because of the nature of their subject matter, the agency determines have become or are likely to become the subject

of subsequent requests for substantially the same records; or

“(II) that have been requested 3 or more times; and”; and

(iii) in the undesignated matter following subparagraph (E), by striking “public inspection and copying current” and inserting “public inspection in an electronic format current”;

(B) in paragraph (4)(A), by striking clause (viii) and inserting the following:

“(viii)(I) Except as provided in subclause (II), an agency shall not assess any search fees (or in the case of a requester described under clause (ii)(II) of this subparagraph, duplication fees) under this subparagraph if the agency has failed to comply with any time limit under paragraph (6).

“(II)(aa) If an agency has determined that unusual circumstances apply (as the term is defined in paragraph (6)(B)) and the agency provided a timely written notice to the requester in accordance with paragraph (6)(B), a failure described in subclause (I) is excused for an additional 10 days. If the agency fails to comply with the extended time limit, the agency may not assess any search fees (or in the case of a requester described under clause (ii)(II) of this subparagraph, duplication fees).

“(bb) If an agency has determined that unusual circumstances apply and more than 5,000 pages are necessary to respond to the request, an agency may charge search fees (or in the case of a requester described under clause (ii)(II) of this subparagraph, duplication fees) if the agency has provided a timely written notice to the requester in accordance with paragraph (6)(B) and the agency has discussed with the requester via written mail, electronic mail, or telephone (or made not less than 3 good-faith attempts to do so) how the requester could effectively limit the scope of the request in accordance with paragraph (6)(B)(ii).

“(cc) If a court has determined that exceptional circumstances exist (as that term is defined in paragraph (6)(C)), a failure described in subclause (I) shall be excused for the length of time provided by the court order.”;

(C) in paragraph (6)—

(i) in subparagraph (A)(i), by striking “making such request” and all that follows through “determination; and” and inserting the following: “making such request of—

“(I) such determination and the reasons therefor;

“(II) the right of such person to seek assistance from the FOIA Public Liaison of the agency; and

“(III) in the case of an adverse determination—

“(aa) the right of such person to appeal to the head of the agency, within a period determined by the head of the agency that is not less than 90 days after the date of such adverse determination; and

“(bb) the right of such person to seek dispute resolution services from the FOIA Public Liaison of the agency or the Office of Government Information Services; and”;

(ii) in subparagraph (B)(ii), by striking “the agency.” and inserting “the agency, and notify the requester of the right of the requester to seek dispute resolution services from the Office of Government Information Services.”; and

(D) by adding at the end the following:

“(8)(A) An agency shall—

“(i) withhold information under this section only if—

“(I) the agency reasonably foresees that disclosure would harm an interest protected by an exemption described in subsection (b); or

“(II) disclosure is prohibited by law; and

“(ii)(I) consider whether partial disclosure of information is possible whenever the agency determines that a full disclosure of a requested record is not possible; and

“(II) take reasonable steps necessary to segregate and release nonexempt information; and

“(B) Nothing in this paragraph requires disclosure of information that is otherwise prohibited from disclosure by law, or otherwise exempted from disclosure under subsection (b)(3).”;

(2) in subsection (b), by amending paragraph (5) to read as follows:

“(5) inter-agency or intra-agency memorandums or letters that would not be available by law to a party other than an agency in litigation with the agency, provided that the deliberative process privilege shall not apply to records created 25 years or more before the date on which the records were requested.”; and

(3) in subsection (e)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by inserting “and to the Director of the Office of Government Information Services” after “United States”;

(ii) in subparagraph (N), by striking “and” at the end;

(iii) in subparagraph (O), by striking the period at the end and inserting a semicolon; and

(iv) by adding at the end the following:

“(F) the number of times the agency denied a request for records under subsection (c); and

“(Q) the number of records that were made available for public inspection in an electronic format under subsection (a)(2).”;

(B) by striking paragraph (3) and inserting the following:

“(3) Each agency shall make each such report available for public inspection in an electronic format. In addition, each agency shall make the raw statistical data used in each report available in a timely manner for public inspection in an electronic format, which shall be made available—

“(A) without charge, license, or registration requirement;

“(B) in an aggregated, searchable format; and

“(C) in a format that may be downloaded in bulk.”;

(C) in paragraph (4)—

(i) by striking “Government Reform and Oversight” and inserting “Oversight and Government Reform”;

(ii) by inserting “Homeland Security and” before “Governmental Affairs”;

(iii) by striking “April” and inserting “March”;

(D) by striking paragraph (6) and inserting the following:

“(6)(A) The Attorney General of the United States shall submit to the Committee on Oversight and Government Reform of the House of Representatives, the Committee on the Judiciary of the Senate, and the President a report on or before March 1 of each calendar year, which shall include for the prior calendar year—

“(i) a listing of the number of cases arising under this section;

“(ii) a listing of—

“(I) each subsection, and any exemption, if applicable, involved in each case arising under this section;

“(II) the disposition of each case arising under this section; and

“(III) the cost, fees, and penalties assessed under subparagraphs (E), (F), and (G) of subsection (a)(4); and

“(iii) a description of the efforts undertaken by the Department of Justice to encourage agency compliance with this section.

“(B) The Attorney General of the United States shall make—

“(i) each report submitted under subparagraph (A) available for public inspection in an electronic format; and

“(ii) the raw statistical data used in each report submitted under subparagraph (A) available for public inspection in an electronic format, which shall be made available—

“(I) without charge, license, or registration requirement;

“(II) in an aggregated, searchable format; and

“(III) in a format that may be downloaded in bulk.”;

(4) in subsection (g), in the matter preceding paragraph (1), by striking “publicly available upon request” and inserting “available for public inspection in an electronic format”;

(5) in subsection (h)—

(A) in paragraph (1), by adding at the end the following: “The head of the Office shall be the Director of the Office of Government Information Services.”;

(B) in paragraph (2), by striking subparagraph (C) and inserting the following:

“(C) identify procedures and methods for improving compliance under this section.”;

(C) by striking paragraph (3) and inserting the following:

“(3) The Office of Government Information Services shall offer mediation services to resolve disputes between persons making requests under this section and administrative agencies as a nonexclusive alternative to litigation and may issue advisory opinions at the discretion of the Office or upon request of any party to a dispute.”; and

(D) by adding at the end the following:

“(4)(A) Not less frequently than annually, the Director of the Office of Government Information Services shall submit to the Committee on Oversight and Government Reform of the House of Representatives, the Committee on the Judiciary of the Senate, and the President—

“(i) a report on the findings of the information reviewed and identified under paragraph (2);

“(ii) a summary of the activities of the Office of Government Information Services under paragraph (3), including—

“(I) any advisory opinions issued; and

“(II) the number of times each agency engaged in dispute resolution with the assistance of the Office of Government Information Services or the FOIA Public Liaison; and

“(iii) legislative and regulatory recommendations, if any, to improve the administration of this section.

“(B) The Director of the Office of Government Information Services shall make each report submitted under subparagraph (A) available for public inspection in an electronic format.

“(C) The Director of the Office of Government Information Services shall not be required to obtain the prior approval, comment, or review of any officer or agency of the United States, including the Department of Justice, the Archivist of the United States, or the Office of Management and Budget before submitting to Congress, or any committee or subcommittee thereof, any reports, recommendations, testimony, or comments, if such submissions include a statement indicating that the views expressed therein are those of the Director and do not necessarily represent the views of the President.

“(5) The Director of the Office of Government Information Services may directly submit additional information to Congress and the President as the Director determines to be appropriate.

“(6) Not less frequently than annually, the Office of Government Information Services shall conduct a meeting that is open to the public on the review and reports by the Office and shall allow interested persons to appear and present oral or written statements at the meeting.”;

(6) by striking subsections (j) and (k), and inserting the following:

“(j)(1) Each agency shall designate a Chief FOIA Officer who shall be a senior official of such agency (at the Assistant Secretary or equivalent level).

“(2) The Chief FOIA Officer of each agency shall, subject to the authority of the head of the agency—

“(A) have agency-wide responsibility for efficient and appropriate compliance with this section;

“(B) monitor implementation of this section throughout the agency and keep the head of the agency, the chief legal officer of the agency, and the Attorney General appropriately informed of the agency’s performance in implementing this section;

“(C) recommend to the head of the agency such adjustments to agency practices, policies, personnel, and funding as may be necessary to improve its implementation of this section;

“(D) review and report to the Attorney General, through the head of the agency, at such times and in such formats as the Attorney General may direct, on the agency’s performance in implementing this section;

“(E) facilitate public understanding of the purposes of the statutory exemptions of this section by including concise descriptions of the exemptions in both the agency’s handbook issued under subsection (g), and the agency’s annual report on this section, and by providing an overview, where appropriate, of certain general categories of agency records to which those exemptions apply;

“(F) offer training to agency staff regarding their responsibilities under this section;

“(G) serve as the primary agency liaison with the Office of Government Information Services and the Office of Information Policy; and

“(H) designate 1 or more FOIA Public Liaisons.

“(3) The Chief FOIA Officer of each agency shall review, not less frequently than annually, all aspects of the administration of this section by the agency to ensure compliance with the requirements of this section, including—

“(A) agency regulations;

“(B) disclosure of records required under paragraphs (2) and (8) of subsection (a);

“(C) assessment of fees and determination of eligibility for fee waivers;

“(D) the timely processing of requests for information under this section;

“(E) the use of exemptions under subsection (b); and

“(F) dispute resolution services with the assistance of the Office of Government Information Services or the FOIA Public Liaison.

“(k)(1) There is established in the executive branch the Chief FOIA Officers Council (referred to in this subsection as the ‘Council’).

“(2) The Council shall be comprised of the following members:

“(A) The Deputy Director for Management of the Office of Management and Budget.

“(B) The Director of the Office of Information Policy at the Department of Justice.

“(C) The Director of the Office of Government Information Services.

“(D) The Chief FOIA Officer of each agency.

“(E) Any other officer or employee of the United States as designated by the Co-Chairs.

“(3) The Director of the Office of Information Policy at the Department of Justice and

the Director of the Office of Government Information Services shall be the Co-Chairs of the Council.

“(4) The Administrator of General Services shall provide administrative and other support for the Council.

“(5)(A) The duties of the Council shall include the following:

“(i) Develop recommendations for increasing compliance and efficiency under this section.

“(ii) Disseminate information about agency experiences, ideas, best practices, and innovative approaches related to this section.

“(iii) Identify, develop, and coordinate initiatives to increase transparency and compliance with this section.

“(iv) Promote the development and use of common performance measures for agency compliance with this section.

“(B) In performing the duties described in subparagraph (A), the Council shall consult on a regular basis with members of the public who make requests under this section.

“(6)(A) The Council shall meet regularly and such meetings shall be open to the public unless the Council determines to close the meeting for reasons of national security or to discuss information exempt under subsection (b).

“(B) Not less frequently than annually, the Council shall hold a meeting that shall be open to the public and permit interested persons to appear and present oral and written statements to the Council.

“(C) Not later than 10 business days before a meeting of the Council, notice of such meeting shall be published in the Federal Register.

“(D) Except as provided in subsection (b), the records, reports, transcripts, minutes, appendices, working papers, drafts, studies, agenda, or other documents that were made available to or prepared for or by the Council shall be made publicly available.

“(E) Detailed minutes of each meeting of the Council shall be kept and shall contain a record of the persons present, a complete and accurate description of matters discussed and conclusions reached, and copies of all reports received, issued, or approved by the Council. The minutes shall be redacted as necessary and made publicly available.”; and

(7) by adding at the end the following:

“(m)(1) The Director of the Office of Management and Budget, in consultation with the Attorney General, shall ensure the operation of a consolidated online request portal that allows a member of the public to submit a request for records under subsection (a) to any agency from a single website. The portal may include any additional tools the Director of the Office of Management and Budget finds will improve the implementation of this section.

“(2) This subsection shall not be construed to alter the power of any other agency to create or maintain an independent online portal for the submission of a request for records under this section. The Director of the Office of Management and Budget shall establish standards for interoperability between the portal required under paragraph (1) and other request processing software used by agencies subject to this section.”.

SEC. 3. REVIEW AND ISSUANCE OF REGULATIONS.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the head of each agency (as defined in section 551 of title 5, United States Code) shall review the regulations of such agency and shall issue regulations on procedures for the disclosure of records under section 552 of title 5, United States Code, in accordance with the amendments made by section 2.

(b) REQUIREMENTS.—The regulations of each agency shall include procedures for en-

gaging in dispute resolution through the FOIA Public Liaison and the Office of Government Information Services.

SEC. 4. PROACTIVE DISCLOSURE THROUGH RECORDS MANAGEMENT.

Section 3102 of title 44, United States Code, is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4); and

(2) by inserting after paragraph (1) the following:

“(2) procedures for identifying records of general interest or use to the public that are appropriate for public disclosure, and for posting such records in a publicly accessible electronic format;”.

SEC. 5. NO ADDITIONAL FUNDS AUTHORIZED.

No additional funds are authorized to carry out the requirements of this Act or the amendments made by this Act. The requirements of this Act and the amendments made by this Act shall be carried out using amounts otherwise authorized or appropriated.

SEC. 6. APPLICABILITY.

This Act, and the amendments made by this Act, shall take effect on the date of enactment of this Act and shall apply to any request for records under section 552 of title 5, United States Code, made after the date of enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. MEADOWS) and the gentlewoman from New York (Mrs. CAROLYN B. MALONEY) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina.

GENERAL LEAVE

Mr. MEADOWS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. MEADOWS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of S. 337, the FOIA Improvement Act of 2016. We stand here today 3 weeks shy of the FOIA’s 50th anniversary to strengthen the law that established the public’s right to know.

Enacted in 1966, FOIA was the product of more than a decade of work on government secrecy by a predecessor committee to the current Oversight and Government Reform Committee. At the time, FOIA was only the third public information law in the world. It was by far the most far-reaching. FOIA established a right to information, which is commonly known as the public’s right to know.

S. 337 reaffirms the public’s right to know and puts in place several reforms to stop agencies from slowly eroding the effectiveness of using FOIA to exercise that right.

This bill is a bipartisan effort to improve the public’s access to information and transparency in the Federal Government.

I would like to thank Senators CORNYN, GRASSLEY, and LEAHY for their

hard work that they put into writing and passing this bill. I would also like to thank Representative DARRELL ISSA and Ranking Member ELIJAH CUMMINGS for their work on the House bill, H.R. 653, which passed in January.

Through all of our combined efforts, I believe that this is the best bill we can send to the President's desk. I have no doubt that the reforms contained in this bill will significantly improve the American public's ability to exercise their right to access information.

The most important reform is the presumption of openness. Now, while some—but far from all—Federal agencies have made an effort to comply with the letter of the law, very few have complied with the spirit of the law. The presumption of openness puts that spirit into the letter of the law. Before claiming an exemption, agencies must first determine whether they could reasonably foresee an actual harm.

FOIA includes exemptions because publicly releasing information can sometimes cause more harm than good. But from the beginning, agencies have taken advantage of these exemptions to withhold any information that might technically fit. Under the presumption of openness, agencies may no longer withhold information that is embarrassing or could possibly paint the agency in a negative light simply because an exemption may technically apply. This will go a long way toward getting rid of the withhold-it-because-you-want-to exemption.

S. 337 establishes reforms that will bring attention, leadership, and commitment to improvement to all Federal agencies.

The Department of Homeland Security is a great example of how attention, leadership, and a commitment to improvement can be more valuable, at times, than additional dollars. From 2009 to 2015, requests sent to DHS nearly tripled. DHS requests accounted for about 40 percent of all the requests governmentwide. As the requests increased, so did the backlog. And in 2014, that backlog at DHS exceeded more than 100,000 requests. However, the agency made a commitment to improve its efficiency and reduce its backlog.

In 2015, that backlog was down by two-thirds, to about 35,000. Costs overall went up, but that is expected when requests nearly triple in just 6 years. What is not expected is that the cost per request was cut by 58 percent. In 2009, DHS averaged \$255 per request processed, and in 2015, the costs had dropped to \$148 per request processed.

S. 337 establishes reforms that will ensure all agencies have the attention and the leadership necessary to improve the FOIA process. The bill establishes a Chief FOIA Officers Council, which is directed to develop initiatives to increase transparency and compliance with FOIA and make recommendations for increased efficiencies and share best practices.

The bill establishes greater independence of the Office of Government Information Services, which will allow OGIS to give unbiased, unfiltered testimony and recommendations.

S. 337 creates an incentive for agencies to comply with the law by preventing agencies from collecting fees for any request for up to 5,000 pages if that request is not completed within the statutory time limits.

Out-of-date regulations have been repeatedly used as an excuse to withhold information, delay requests, or otherwise to obstruct the process. S. 337 gets rid of this excuse by requiring agencies to update their regulations so that they are operating under the current law.

S. 337 also simplifies the process of submitting requests by establishing an online central portal that will allow a member of the public to submit a request to an agency at a single Web site rather than forcing the public to navigate each agency's different process and Web site.

These reforms and others packaged in the FOIA Improvement Act will go a long way to improving transparency and bringing agency leadership attention to improving the public's ability to exercise their right to know.

Mr. Speaker, I urge all of my colleagues to join me in supporting this giant step forward to improve FOIA and the public's access to information.

Mr. Speaker, I reserve the balance of my time.

□ 1700

Mrs. CAROLYN B. MALONEY of New York. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of the FOIA Improvement Act of 2016, also known as the public's right to know or Transparency in Government Act.

It is fitting that we pass this bill to strengthen the Freedom of Information Act just a few weeks before the 50th anniversary of this important law. The National Archives and Records Administration currently has on display the original Freedom of Information Act in celebration of the anniversary on July 4. It is inspiring to think that 50 years have passed and that document is still the most important tool that the public has to access information about their government.

When FOIA was passed in 1966, it was only the third freedom of information law in the entire world, and it was by far the most powerful. Now countries all over the world have transparency laws that are modeled on our Nation's FOIA law. We are here today in the ongoing quest to improve FOIA and to keep it current with changes in technology.

I want to thank Congressmen ISSA and CUMMINGS for introducing the House version of the bill and Senators LEAHY and CORNYN for taking the lead in the Senate.

This bill is the result of many voices providing feedback and helpful cri-

tiques. That is the way a good law is made. Advocacy groups such as OpenTheGovernment.org and the Sunshine in Government Initiative have been critical to the success of this legislation.

The FOIA Improvement Act is a bicameral, bipartisan bill. With its passage today, it will now go on to the President for his signature.

The bill would codify the presumption of openness standard that President Obama put in place on his first day in office. Under this standard, agencies will be required to err on the side of transparency when responding to requests.

The bill would also put a 25-year sunset on exemption 5 of FOIA, the deliberative process exemption. It would modernize FOIA by requiring the Office of Management and Budget to create a central FOIA Web site for requesters to submit their request, making it more efficient and accessible to the public.

This bill would strengthen the independence and the role of the Office of Government Information Services. OGIS has served a critical role since it was formed in response to the last FOIA reform Congress adopted in 2007.

I would like to take a moment to thank the hardworking Federal employees who serve as FOIA officers. They are dedicated professionals who care about making FOIA work.

It is critical that Congress provide the funds necessary for agencies to have strong FOIA programs with experienced and trained FOIA professionals. It is not reasonable for us to ask agencies to do more if we do not give them the resources to do it.

The FOIA Improvement Act would require each agency to designate a chief FOIA officer. The chief FOIA officer would have responsibility for ensuring that FOIA is implemented efficiently and appropriately in the agency. I hope this addition to FOIA will help elevate the importance of FOIA in agencies that have not always given it the attention it deserves.

Thank you to the many FOIA professionals who have provided feedback on the bill over the past 3 years. Thank you also to the FOIA requesters who provided feedback, requesters such as Nate Jones from the National Security Archive and David McCraw from The New York Times. They all provided useful suggestions for reform.

I understand that some proposals did not make it into the final bill, but they did shape the debate and will help us as we look forward to future reforms.

A Los Angeles Times editorial said: "worthy of not only Obama's signature, but also his vocal support."

A New York Times editorial said: "This is a rare chance to log a significant bipartisan accomplishment in the public interest."

Enactment of this legislation will be an important step forward for transparency.

I reserve the balance of my time.

Mr. MEADOWS. Mr. Speaker, I would like to thank the gentlewoman from

New York (Mrs. CAROLYN B. MALONEY) for her support on this bill.

I yield 6 minutes to the gentleman from California (Mr. ISSA), who has spent a considerable amount of time not only on the House version, but really helping shape the debate on making sure that the public interests of America is protected.

Mr. ISSA. Mr. Speaker, this has been a long time coming, and there is a lot of thanks to go around. Certainly for Senator CORNYN and Senator LEAHY, this is going to be a proud week with the passage of this bill in the House and, ultimately, it going to the President.

I don't believe this would have been possible without the partnership that ELIJAH CUMMINGS and I formed some years ago. The House has led in not just one, but in two Congresses, sending to the Senate very tough language dramatically improving what we see as the flaws in FOIA that have developed.

Congresswoman MALONEY, very rightfully so, said there are a lot of things that the interest groups and Congressman CUMMINGS and myself and, perhaps, everyone else who will vote on it here today would like to have seen. I don't want to belabor the point, but when this bill becomes law and is signed by the President, there will be enough left for a new bill to start again.

Having said that, we celebrate today the fact that we have made some milestones. Codifying in law the presumption of openness and, once and for all, ending the deliberative process' unlimited length and reducing it to 25 years long, long after a President has left office, is a good start.

I want to note that, in the original House bill—one area that I was particularly pleased that Mr. CUMMINGS and I were able to come to an agreement on—if an agency unreasonably delays, there should be a result. If someone has to sue, whether it is The New York Times or an interest group, and, ultimately, the government is unreasonable and is withholding, reasonable fees should be recovered. That isn't in the bill. I hope that it will be in future legislation.

The fact is that this bill includes some very important points, not the least of which will be making more public and accessible the repeated request for various parts of FOIA, and, of course, reducing the delays and the time lag.

Having said that, through the establishment of a board and the recognition that only through diligence and closing the quality circle that occurs can we come back to this body and say more needs to be done and name it.

But today is a day for celebration. I want to thank Mr. CUMMINGS one more time, Chairman CHAFFETZ, the Members of the House and the Senate, urge the passage of the bill, and recognize that this is, in fact, a 50-year-old law. It has stood the test of time. It has proven to be an asset for the American

people and for their right to know. We will build on this.

Lastly, and Congresswoman MALONEY named it, there were countless outside transparency groups that spanned from the farthest left of our country's politics to the farthest right of our politics, all of whom wanted more open access to their government. Today, we are achieving it. We still will have a government that knows far more about us than we know about our government; but today, we are opening the possibility that, in a timely fashion, more often more people who have a vested interest in knowing something that the government has done or is doing will have the ability to get that information.

I thank Congressman MEADOWS for making this bill possible today. His leadership has been critical, and his friendship has been critical all along the way.

Mrs. CAROLYN B. MALONEY of New York. Mr. Speaker, I yield 5 minutes to the gentleman from Maryland (Mr. CUMMINGS), who has led many of the discussions in this body on criminal justice reform and reform in so many ways, including this bill that he helped author with former Chairman ISSA.

Mr. CUMMINGS. Mr. Speaker, I thank the gentlewoman for yielding.

I want to thank Mr. MEADOWS and Mr. CHAFFETZ and, certainly, Speaker RYAN for getting this bill to the floor.

I associate myself completely with the words of the former chairman of our Oversight and Government Reform Committee, Mr. ISSA. I don't think there has been anyone who has worked harder on getting this bill to the floor than Mr. ISSA. Without a doubt, his fingerprints are all over it. I really do, from the depths of my heart, thank him for all that he has done to make this happen.

The FOIA Improvement Act is a product of a 3-year journey—that is a long time—that began when Representative ISSA and I first introduced the basis for the bill in 2013. Mr. ISSA worked with me on the House version of this bill, and Senators LEAHY and CORNYN took the lead in the Senate.

Again, I want to thank the chairman of the Oversight and Government Reform Committee, JASON CHAFFETZ, for his work on FOIA reform and for his support bringing the bill to the floor. He has proposed some additional initiatives that did not make it into this version of the bill but that deserve continued attention.

Even in our negotiations, I give it to Chairman CHAFFETZ. You know, a lot of times when you are trying to work things out and get things done between the House and the Senate, there has to be some compromise. There are a lot of good things that he wanted in the bill that I strongly supported, but we were not able to get them in.

For example, one of his provisions would have required every agency to accept FOIA requests by email. This is a simple improvement that every agen-

cy should adopt, and I look forward to working with Chairman CHAFFETZ in the years ahead on such commonsense reforms.

I would like to recognize a few of the staff for both Representatives ISSA and CHAFFETZ who deserve recognition, strong recognition, for the work they put into this legislation over the last few years: Tegan Gelfand, Ali Ahmad, and Katy Rother. I want to thank them for all of the work that they have done in making this happen.

In addition, advocacy groups, as Mr. ISSA mentioned, such as OpenTheGovernment.org and Sunshine in Government Initiative, as well as experts such as Anne Weismann at Campaign for Accountability, have been critical to the success of this legislation.

Finally, I would like to take time to thank our Speaker. His office has been extremely helpful, and he also deserves credit for bringing this bill to the floor today. It simply would not have been possible without his leadership.

The FOIA Improvement Act is a truly bicameral, bipartisan bill. With its passage today, it will now go on to the President for his signature. It builds on the work of the Obama administration, which has done more to advance transparency than any administration in history.

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The bill would codify the presumption of openness standard that President Obama put in place on his first day in office.

The bill would also put a 25-year sunset on exemption No. 5 of FOIA—the deliberative process exemption.

It would modernize FOIA by requiring the Office of Management and Budget to create a central portal to allow FOIA requests to any agency through a single Web site.

The Office of Government Information Services, which is the FOIA ombudsman that was created by Congress in 2007, would become more independent under this bill and would be allowed to submit testimony and reports directly to Congress without going through political review.

Finally, FOIA officers could share best practices through a Chief FOIA Officers Council that would be established under the bill.

These are just some of the examples of the many improvements to FOIA that are contained in this legislation. The FOIA Improvement Act is a big step forward in transparency, and I urge my colleagues to support this legislation and “fix FOIA by 50.”

Mr. MEADOWS. Mr. Speaker, I yield myself such time as I may consume.

I thank the gentleman from Maryland (Mr. CUMMINGS) for his insightful, well-thought-out words on behalf of this bill. Indeed, Mr. ISSA and Mr. CUMMINGS have been a moving force and, really, one of the primary forces as to why we are here today; so I just want to acknowledge that.

I reserve the balance of my time.

Mrs. CAROLYN B. MALONEY of New York. Mr. Speaker, I yield myself the balance of my time.

I join my voice with Ranking Member CUMMINGS' in being associated with the words from my friend and colleague from the great State of North Carolina in support of this important legislation and to also compliment not only ELIJAH CUMMINGS for his leadership, but former Chairman ISSA for making this a priority and for helping to move it to the floor and make it happen.

This is a good, bipartisan bill. It was worked on diligently by both sides in both the House and the Senate. It is an important step forward for transparency. It is a strengthened bill. It deserves the support of everyone on both sides of the aisle, and I urge my colleagues to support it.

Mr. Speaker, I yield back the balance of my time.

Mr. MEADOWS. Mr. Speaker, I yield myself such time as I may consume.

I acknowledge the, really, unbelievable work of the staff. Many times, as you well know, Mr. Speaker, we will get up and work very hard, but it is the countless hours on behalf of our staff that really allows us to move legislation forward; so I wouldn't want this day to go by without acknowledging their support and work.

Also, I acknowledge the leadership of Chairman CHAFFETZ in his being able to not only navigate this bill before and, hopefully, to the President's desk for signing, but certainly in his leadership on transparency and in making sure that the government of the people is accountable to the people.

I urge the adoption of this bill.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. RIGELL). The question is on the motion offered by the gentleman from North Carolina (Mr. MEADOWS) that the House suspend the rules and pass the bill, S. 337.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

OVERSEE VISA INTEGRITY WITH STAKEHOLDER ADVISORIES ACT

Mrs. MIMI WALTERS of California. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3636) to amend the Immigration and Nationality Act to allow labor organizations and management organizations to receive the results of visa petitions about which such organizations have submitted advisory opinions, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3636

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Oversee Visa Integrity with Stakeholder Advisories Act" or the "O-VISA Act".

SEC. 2. ALLOWING CERTAIN ORGANIZATIONS TO RECEIVE THE RESULTS OF VISA PETITIONS.

Section 214(c)(3) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(3)) is amended—

(1) by striking "Attorney General" each place it appears and inserting "Secretary of Homeland Security"; and

(2) in the first sentence of the matter following subparagraph (B)—

(A) by striking "and (iv)" and inserting "(iv)"; and

(B) by striking the period at the end and inserting the following: ", and (v) upon making the decision, the Secretary of Homeland Security shall provide a copy of the decision to each organization with which the Secretary consulted under subparagraph (A) or (B)."

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Mrs. MIMI WALTERS) and the gentlewoman from California (Ms. LOFGREN) each will control 20 minutes.

The Chair recognizes the gentlewoman from California (Mrs. MIMI WALTERS).

GENERAL LEAVE

Mrs. MIMI WALTERS of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 3636, currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Mrs. MIMI WALTERS of California. Mr. Speaker, I yield myself such time as I may consume.

I thank Mr. NADLER and all of the other cosponsors in their helping to advance H.R. 3636, the Oversee Visa Integrity with Stakeholder Advisories Act, otherwise referred to as the O-VISA Act, for a floor vote.

Congress established the O visa program to allow non-immigrants with extraordinary abilities to be employed in the sciences, arts, education, business, or athletics. In recognition of the unique nature of the motion picture and television industry, Congress established special evidentiary criteria for O-1 and O-2 visas for artists who are working in the industry. One requirement mandates that the USCIS consult with the appropriate labor and management organizations for each visa petition. The reason for this is very simple in that those organizations are best suited to evaluate whether a visa applicant has demonstrated extraordinary achievement—the standard for O-1 and O-2 visa petitioners in this industry.

These consulting organizations dedicate substantial resources to advise the USCIS on the merits of visa petitions. They are essential to identifying fraud as well as to protecting U.S. workers who are capable of filling those jobs. Unfortunately, these organizations are never notified as to the USCIS' final petition decisions. The consulting or-

ganizations should be notified of these decisions so that they may better assist the USCIS in determining fraud and in properly implementing the O visa standards.

There have been serious indications of fraud in O-1 and O-2 visa petitions, including the outright forgery of advisory opinions, shell production companies, and sponsoring employers who are without any connection to the motion picture and television industry. These concerns led Chairman GOODLATTE and Ranking Member CONYERS to send a letter to the USCIS in 2014, which stated:

It seems that, at the very least, USCIS should be notifying these organizations when it approves petitions over their objections. However, we are told that such organizations are rarely, if ever, notified regarding the outcome of petitions to which they object. Ensuring transparency in the adjudication process for any visa program is essential to a secure and effective immigration policy, and, therefore, we are concerned about the reported potential fraud in O-1 and O-2 visa petitions.

It is important to note that there are no indications of abuse by the major studios, such as members of the MPAA. In fact, it is my understanding that the labor and management consulting organizations concur with the vast majority of O visa petitions that are submitted by the major studios.

The O-VISA Act, which Mr. NADLER and I have put forth, is a narrow provision that injects transparency into this visa petition process. It amends the Immigration and Nationality Act to require the Secretary of Homeland Security to provide a copy of the USCIS visa petition decision to the consulting organization that was required to provide the advisory opinion for that specific petition. Essentially, the organization will be copied on the agency decision. Congress wisely recognized that the opinions of these private stakeholders deserve proper consideration due to their unique expertise in the industry. Congress should further utilize that expertise by authorizing the USCIS to copy these organizations because this will assist in identifying fraud and in protecting American jobs.

I was pleased to receive the recent report from the nonpartisan Congressional Budget Office that H.R. 3636 will have no significant cost to the taxpayer. In fact, any associated costs will be recouped from fees that are collected by the Department of Homeland Security in the visa application process. Simply put, H.R. 3636 is a model of commonsense, bipartisan legislation that utilizes private sector expertise to improve our governance.

I will take this opportunity to note that there are other issues regarding O visas that must be addressed. In particular, there are serious concerns that the USCIS' decisionmaking process moves far too slowly. This lack of efficiency means that film and television face considerable delays and unnecessary costs. I am committed to working with the committee and the industry to address these issues in the future.