

## Calendar No. 59

109TH CONGRESS  
1ST SESSION**S. 589**

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

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## IN THE SENATE OF THE UNITED STATES

MARCH 10, 2005

Mr. CORNYN (for himself, Mr. LEAHY, Mr. GRASSLEY, and Mr. DURBIN) in-  
troduced the following bill; which was read twice and referred to the Com-  
mittee on the Judiciary

MARCH 17, 2005

Reported by Mr. SPECTER, without amendment

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**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”.

1 (b) ESTABLISHMENT.—There is established the Com-  
2 mission on Freedom of Information Act Processing Delays  
3 (in this Act referred to as the “Commission”) for the pur-  
4 pose of conducting a study relating to methods to help  
5 reduce delays in processing requests submitted to Federal  
6 agencies under section 552 of title 5, United States Code  
7 (commonly referred to as the “Freedom of Information  
8 Act”).

9 (c) MEMBERSHIP.—

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

12 (A) 3 shall be appointed by the chairman  
13 of the Committee on the Judiciary of the Sen-  
14 ate;

15 (B) 3 shall be appointed by the ranking  
16 member of the Committee on the Judiciary of  
17 the Senate;

18 (C) 3 shall be appointed by the chairman  
19 of the Committee on Government Reform of the  
20 House of Representatives;

21 (D) 3 shall be appointed by the ranking  
22 member of the Committee on Government Re-  
23 form of the House of Representatives;

24 (E) 1 shall be appointed by the Attorney  
25 General of the United States;

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

3 (G) 1 shall be appointed by the Archivist  
4 of the United States; and

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

7 (2) QUALIFICATIONS OF CONGRESSIONAL AP-  
8 PPOINTEES.—Of the 3 appointees under each of sub-  
9 paragraphs (A), (B), (C), and (D) of paragraph  
10 (1)—

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

17 (B) at least 1 shall have experience in aca-  
18 demic research in the fields of library science,  
19 information management, or public access to  
20 Government information.

21 (d) STUDY.—The Commission shall conduct a study  
22 to—

23 (1) identify methods that—

24 (A) will help reduce delays in the proc-  
25 essing of requests submitted to Federal agen-

1           cies under section 552 of title 5, United States  
2           Code; and

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

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

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

14                   (1) a description of the methods identified by  
15           the study;

16                   (2) the conclusions and recommendations of the  
17           Commission regarding—

18                           (A) each method identified; and

19                           (B) the charging of fees and granting of  
20           waivers of fees; and

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

24           (f) STAFF AND ADMINISTRATIVE SUPPORT SERV-  
25 ICES.—The Comptroller General of the United States

1 shall provide to the Commission such staff and adminis-  
2 trative support services, including research assistance at  
3 the request of the Commission, as necessary for the Com-  
4 mission to perform its functions efficiently and in accord-  
5 ance with this section.

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

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

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

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

1           (k) TERMINATION.—The Commission shall terminate  
2 30 days after the submission of the report under sub-  
3 section (e).



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