

AMENDMENT TO H.R. 867
OFFERED BY MR. WAXMAN OF CALIFORNIA

At the end of the bill, add the following new section:

1 **SEC. 14. REVOCATION OF THE ASHCROFT AND CARD**
2 **MEMORANDA THAT ENCOURAGE THE WITH-**
3 **HOLDING OF INFORMATION.**

4 The “Memorandum for Heads of all Federal Depart-
5 ments and Agencies” on “The Freedom of Information
6 Act” issued by Attorney General John Ashcroft on Octo-
7 ber 12, 2001, and the “Memorandum for the Heads of
8 Executive Department and Agencies” on “Action to Safe-
9 guard Information Regarding Weapons of Mass Destruc-
10 tion and Other Sensitive Documents Related to Homeland
11 Security” issued by Andrew H. Card, Jr., Assistant to the
12 President and Chief of Staff, on March 19, 2002, shall
13 have no force or effect.

Strike section 9, (page 8, line 14, through page 9,
line 13) and insert the following:

14 **SEC. 9. REPORTING REQUIREMENTS.**

15 Section 552(e)(1) of title 5, United States Code, is
16 amended—

1 (1) by striking “fiscal year and which” and in-
2 serting “fiscal year. Information in the report shall
3 be expressed in terms of each principal component
4 of the agency and”;

5 (2) in subparagraph (D), by inserting before
6 the semicolon the following: “, distinguishing be-
7 tween first person requests for personal records and
8 other kinds of requests, and providing a total num-
9 ber for each category of requests”;

10 (3) in subparagraph (E), by inserting before the
11 semicolon “, based on the date on which the requests
12 were originally filed with the agency”;

13 (4) by redesignating subparagraphs (F) and
14 (G) as subparagraphs (L) and (M), respectively, and
15 inserting after subparagraph (E) the following new
16 subparagraphs:

17 “(F) the average number of days for the
18 agency to respond to a request beginning on the
19 date on which the request was originally filed,
20 the median number of days for the agency to
21 respond to such requests, and the range in
22 number of days for the agency to respond to
23 such requests;

1 “(G) based on the number of business days
2 that have elapsed since each request was origi-
3 nally filed with the agency—

4 “(i) the number of requests for
5 records to which the agency has responded
6 with a determination within a period up to
7 and including 20 days, and in 20-day in-
8 crements up to and including 200 days;

9 “(ii) the number of requests for
10 records to which the agency has responded
11 with a determination within a period great-
12 er than 200 days and less than 301 days;

13 “(iii) the number of requests for
14 records to which the agency has responded
15 with a determination within a period great-
16 er than 300 days and less than 401 days;
17 and

18 “(iv) the number of requests for
19 records to which the agency has responded
20 with a determination within a period great-
21 er than 400 days;

22 “(H) data on the 10 active requests with
23 the earliest filing dates pending at each agency,
24 including the amount of time that has elapsed
25 since each request was originally filed;

1 “(I) data on the 10 active administrative
2 appeals with the earliest filing dates pending
3 before the agency as of September 30 of the
4 preceding year, including the number of busi-
5 ness days that have elapsed since the requests
6 were originally filed with the agency;

7 “(J) the number of expedited review re-
8 quests that are granted and denied, and the av-
9 erage number of days for adjudicating expe-
10 dited review requests;

11 “(K) the number of fee status requests
12 that are granted and denied, and the average
13 number of days for adjudicating fee status de-
14 terminations;”.