

an agency's denial of information. The bill also holds agencies accountable for their decisions by enhancing the authority of the Office of Special Counsel to take disciplinary action against Government officials who arbitrarily and capriciously deny disclosure.

Mr. Speaker, I strongly support H.R. 1309 and urge all my colleagues to join me in supporting this legislation that will restore public confidence in the administration of the executive branch of the Federal Government.

Mr. UDALL of Colorado. Mr. Speaker, I strongly support this bill, which will increase the transparency and accountability of the Federal Government by making a number of long-overdue revisions to the Freedom of Information Act, or FOIA.

The bill will reemphasize that disclosure is to be the rule, secrecy the exception. It will help people seeking documents to get timely responses, and improve transparency in agency compliance. It will reduce the need for people seeking documents to go to court, and provide accountability for agency decisions on whether to release requested information.

Mr. Speaker, the enactment of FOIA in 1966 was a watershed. It established as fundamental policy the principle that information within the government's control should be available and established a presumptive right for the public to obtain identifiable, existing records of Federal agencies. Anyone can use FOIA to request access to Government information. Requesters do not have to show a need or reason for seeking information, and the burden of proof for withholding requested material rests with the department or agency that seeks to deny the request. Agencies may deny access only to records, or portions of records, that fall within certain specific categories.

FOIA has been used effectively by journalists, public interest organizations, corporations, and individuals to access Government information. But the process could be better—because of delays and backlogs, requesters often have found it hard to learn about the status of their requests, and a recent Supreme Court decision has hampered requesters' ability to litigate their claims.

H.R. 1309 would address these and other concerns about the implementation of FOIA. It is a modest measure, but an important one that deserves the approval of the House.

That's especially true because, as the Rocky Mountain News noted in a recent editorial, "The Bush administration may have been the most openly contemptuous of FOIA's mission since the act first passed. . . . President Bush will leave office in 2009, but it's not enough to trust that future administrations will abide by the promise of openness that FOIA represents. The law needs specific measures to ensure accountability, and the amendments within H.R. 1309 mark a large stride forward."

For the information of our colleagues, I attach the complete text of that editorial:

[From the Rocky Mountain News, Mar. 13, 2007]

#### OPEN RECORDS UPGRADE

CONGRESS HAS CHANCE TO IMPROVE CRITICAL LAW

We welcome bipartisan efforts in Congress to beef up the Freedom of Information Act—the four-decade-old law that affords citizens access to the inner workings of the executive branch.

FOIA could certainly stand a little love, as open Government has been attacked many times since Lyndon Johnson signed the act into law July 4, 1966.

The revisions to FOIA in H.R. 1309, which could come before the full House as early as today, would both shine more light on the nooks and crannies of federal bureaucracies and force agencies to better respect the spirit of the law.

Here are a few of the improvements:

The Government would have to act on FOIA requests more quickly. Agencies that did not respond to a request within 20 business days would forfeit any copying and research fees; agencies are now supposed to respond within that period, but there are no penalties.

Federal departments would have to set up FOIA hotlines and individual tracking numbers so that people and organizations that file FOIA requests can easily follow the process.

Citizen journalists and freelancers would gain new credibility. An agency could no longer summarily deny FOIA requests from journalists who are not employed or under contract with established media organizations or watchdog groups. Such requests from unaffiliated individuals can now be rejected.

The amended law would force agencies to consider any request to disseminate information to a broad audience as legitimate, particularly if the party making the request has any record of publication (including bloggers).

The Government would have to reimburse the legal fees of more parties that sue under FOIA. Currently, there's only one way a party that has filed suit to enforce a FOIA request can get repaid: The Government has to lose in court. The amendments would force agencies to repay attorney fees if the government turns over records before a final ruling is issued. This would prevent agencies from sticking media groups with attorney fees by surrendering records just before a judge rules.

The Bush administration may have been the most openly contemptuous of FOIA's mission since the act first passed. Former Attorney General John Ashcroft urged Federal agencies to fight FOIA requests and not presume that the public has a right to know what goes on inside the executive branch. The administration also placed gratuitous limits on requests to the Department of Homeland Security.

President Bush will leave office in 2009, but it's not enough to trust that future administrations will abide by the promise of openness that FOIA represents. The law needs specific measures to ensure accountability, and the amendments within H.R. 1309 mark a large stride forward.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. CLAY) that the House suspend the rules and pass the bill, H.R. 1309, 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. TURNER. 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 and the

Chair's prior announcement, further proceedings on this question will be postponed.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 1254, by the yeas and nays;

H.R. 1255, by the yeas and nays;

H.R. 1309, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

#### PRESIDENTIAL LIBRARY DONATION REFORM ACT OF 2007

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 1254.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Connecticut (Mr. MURPHY) that the House suspend the rules and pass the bill, H.R. 1254, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 390, nays 34, not voting 9, as follows:

[Roll No. 142]

#### YEAS—390

Abercrombie	Boyda (KS)	Cuellar
Ackerman	Brady (PA)	Cummings
Aderholt	Brady (TX)	Davis (AL)
Akin	Braley (IA)	Davis (CA)
Alexander	Brown, Corrine	Davis (IL)
Allen	Brown-Waite,	Davis, David
Altmire	Ginny	Davis, Lincoln
Andrews	Buchanan	Davis, Tom
Arcuri	Burton (IN)	Deal (GA)
Baca	Butterfield	DeFazio
Bachmann	Buyer	DeGette
Bachus	Calvert	Delahunt
Baird	Camp (MI)	DeLauro
Baker	Cantor	Dent
Baldwin	Capito	Diaz-Balart, L.
Barrett (SC)	Capps	Diaz-Balart, M.
Barrow	Capuano	Dicks
Bean	Cardoza	Dingell
Becerra	Carnahan	Doggett
Berkley	Carney	Donnelly
Berman	Carson	Doyle
Berry	Carter	Drake
Biggert	Castle	Dreier
Blibray	Castor	Duncan
Bilirakis	Chabot	Edwards
Bishop (GA)	Chandler	Ehlers
Bishop (NY)	Clarke	Ellison
Bishop (UT)	Clay	Ellsworth
Blackburn	Cleaver	Emanuel
Blumenauer	Clyburn	Emerson
Blunt	Cohen	Engel
Boehner	Cole (OK)	Etheridge
Bonner	Conyers	Everett
Bono	Cooper	Fallin
Boozman	Costa	Farr
Boren	Costello	Fattah
Boswell	Courtney	Feeney
Boucher	Cramer	Ferguson
Boustany	Crenshaw	Finer
Boyd (FL)	Crowley	Forbes

Fortenberry	Lungren, Daniel E.	Roskam	Flake	Jones (NC)	Paul	Davis (AL)	Kaptur	Rahall
Fossella	Lynch	Ross	Foxx	King (IA)	Sensenbrenner	Davis (CA)	Keller	Ramstad
Frank (MA)	Mack	Rothman	Franks (AZ)	Kingston	Shadegg	Davis (IL)	Kennedy	Rangel
Frelinghuysen	Mahoney (FL)	Roybal-Allard	Gingrey	Lamborn	Tancredo	Davis, Lincoln	Kildee	Regula
Galegley	Maloney (NY)	Royce	Gohmert	Linder	Walberg	Davis, Tom	Kilpatrick	Reichert
Garrett (NJ)	Marchant	Ruppersberger	Hastert	Manzullo	Westmoreland	DeFazio	Kind	Reyes
Gerlach	Markey	Rush	Hoekstra	McHenry		DeGette	King (NY)	Reynolds
Giffords	Marshall	Ryan (OH)		Myrick		Klein (FL)	Klein (FL)	Rodriguez
Gilchrest	Matheson	Ryan (WI)				Knollenberg	Knollenberg	Rohrabacher
Gillibrand	Matsui	Salazar				Kucinich	Kucinich	Ros-Lehtinen
Gillmor	McCarthy (CA)	Sali	Brown (SC)	Granger	Miller, George	LaHood	LaHood	Roskam
Gonzalez	McCarthy (NY)	Sánchez, Linda T.	Davis, Jo Ann	Kanjorski	Saxton	Lampson	Lampson	Ross
Goode	McCaul (TX)	Sanchez, Loretta	Eshoo	Meehan	Sullivan	Langevin	Langevin	Rothman
Goodlatte	McCollum (MN)	Sarbanes				Lantos	Lantos	Roybal-Allard
Gordon	McCotter	Schakowsky	ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE			Larsen (WA)	Larsen (WA)	Royce
Graves	McCrery	Schiff	The SPEAKER pro tempore (during the vote). Members are advised that there are 2 minutes remaining on this vote.			Larson (CT)	Larson (CT)	Ruppersberger
Green, Al	McDermott	Schmidt				Latham	Latham	Rush
Green, Gene	McGovern	Schwartz				LaTourette	LaTourette	Ryan (OH)
Grijalva	McHugh	Scott (GA)				Lee	Lee	Ryan (WI)
Gutierrez	McIntyre	Scott (VA)				Levin	Levin	Salazar
Hall (NY)	McKeon	Serrano				Lewis (CA)	Lewis (CA)	Sánchez, Linda T.
Hall (TX)	McMorris	Sessions				Lewis (GA)	Lewis (GA)	T.
Hare	Rodgers	Sestak				Lipinski	Lipinski	Sanchez, Loretta
Harman	McNerney	Shays				LoBiondo	LoBiondo	Sarbanes
Hastings (FL)	McNulty	Shea-Porter				Loeb sack	Loeb sack	Schakowsky
Hastings (WA)	Meek (FL)	Sherman				Lofgren, Zoe	Lofgren, Zoe	Schiff
Hayes	Meeks (NY)	Shimkus				Lowey	Lowey	Schwartz
Heller	Melancon	Shuler				Lynch	Lynch	Scott (GA)
Herger	Mica	Shuster				Mahoney (FL)	Mahoney (FL)	Scott (VA)
Herseth	Michaud	Simpson				Maloney (NY)	Maloney (NY)	Serrano
Higgins	Millender-Hill	Sires				Markey	Markey	Sestak
Hinchoy	McDonald	Skelton				Marshall	Marshall	Shays
Hinojosa	Miller (FL)	Slaughter				Matheson	Matheson	Shea-Porter
Hirono	Miller (MI)	Smith (NE)				Matsui	Matsui	Sherman
Hobson	Miller (NC)	Smith (NJ)				McCarthy (NY)	McCarthy (NY)	Shuler
Hodes	Miller, Gary	Smith (TX)				McCaul (TX)	McCaul (TX)	Simpson
Holden	Mitchell	Smith (WA)				McCollum (MN)	McCollum (MN)	Sires
Holt	Mollohan	Snyder				McCotter	McCotter	Skelton
Honda	Moore (KS)	Solis				McDermott	McDermott	Slaughter
Hooley	Moore (WI)	Souder				McGovern	McGovern	Smith (NE)
Hoyer	Moran (KS)	Space				McHugh	McHugh	Smith (NJ)
Hulshof	Moran (VA)	Spratt				McIntyre	McIntyre	Smith (WA)
Hunter	Murphy (CT)	Stark				McMorris	McMorris	Snyder
Inglis (SC)	Murphy, Patrick	Stearns				Rodgers	Rodgers	Solis
Inslee	Murphy, Tim	Stupak				McNerney	McNerney	Space
Israel	Murtha	Sutton				McNulty	McNulty	Spratt
Issa	Musgrave	Tanner				Meek (FL)	Meek (FL)	Stark
Jackson (IL)	Nadler	Tauscher				Meeks (NY)	Meeks (NY)	Stearns
Jackson-Lee	Napolitano	Taylor				Melancon	Melancon	Stupak
(TX)	Neal (MA)	Terry				Michaud	Michaud	Sutton
Jefferson	Neugebauer	Thompson (CA)				Millender-Hill	Millender-Hill	Tanner
Jindal	Nunes	Thompson (MS)				McDonald	McDonald	Tauscher
Johnson (GA)	Oberstar	Thornberry				Miller (MI)	Miller (MI)	Taylor
Johnson (IL)	Obey	Tiahrt				Miller (NC)	Miller (NC)	Terry
Johnson, E. B.	Oliver	Tiberi				Mitchell	Mitchell	Thompson (CA)
Johnson, Sam	Ortiz	Tierney				Mollohan	Mollohan	Thompson (MS)
Jones (OH)	Pallone	Towns				Moore (KS)	Moore (KS)	Tiahrt
Jordan	Pascrell	Turner				Moore (WI)	Moore (WI)	Tiberi
Kagen	Payne	Udall (CO)				Moran (KS)	Moran (KS)	Tierney
Kaptur	Pearce	Udall (NM)				Moran (VA)	Moran (VA)	Towns
Keller	Pence	Upton				Murphy (CT)	Murphy (CT)	Turner
Kennedy	Perlmutter	Van Hollen				Murphy, Patrick	Murphy, Patrick	Udall (CO)
Kildee	Peterson (MN)	Velázquez				Murphy, Tim	Murphy, Tim	Udall (NM)
Kilpatrick	Peterson (PA)	Visclosky				Murtha	Murtha	Upton
Kind	Petri	Walden (OR)				Nadler	Nadler	Van Hollen
King (NY)	Pickering	Walsh (NY)				Napolitano	Napolitano	Velázquez
Kirk	Pitts	Walz (MN)				Neal (MA)	Neal (MA)	Visclosky
Klein (FL)	Platts	Wamp				Nunes	Nunes	Walden (OR)
Kline (MN)	Poe	Wasserman				Oberstar	Oberstar	Walsh (NY)
Knollenberg	Pomeroy	Schultz				Obey	Obey	Walz (MN)
Kucinich	Porter	Waters				Olver	Olver	Wamp
Kuhl (NY)	Price (GA)	Watson				Ortiz	Ortiz	Wasserman
LaHood	Price (NC)	Watt				Pallone	Pallone	Schultz
Lampson	Pryce (OH)	Waxman				Pascrell	Pascrell	Waters
Langevin	Putnam	Weiner				Pastor	Pastor	Watson
Lantos	Radanovich	Welch (VT)				Paul	Paul	Watt
Larsen (WA)	Rahall	Weldon (FL)				Payne	Payne	Waxman
Larson (CT)	Ramstad	Weller				Pearce	Pearce	Weiner
Latham	Rangel	Wexler				Perlmutter	Perlmutter	Welch (VT)
LaTourette	Regula	Whitfield				Peterson (MN)	Peterson (MN)	Wexler
Lee	Rehberg	Wicker				Peterson (PA)	Peterson (PA)	Wicker
Levin	Reichert	Wilson (NM)						Petri
Lewis (CA)	Renzi	Wilson (OH)						Pickering
Lewis (GA)	Reyes	Wilson (SC)						Platts
Lewis (KY)	Reynolds	Wolf						Pomeroy
Lipinski	Rodriguez	Woolsey						Porter
LoBiondo	Rogers (AL)	Wu						Price (NC)
Loeb sack	Rogers (KY)	Wynn						Pryce (OH)
Lofgren, Zoe	Rogers (MI)	Yarmuth						Radanovich
Lowey	Rohrabacher	Young (AK)						
Lucas	Ros-Lehtinen	Young (FL)						

## NAYS—34

Bartlett (MD)	Cannon	Culberson
Barton (TX)	Coble	Davis (KY)
Burgess	Conaway	Doolittle
Campbell (CA)	Cubin	English (PA)

## NOT VOTING—9

Brown (SC)	Granger	Miller, George
Davis, Jo Ann	Kanjorski	Saxton
Eshoo	Meehan	Sullivan

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that there are 2 minutes remaining on this vote.

□ 1223

Messrs. COBLE, CONAWAY, DAVIS of Kentucky, KINGSTON, ENGLISH of Pennsylvania, LINDER, TANCREDO, KING of Iowa, BURGESS, SENSENBRENNER, HOEKSTRA, WALBERG, HENSARLING, LAMBORN, and CANON, Ms. FOXX and Mrs. MYRICK changed their vote from “yea” to “nay.”

Mr. JACKSON of Illinois changed his vote from “nay” to “yea.”

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PRESIDENTIAL RECORDS ACT  
AMENDMENTS OF 2007

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 1255, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. CLAY) that the House suspend the rules and pass the bill, H.R. 1255, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 333, nays 93, not voting 7, as follows:

[Roll No. 143]  
YEAS—333

Abercrombie	Bono	Carnahan
Ackerman	Boozman	Carney
Alexander	Boren	Carson
Allen	Boswell	Carter
Altmire	Boucher	Castle
Andrews	Boustany	Castor
Arcuri	Boyd (FL)	Chabot
Baca	Boyd (KS)	Chandler
Baird	Brady (PA)	Clarke
Baker	Brady (TX)	Clay
Baldwin	Bralely (IA)	Cleaver
Barrow	Brown, Corrine	Clyburn
Bartlett (MD)	Brown-Waite,	Coble
Bean	Ginny	Cohen
Becerra	Burgess	Conyers
Berkley	Burton (IN)	Cooper
Berman	Butterfield	Costa
Berry	Buyer	Costello
Bilirakis	Calvert	Courtney
Bishop (GA)	Camp (MI)	Cramer
Bishop (NY)	Capito	Crenshaw
Blumenauer	Capps	Crowley
Blunt	Capuano	Cuellar
Bonner	Cardoza	Cummings

Davis (AL)	Kaptur	Rahall
Davis (CA)	Keller	Ramstad
Davis (IL)	Kennedy	Rangel
Davis, Lincoln	Kildee	Regula
Davis, Tom	Kilpatrick	Reichert
DeFazio	Kind	Reyes
DeGette	King (NY)	Reynolds
Delahunt	Klein (FL)	Rodriguez
DeLauro	Knollenberg	Rohrabacher
Dent	Kucinich	Ros-Lehtinen
Diaz-Balart, L.	LaHood	Roskam
Diaz-Balart, M.	Lampson	Ross
Dicks	Langevin	Rothman
Dingell	Lantos	Roybal-Allard
Doggett	Larsen (WA)	Royce
Donnelly	Larson (CT)	Ruppersberger
Doyle	Latham	Rush
Dreier	LaTourette	Ryan (OH)
Duncan	Lee	Ryan (WI)
Edwards	Levin	Salazar
Ehlers	Lewis (CA)	Sánchez, Linda T.
Ellison	Lewis (GA)	T.
Ellsworth	Lipinski	Sanchez, Loretta
Emanuel	LoBiondo	Sarbanes
Emerson	Loeb sack	Schakowsky
Engel	Lofgren, Zoe	Schiff
English (PA)	Lowey	Schwartz
Eshoo	Lynch	Scott (GA)
Etheridge	Mahoney (FL)	Scott (VA)
Farr	Maloney (NY)	Serrano
Fattah	Markey	Sestak
Ferguson	Marshall	Shays
Filner	Matheson	Shea-Porter
Forbes	Matsui	Sherman
Fortenberry	McCarthy (NY)	Shuler
Frank (MA)	McCaul (TX)	Simpson
Frelinghuysen	McCollum (MN)	Sires
Galegley	McCotter	Skelton
Gerlach	McDermott	Slaughter
Giffords	McGovern	Smith (NE)
Gilchrest	McHugh	Smith (NJ)
Gillibrand	McIntyre	Smith (WA)
Gillmor	McMorris	Snyder
Gohmert	Rodgers	Solis
Gonzalez	McNerney	Space
Goode	McNulty	Spratt
Goodlatte	Meek (FL)	Stark
Gordon	Meeks (NY)	Stearns
Graves	Melancon	Stupak
Green, Al	Michaud	Sutton
Green, Gene	Millender-Hill	Tanner
Grijalva	McDonald	Tauscher
Gutierrez	Miller (MI)	Taylor
Hall (NY)	Miller (NC)	Terry
Hare	Mitchell	Thompson (CA)
Harman	Mollohan	Thompson (MS)
Hastings (FL)	Moore (KS)	Tiahrt
Hayes	Moore (WI)	Tiberi
Heller	Moran (KS)	Tierney
Herger	Moran (VA)	Towns
Herseth	Murphy (CT)	Turner
Higgins	Murphy, Patrick	Udall (CO)
Hill	Murphy, Tim	Udall (NM)
Hinchoy	Murtha	Upton
Hinojosa	Nadler	Van Hollen
Hirono	Napolitano	Velázquez
Hobson	Neal (MA)	Visclosky
Hodes	Nunes	Walden (OR)
Hoekstra	Oberstar	Walsh (NY)
Holden	Obey	Walz (MN)
Holt	Olver	Wamp
Honda	Ortiz	Wasserman
Hooley	Pallone	Schultz
Hoyer	Pascrell	Waters
Hulshof	Pastor	Watson
Inslee	Paul	Watt
Israel	Payne	Waxman
Issa	Pearce	Weiner
Jackson (IL)	Perlmutter	Welch (VT)
Jackson-Lee	Peterson (MN)	Wexler
(TX)	Peterson (PA)	Wicker
Jefferson		Petri
Jindal		Pickering
Johnson (GA)		Platts
Johnson (IL)		Pomeroy
Johnson, E. B.		Porter
Jones (NC)		Price (NC)
Jones (OH)		Pryce (OH)
Kagen		Radanovich

## NAYS—93

Aderholt	Bishop (UT)	Conaway
Akin	Blackburn	Cubin
Bachmann	Boehner	Culberson
Bachus	Buchanan	Davis (KY)
Barrett (SC)	Campbell (CA)	Davis, David
Barton (TX)	Cannon	Deal (GA)
Biggart	Cantor	Doolittle
Bilbray	Cole (OK)	Drake