

## Legislative History of the FOIA

### 1966 Act

The most significant legislative materials concerning the original FOIA have been reprinted in Subcomm. on Adm. Prac. And Proc. Of the Senate Comm. on the Judiciary, *Freedom of Information Act Source Book: Legislative Materials, Cases, Articles*, S. Doc. 93-82, 93d Cong., 2d Sess. (Comm. Print 1974)(commonly “Source Book” or “1966 Source Book”).

1. Hearings:

Senate Committee on the Judiciary, Hearings on S. 1160, May 12, 13, 14, and 21, 1965.

Senate Committee on the Judiciary, Hearings on S. 1663, July 21, 22, and 23, 1964.

House Committee on Government Operations, Hearings on H.R. 5012, March 30 and 31, April 1, 2, and 5, 1956 (and Appendix).

2. Senate Passage—88<sup>th</sup> Congress:

S. Rep. No.1219, 88<sup>th</sup> Cong. 2d Sess. (S. 1666).

Considered and passed Senate, July 28, 1964, 110 Cong. Rec. 17086.

*On motion to reconsider*, July 31, 1964, 110 Cong. Rec. 17666.

3. Reports on S. 1160—89<sup>th</sup> Congress:

S. Rep. No. 813, 89<sup>th</sup> Cong. 1<sup>st</sup> Sess., Committee on the Judiciary, October 4, 1965.

H. Rep. No. 1497, 89<sup>th</sup> Cong. 2d Sess., Committee on Government Operations, May 9, 1966.

4. Floor Consideration of S. 1160—89<sup>th</sup> Congress:

Considered and passed Senate, October 13, 1965, 111 Cong. Rec. 26820.

Considered and passed House, June 20, 1966, 112 Cong. Rec. 13007.

### 1974 Amendments

The most significant legislative materials concerning the 1974 amendments to the FOIA have been reprinted in Subcomm. on Govt. information and Individual Rights of the House Comm. on Govt. Op. et al., *Freedom of Information Act and Amendments of 1974. (PL. 93-502) Source Book: Legislative History, Texts, and other Documents*, 94<sup>th</sup> Cong. 1<sup>st</sup> Sess. (Joint Comm. Print 1975)(commonly “1974 Source Book”).

1. Hearings:

House Committee on Government Operations, May 2, 7, 8, 10, and 16, 1973.

Senate Committee on the Judiciary, April 10, 11, 12, May 8, 9, 10, 16, June 7, 8, 11, and 26, 1972 (and Appendix).

2. House Reports:

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H. Rep. No. 93-876 accompanying H.R. 12471 (Comm. on Gov't Op.) and No. 93-1380 (Comm. of Conference).

3. Senate Reports:

S. Rep. No. 93-854 accompanying S. 2543 (Comm. on the Judiciary) and No. 93-1200 (Comm. of Conference).

4. Congressional Record, Vol. 120 (1974):

March 14, considered and passed House.

May 30, considered and passed Senate, amendment in lieu of S. 2543.

October 1, Senate agreed to conference report.

October 7, House agreed to conference report.

5. Weekly Compilation of Presidential Documents, Vol. 10, No. 42:

October 17, vetoed; Presidential message.

6. Congressional Record, Vol. 120 (1974):

November 20, House overrode veto.

November 21, Senate overrode veto.

### 1976 Amendments

Note: Congress, in passing the "Government in the Sunshine Act," P.L. 94-409, 94<sup>th</sup> Cong, 2d Sess. S.5, Sept. 13, 1976, 90 Stat. 1241, amended section 552(b)(3), the FOIA exemption relating to other statutes. The pages cited in the legislative history are those pages related specifically to the amendment of the third exemption to the FOIA.

1. House Reports:

H. Rep. No. 94-880, Part I (Comm. on Gov't Op.) 9-10, 22-23, 25.

H. Rep. No. 94-880, Part II (Comm. on the Judiciary) pp. 34, 7, 14, 16, 25.

H. Rep. No. 94-1441 (Comm. of Conference).

2. Senate Reports:

S. Rep. No. 94-354, to accompany S. 5 (Comm. on Gov't Op.), and No. 94-1441 (Comm. of Conference).

3. Congressional Record, daily ed. (1976):

July 28, pp. 7867, 7871-73, 7886, 7897-98: considered and passed House.

July 29, pp. E4187089: remarks of Rep. McCloskey.

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August 31, pp. H9258-62: House agreed to Conference Report S15043-45: Senate agreed to Conference Report.

4. Weekly Compilation of Presidential Documents, Vol. 12 (1976) No. 42: p. 1334:

Sept. 13, 1976, signed; Presidential statements.

### 1978 Amendments

Note: Congress, in passing the Civil Service Report Act, P.L. 95-454, 95<sup>th</sup> Cong. 2d Sess., S. 2640, 91 Stat. 1111, amended subsection 552(a)(4)(F) to substitute reference to “Special Counsel” for references to the “Civil Service Commission.”)

1. House Reports:

H. Rep. No. 95-1403 (Post Office and Civil Service Comm.).

H. Rep. No. 95-1717 (Conference Comm.).

2. Senate Reports:

S. Rep. No. 95-969 (Governmental Affairs Comm.).

S. Rep. No. 95-1272 (Conference Comm.).

*See* 1978 U.S. Code Cong. and Adm. News, p. 2723.

### 1984 Amendments

Note: Congress, in passing legislation that included much of a proposed Federal Courts Civil Priorities Act (H.R. 5645) as passed by the House, P.L. 98-620, Title IV, Subtitle A 98<sup>th</sup> Cong., 2d Sess., 98 Stat. 3356, struck out subsection 552(a)(4)(D) which provided for expedited docketing and hearing of FOIA cases in precedence over other cases no considered of greater importance.

1. House Report:

H. Rep. No. 98-985 (Judiciary Comm.)

*See* 1984 U.S. Code Cong. and Admin. News, p. 5779.

### 1986 Amendments

Note: These FOIA amendments were enacted as provisions of the Anti-Drug Abuse Act of 1986, P.L. 99-570, Title I, Subtitle N, Sec. 1801-1804. Because they were adopted initially as Senate floor amendments, there is no mention of them in the numerous committee reports that are cited as part of the legislative history of the public law. The amendments are explained, however, in several floor statements prepared by their individual co-sponsors.

1. Congressional Consideration:

(All cites are to pages of daily edition of Vol. 132 Congressional Record.)

## Appendix A

S 13648, 13660-61 (Sept. 25, 1986) [Introduction of Senate Bill (S. 2878)].  
S 14033 (Sept. 27, 1986) (Leahy Amendment and Statement).  
S 14038-40 (Sept. 27, 1986) (Hatch Statement).  
S 14252 (Sept. 30, 1986) (Denton Statement).  
S 14295-300 (Sept. 30, 1986) (Leahy Statement).  
S 14277-78 (Sept. 30, 1986) (Senate Technical Amendments).  
H 9462-68 (Oct. 8, 1986) (English/Kindness Statements).  
H 9497-98 (Oct. 8, 1986) (House Approves Amendments).  
E 3596 (Oct. 10, 1986) (Correction to English Statement of Oct. 8, 1986).  
S 15956 (Oct. 10 1986) (Senate Amendment to House Amendment).  
S 16496-97 (Oct. 10, 1986) (Leahy-Kerry Colloquy).  
S 16502 (Oct. 15, 1986) (Senate Approves Amendments/Final Text of the FOIA Changes).  
S 16504-05 (Oct 15, 1986) (Hatch Statement).  
SH 11233-34 (Oct. 17, 1986) (House Amendment to Senate Amendment/Final Text of the FOIA Changes).  
H 10787 (Oct. 17, 1986) (House Approves Amendments).  
S 16921 (Oct. 17, 1986) (Senate Concurs in House Amendments).

### 1996 Amendments

Note: These FOIA amendments were enacted as provisions of the Electronic Freedom of Information Act Amendments of 1996, P.L.104-231, 110 Stat. 3048, based on separate Senate (S.1090) and House (H.R.3802) bills that were informally reconciled by their primary sponsors without the need of a formal House-Senate conference. The “Findings and Purposes” section which that in the Public Law was not codified as part of the statutory text of the amended FOIA.

1. House Report:

No.104-175 accompanying H.R.3802 (Comm. on Government Reform and Oversight).

2. Senate Report:

No.104-272 accompanying S.1090 (Comm. on the Judiciary).

3. Congressional Record, daily ed.

S 10888-10891 (July 28, 1995) (Text and Introductory Remarks: S.1090).

E 1280-1281 (July 12, 1996) (Text and Introductory Remarks: H.R. 3802).

H 10447-10449 (September 17, 1996) (House passage of H.R.3802).

S 10713-10715 (September 17, 1996) (Senate passage of S.1090, as amended by substitution of H.R.3802).

### 2002 Amendment

Congress, in passing P.L. 107-306, Title III, Subtitle B, S 312, Nov. 27, 2002, 116 Stat. 2390, added section 552(a)(3)(E), exempting entities of the intelligence community from FOIA disclosures.

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### 2007 Amendments

Note: These FOIA amendments were enacted as provisions of the OPEN Government Act of 2007, Pub. L. No. 110-175, § 6, 121 Stat. 2524, based on Senate bill S.2488. The “Findings” section that appears in the Public Law was not codified as part of the statutory text of the amended FOIA.

1. Senate Report:

No. 110-59 accompanying S.849 (substantively identical bill) (Comm. on the Judiciary).

2. Congressional Records, daily ed.

S15649-S15650 (December 14, 2007) (Kyl Statement).

S15701-15704 (December 14, 2007) (Text and Remarks: S.2488).

S15701 (December 14, 2007) (Senate passage of S.2488).

H16788-16790 (December 18, 2007) (Text of S.2488).

H16790-16792 (December 18, 2007) (Remarks, Suspension of Rules, and House passage of S.2488).

S15831-S15832 (December 18, 2007) (Leahy Statement).