

**Significant Aspects of Interior Department’s Proposed Changes to
43 CFR Part 2 - FREEDOM OF INFORMATION ACT; RECORDS AND TESTIMONY
12/28/18**

Size Limit. Under proposed §2.5, Interior could “not honor a request that requires an unreasonably burdensome search or requires the bureau to locate, review, redact, or arrange for inspection a vast quantity of material.”

Refer to Other Agencies. Under proposed §2.13, Interior could divert a request to another agency if it determines that the latter “would be better able to determine whether the record is exempt from disclosure.” The current standard is that the requested bureau “has no responsive records.”

Monthly Limits. Under proposed §2.14, Interior could “impose a monthly limit for processing records...”

Repeal Time Limit for Handling Misdirected FOIA Requests. Proposed repeal of §2.17, which sets a ten-working day time limit to respond to misdirected requests.

Breaking News No Longer Basis for Expedited Processing. Under proposed §2.20(a)(2)(iii) “breaking news story of general public interest” would be stricken as a basis for obtaining expedited processing of a FOIA request.

Added Layer for Expedited Approval. Under proposed §2.20(c), the Office of Solicitor must be consulted “before granting expedited processing requests.”

New Fee Waiver Standard. Under proposed §2.48(a)(2)(iv), requester would also have to show “expertise in the subject area” to qualify for a public interest fee waiver.

Wiki-Leaks Disqualifier. Under proposed §2.70, adds the following condition to be considered a “representative of the news media”: “Distributing copies of released records, electronically or otherwise, does not qualify as using editorial skills to turn the raw materials into a distinct work.”

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