

Reaction Of Senator Patrick Leahy To The President's FOIA Executive Order

I welcome the President's initiative because it will foster better compliance and signal to federal agencies that the President recognizes that the government needs to upgrade its performance in implementing FOIA. The Executive Order has the potential to improve agency handling of FOIA requests, including better customer service. In these ways it encompasses the spirit of some of the measures that Senator John Cornyn and I included in our comprehensive legislation, the Open Government Act, and in the bill we introduced to analyze the sources of processing delays, the Faster FOIA Act. The Executive Order also includes some useful reform and reporting measures.

I appreciate that most FOIA officers do their best to process requests efficiently, but lengthy delays and significant backlogs have persisted at many agencies. The changes mandated by the Executive Order may help, but they only require agencies to look within. Input from FOIA requestors is also necessary in aggressively reducing agency delay. That is the approach that I have taken with Senator Cornyn in our legislation.

The Executive Order is a constructive step, but it is not the comprehensive reforms we need. The Open Government Act takes a much more forceful approach to reforming FOIA implementation. The Act underscores FOIA's presumption of openness and that effective government depends more than on the need to know it depends on the fundamental right to know. Our bill would strengthen FOIA and close loopholes, put teeth in the statutory deadlines for agency responses, and provide FOIA officials with all of the tools they need to ensure that our government remains open and accessible.

I welcome the President's statement, but we can do better.

CORNYN APPLAUDS PRESIDENT'S MOVE TO ENHANCE OPEN GOVERNMENT

Executive Order important first step toward more sunshine in government, Cornyn says

WASHINGTON—U.S. Sen. John Cornyn, a member of the Judiciary Committee, joined President Bush at the White House Wednesday where the President signed an Executive Order enhancing current Freedom of Information Act (FOIA) policies. Sen. Cornyn, a leading proponent of open government and the author of bipartisan FOIA reform legislation, called the move an "important step toward more sunshine in government."

“Open government is one of the most basic requirements of a healthy democracy,” Cornyn said. “The default position of our government must be one of openness. If records can be open, they should be open. If good reason exists to keep something closed, it is the government that should bear the burden—not the other way around.”

Cornyn continued: “The President’s directive moves us forward toward strengthening our open government laws and reinforcing our national commitment to freedom of information. This Executive Order affirms that FOIA has provided citizens with important information about the functioning of our government. It directs FOIA officials to reduce agency backlogs, create a process for everyday citizens to track the status of their request, and establishes a protocol for requestors to resolve FOIA disputes short of filing litigation.”

The President’s Executive Order:

- Affirms the principle that FOIA is important to our system of open government and a healthy democracy
- Creates a FOIA Service Center from which requestors can obtain information on their requests and track request status
- Creates a FOIA public liaison who acts as a supervisor of FOIA personnel and is available to resolve disputes between the requestor and the government
- Requires each Chief FOIA officer to review its agency’s practices, including the use of technology, to set concrete milestones and specific timetables to reduce backlogs and efficiently administer its FOIA responsibilities.

In June the Senate passed Cornyn legislation to bring increased sunshine to the federal legislative process, another step toward strengthening government openness. The reform, co-sponsored by Sen. Patrick Leahy (D-Vt.), creates additional legislative transparency by requiring that any future legislation containing exemptions to requirements be “stated explicitly within the text of the bill.”

In addition, Cornyn and Leahy introduced the *Openness Promotes Effectiveness in our National Government Act of 2005* (OPEN Government Act, S. 394) in February, and a separate bill in March to establish an advisory Commission on Freedom of Information Act Processing Delays. Sen. Cornyn chaired a hearing in March that examined the OPEN Government Act. Cornyn was presented with the James Madison Award in 2001 for his efforts as Texas Attorney General to promote open government by the Freedom of Information Foundation of Texas.

Platts Applauds Executive Order Streamlining FOIA Processing

WASHINGTON, D.C. – Today, Rep. Todd Russell Platts (R-PA-19), Chairman of the House Government Reform Subcommittee on Government Management, Finance, and Accountability, joined President Bush as he signed an Executive Order aimed at improving the implementation of the Freedom of Information Act.

Platts has been working with the Administration since holding an oversight hearing on FOIA in May 2005. The changes, described in more detail below, are intended to

improve the overall transparency of the FOIA process and to help agencies and citizens better track individual requests.

“One of the things our oversight has shown is that it’s difficult to navigate the process. Requesters don’t have a single point of contact or someone to call when they run into trouble. The Executive Order is a broad policy change designed to address these concerns – now agencies must take ownership of improving how they process FOIA requests,” said Rep. Platts.

The Executive Order designates a Chief FOIA Officer in each Federal Department to be responsible for streamlining the process of responding to FOIA requests. A plan of action for streamlining is due from each agency in six months, at which time each plan will be posted on the Internet. Implementation of the improvement plan must take place over the next two years.

Agencies will also be required to establish a FOIA Requester Service Center and designate Public Liaisons to provide a single point of contact for requesters. This step is intended to give the public more information about the status of request, to reduce backlogs, and to create an interactive relationship between the agency and the requestor.

“This puts a service-oriented focus on FOIA. It is a good start. By improving the operational aspect of FOIA compliance, we will be in a better position to look at any policy changes that might be needed,” Platts said.

Earlier this year, the Subcommittee on Government Management, Finance, and Accountability published *A Citizen’s Guide on Using the Freedom of Information Act and the Privacy Act of 1974 to Request Government Records*.