

ONE HUNDRED TENTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

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**Opening Statement of Rep. Henry A. Waxman
Chairman, Committee on Oversight and Government Reform
Markup of H.R. 1309
The Freedom of Information Act Amendments of 2007
March 8, 2007**

H.R. 1309, the Freedom of Information Act Amendments of 2007, will provide essential improvements to the operations of our nation's best known and most widely used open government law. I want to thank Chairman Clay for all of his efforts in support of open government, and for introducing this bill and moving it through the Information Policy subcommittee. I was pleased to join him and Representative Platts in cosponsoring this important legislation.

H.R. 1309 builds on important work that began last congressional session with the introduction by Senators Cornyn and Leahy and Representative Lamar Smith of the OPEN Government Act. An amended version of that Act was approved by the Government Management subcommittee under the leadership of Chairman Platts.

This bill contains more than a dozen provisions that will increase public access to information and strengthen the Freedom of Information Act. These provisions will help FOIA requesters obtain timely responses and decrease the backlogs at agencies. They will increase transparency in agency compliance with FOIA. They will provide an alternative to litigation by creating an ombudsman for FOIA in the National Archives. And they will make it more feasible for citizen groups to challenge FOIA decisions by expanding access to attorneys' fees.

In addition, this bill will restore the presumption of disclosure under FOIA. In October 2001, the Bush Administration took a major step toward weakening public access to information under FOIA. The Ashcroft memorandum discouraged agencies from releasing any document if the agency can find a technical reason for withholding it. This was a sharp reversal of the previous policy, which emphasized public disclosure and supported the withholding of information only when the agency could foresee harm from disclosure.

This bill codifies the presumption of disclosure. The bill makes clear that it is government policy to release information if such release is allowed by law and there is no

foreseeable harm from that release. This is an important change that will ensure continued public access to government information.

I urge my colleagues to support this bill.