

Opening Statement
Rep. Gerald E. Connolly, Ranking Member

Subcommittee on Government Operations

Hearing on “Ensuring Government Transparency Through FOIA Reform.”

February 27, 2015

Thank you, Mr. Chairman, for holding this hearing today.

I want to begin by thanking Representative Darrell Issa and Ranking Member Cummings for reintroducing the FOIA Act. As a co-sponsor of the bill, I am pleased that we are highlighting the issue so early in this Congress. This important piece of legislation would reform a cornerstone open government law and improve access to government records.

One of the important reforms the FOIA Act would make is to require a single website for FOIA requesters to submit requests to any agency. I think this provision is important because it will allow the government to use technology to improve the FOIA process both for requesters and for agencies.

The bill requires the Director of the Office of Management and Budget, in consultation with the Attorney General, to ensure the operation of a consolidated online request portal. Some agencies, including the Environmental Protection Agency and the General Services Administration, have already been working on a FOIA portal.

Agencies would also be required to post online all releasable information that has been requested three or more times and to review their systems of records and post releasable information online if it is likely to be in the public interest.

Another key provision of the bill would require that agencies notify requesters of their rights to seek assistance from the agency FOIA Public Liaison and the Office of Government Information Services. FOIA litigation can be costly and time consuming. By emphasizing this right, the bill will encourage requestor’s to utilize dispute resolution and mediation services as a meaningful alternative to litigation.

The bill would require the Government Accountability Office to catalog the number of statutory exemptions under (b)(3) and agency use of such exemptions. Individual statutory exemptions are often slipped into legislation without consultation with this Committee. We don’t even know how many exemptions are on the books. Requiring GAO to catalog these exemptions will help us identify outdated or inappropriate exemptions.

I look forward to hearing from all of our witnesses today. I especially want to make note that today we have a former FOIA officer testifying. In his written testimony, Mr. Fred Sadler states that many FOIA officers feel that their voices have not been heard. This is a valid point. We

have conducted FOIA hearings in the past, but the previous witness panels were composed of open government interest groups and high level agency officials or political appointees.

I commend the work that both of these important components do, however, I look forward to hearing the perspective of someone who performed ground level implementation of FOIA. Mr. Sadler has more than 40 years of “hands on” experience with FOIA, experience that spans from FOIA denials and appeals to directing FOIA staff at the Food and Drug Administration (FDA) in their efforts to reduce the overall FDA backlog of pending agency FOIA requests by 91%, over a 5 year period. Mr. Sadler, thank you for your service and for appearing before us today.

I also want to thank Miriam Nisbet for being here today. Ms. Nisbet served in government for over 35 years and is largely responsible for the outstanding reputation of the Office of Government Information Services. Rick Blum, I don't want to leave you out, your work with Sunshine in the Government has helped give voice to the concerns of reporters and other FOIA requesters.

Thank you, Mr. Chairman.