



MINORITY STAFF
COMMITTEE ON GOVERNMENT REFORM
U.S. HOUSE OF REPRESENTATIVES
SEPTEMBER 14, 2004

Summary

THE RESTORE OPEN GOVERNMENT ACT OF 2004

Today, Rep. Henry A. Waxman and other members of the Government Reform Committee introduced the Restore Open Government Act. This legislation reverses the policies of the Bush Administration that undermine the laws that ensure transparent government operations and public access to government information.

Restores the Presumption of Information Disclosure

The bill overturns the “Ashcroft Memo,” which restricts release of information under the Freedom of Information Act (FOIA), and the “Card Memo,” which encourages agencies to stretch FOIA exemptions to withhold any “sensitive” information. The bill restores the policy that agencies should release requested information absent some finding of harm, even if the information is exempt from FOIA.

Eliminates Unnecessary Protections for “Critical Infrastructure Information”

The bill repeals provisions enacted in 2002 that provide sweeping protections for virtually any information provided to the Department of Homeland Security related to the economic, energy, or communications infrastructure of the nation. The bill replaces these provisions with Senate-passed compromise language that balances protection of voluntarily furnished information relevant to homeland security with legitimate public needs for access to information.

Reinstates the Reagan Executive Order on Presidential Records

The bill repeals President Bush’s executive order on presidential records, which severely curtailed public access to these important historical documents. The bill restores President Reagan’s executive order on presidential records.

Prohibits Secret Presidential Advisory Committees

The bill prevents the White House from establishing advisory committees of government employees that meet secretly with industry groups as did the Vice President’s energy task force. Under the bill, these advisory committees must reveal their meetings and communications with private parties.

Reduces Excessive Classification of Information

The bill adopts the recommendations of the 9/11 Commission to limit the unnecessary classification of documents. It directs the President to require all federal departments and agencies to reduce overclassification of information.

Bolsters Citizen Actions

The bill makes attorneys’ fees available to parties that substantially prevail in litigation to obtain government records, making it more feasible for citizen groups to challenge the improper withholding of government information.