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# Congress of the United States

## House of Representatives

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### Opening Statement

**Rep. Elijah E. Cummings, Ranking Member**

### Hearing on "Addressing Transparency in the Federal Bureaucracy: Moving Toward a More Open Government"

**March 13, 2013**

Thank you, Mr. Chairman, for holding this hearing. This is Sunshine Week, when we celebrate the importance of transparency and openness in government. Sunshine Week is also an appropriate time to conduct oversight and evaluate the state of transparency in our government.

On his first day in office, President Obama made clear that open government would be a priority in his Administration. The President issued a memo on transparency that formed the basis for the Open Government Initiative, a comprehensive set of efforts to increase public access to government information.

Also on his first day in office, the President issued a memo on the Freedom of Information Act, reversing the Bush Administration's presumption against disclosure and instituting a presumption in favor of disclosure. And the Attorney General issued a memo informing agencies that the Justice Department would not defend FOIA denials in court unless agencies have a reasonable belief that there will be foreseeable harm from disclosure.

I think it is fair to say that the President jump-started transparency efforts in the Executive Branch, and there have been significant successes in the last four years. However, there are still areas in need of improvement, and we can always do better.

I ask unanimous consent to place in the record a report issued this week by the Center for Effective Government titled, "Delivering on Open Government: The Obama Administration's Unfinished Legacy." This report finds as follows:

"To secure its legacy as a champion of transparency, the administration will need to do more to ensure that agencies actually implement the transparency policies it established, address gaps left in its policy reforms, and improve its record on national security-related secrecy."

In addition, one of the criticisms in the report is aimed at Congress. The report finds that the “slow pace of secrecy reform within the executive branch has been aided and abetted by a lack of robust oversight from Congress.”

I agree that bipartisan oversight is critical to holding agencies accountable. That is why Chairman Issa and I recently worked together to send a letter to the Justice Department asking for information about several issues of concern regarding FOIA implementation.

In addition, Congress can make it easier for the American people to obtain access to government records. This week, the Chairman and I are releasing a draft bill called the FOIA Oversight and Implementation Act. In the spirit of transparency, we have made it available on the Committee’s website, and we welcome feedback before we formally introduce it. This bill would codify in law what the President has done administratively: it would establish a legal presumption under FOIA in favor of disclosure. It would also create a pilot project to give FOIA requesters a single place to make requests and access records electronically.

I appreciate the Chairman’s bipartisan work on this bill, and I hope we will take swift action to get it on its way to becoming law. I am also pleased to be cosponsoring a bill that Representative Clay is introducing this week to improve the transparency and accountability of federal advisory committees.

I look forward to hearing from the witnesses here today about these proposals and any other ideas you might have for shining light on our government’s operations.

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