
H.R. ____, TRANSPARENCY AND OPENNESS IN GOVERNMENT ACT

Rep. Elijah Cummings, Ranking Member

Committee on Oversight and Government Reform

H.R. ____, the Transparency and Openness in Government Act, strengthens several core open government laws. The Act incorporates the text of five bills that previously passed the House of Representatives with broad, bipartisan support. Collectively, these reforms will enhance accountability and provide the public with greater access to government information.

Making Advisory Committees More Transparent and Accountable.

Title I makes federal commissions more transparent and accountable by strengthening the Federal Advisory Committee Act (FACA). These amendments to FACA ensure that committee members appointed to provide the President or an agency with expert advice comply with conflict of interest and other federal ethics laws. Title I also closes loopholes by clarifying that FACA applies to advisory subcommittees and that committees established by contractors are subject to FACA if formed at the request or direction of an agency or the President.

(Passed the House on July 26, 2010, by a vote of 250 to 124.)

Improving Public Access to Presidential Records.

Title II amends the Presidential Records Act to establish a process for handling executive privilege claims to ensure the timely release of presidential records. Under Title II, current and former presidents have up to 90 days to object to the release of records by the Archivist. Title II also makes clear that the right to assert executive privilege is personal to current and former presidents and cannot be bequeathed to assistants, relatives, or descendants.

(Passed the House on January 7, 2009, by a vote of 359 to 58).

Requiring Greater Disclosure of Donations to Presidential Libraries.

Title III requires organizations that raise funds for presidential libraries and their affiliated facilities to disclose information about their donors to Congress and the National Archives and Records Administration. The legislation further requires the Archives to make that information available to the public in a free, searchable, and downloadable database on the internet.

(Passed the House on January 7, 2009, by a vote of 388 to 31).

Modernizing and Strengthening Records Preservation Requirements.

Title IV modernizes the requirements of the Federal Records Act and Presidential Records Act to ensure that e-mails and other electronic messages are preserved. Title IV directs the Archivist to issue regulations requiring agencies to preserve electronic messages in an electronic format. These regulations must cover the capture, management, preservation, and electronic retrieval of electronic records. The Archivist is also directed to establish standards for the capture, management, and preservation of electronic messages that are presidential records.

(Passed the House on March 17, 2010, by voice vote).

Improving the Effectiveness of GAO.

Title V clarifies and strengthens the authority of the Government Accountability Office to access agency records and pursue litigation if access is improperly denied by a government agency. Title V increases GAO's effectiveness by ensuring that it is not unnecessarily restricted in efforts to secure information in the course of performing auditing and investigative functions for Congress.

(Passed the House on January 13, 2010, by voice vote.)