

ONE HUNDRED TENTH CONGRESS
Congress of the United States
House of Representatives

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Opening Statement of Rep. Henry A. Waxman
Chairman, Committee on Oversight and Government Reform
Markup of H.R. 1255, the Presidential Records Act Amendments
March 8, 2007

H.R. 1255, the Presidential Records Act Amendments of 2007, has a straightforward purpose: It will ensure that future historians have access to presidential records as the Presidential Records Act intended. I am pleased to have introduced this bipartisan bill with my colleagues on this committee, Representatives Platts, Clay, and Burton.

The Presidential Records Act is one of this nation's most important open government laws. Enacted in 1978, it establishes that presidential records belong to the American public, not the individual president. And it creates a process to release these records to historians and the public.

Early in his term, President Bush issued an executive order that carved enormous loopholes in the Act. The order gave unprecedented authority to former presidents — and their heirs — to withhold documents from the public. It allowed current and former presidents to indefinitely delay the release of any records. And for the first time, it gave former vice presidents authority to assert executive privilege.

Under this executive order, former presidents are able to determine which records they want released. As historian Robert Dallek told the Information Policy subcommittee last week, this order — and I quote — “carries the potential for incomplete and distorted understanding of past presidential decisions, especially about controversial actions with significant consequences.” This result is simply unacceptable.

The legislation we are considering today will restore many of the processes that were put into place by a Reagan executive order. Those procedures made sense then, and they still do now.

The bill makes clear that only the current and former presidents — not their heirs, not former vice presidents — may assert executive privilege. It gives the current president discretion over whether to support a former president's assertion of privilege. And it sets strict time limits for the current and former president to review records before they are released.

This Committee considered similar legislation in 2002, and approved it with overwhelming and bipartisan support. I urge my colleagues to support this bill today.