

*Opening Statement
Of
Wm. Lacy Clay, Chairman
Information Policy, Census and National Archives
Subcommittee*

*Wednesday, September 17, 2008
2154 Rayburn House Office Building
2:00 p.m.*

*“Implementation of the Office of Government
Information Services”*

GOOD AFTERNOON. TODAY THE COMMITTEE WILL EXAMINE THE STRUCTURE AND FUNCTION OF THE OFFICE OF GOVERNMENT INFORMATION SERVICES (OR OGIS) ESTABLISHED BY THE “OPEN GOVERNMENT ACT” OF 2007.

CONGRESS PASSED THE “OPEN GOVERNMENT ACT” TO HELP CITIZENS OBTAIN TIMELY RESPONSES TO FOIA REQUESTS. OGIS IS CHARGED WITH REVIEWING FOIA POLICIES AND PROCEDURES OF ADMINISTRATIVE AGENCIES TO MAKE SURE THEY ARE IN COMPLIANCE WITH THE LAW.

CONGRESS PLACED OGIS WITHIN THE NATIONAL ARCHIVES AND RECORDS ADMINISTRATION TO SERVE AS AN IMPARTIAL MEDIATOR TO RESOLVE DISPUTES BETWEEN FOIA REQUESTORS AND ADMINISTRATIVE AGENCIES.

PRIOR TO THE ACT, WHEN AN AGENCY FAILED TO PROVIDE INFORMATION REQUESTED UNDER FOIA, A REQUESTER WAS FORCED TO SUE AN AGENCY TO GET THE INFORMATION. FOR AVERAGE CITIZENS, WHO COMPRISE A SIGNIFICANT PERCENTAGE OF THE FOIA REQUESTOR COMMUNITY, THE COST OF LITIGATION IS PROHIBITIVE.

IT HAS BEEN NINE MONTHS SINCE THE PRESIDENT SIGNED THE “OPEN GOVERNMENT ACT” INTO LAW, BUT THERE HAS BEEN NO MOVEMENT ON ESTABLISHING OGIS.

CONGRESS HAS APPROPRIATED \$1 MILLION TO FUND THE PLANNING FOR OGIS, HOWEVER THE

FUNDS WILL NOT LIKELY BE AVAILABLE UNTIL 2009. MEMBERS ARE CONCERNED THAT DELAYS IN STRUCTURING THE OFFICE WILL INCREASE THE BACKLOG OF FOIA REQUESTS AND UNDERMINE THE PURPOSE OF ESTABLISHING OGIS.

TODAY'S HEARING WILL PROVIDE THE U.S. ARCHIVIST WITH AN OPPORTUNITY TO SHARE HIS STRATEGIC PLAN TO IMPLEMENT THE LAW AND ESTABLISH OGIS.

WE WILL ALSO HEAR FROM THE OPEN GOVERNMENT COMMUNITY ABOUT HOW TO STRUCTURE A HIGHLY FUNCTIONAL OFFICE THAT WILL MAKE FOIA WORK MORE EFFECTIVELY.

I THANK ALL OF OUR WITNESSES FOR APPEARING TODAY AND LOOK FORWARD TO THEIR TESTIMONIES.