

# THE FED PAGE



## Federal Eye

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### Lawmakers seek to widen records access

Two senators this week proposed bipartisan legislation that would help ensure greater access to government records, adding further momentum to recent efforts to update Freedom of Information Act regulations.

The legislation, sponsored by Sens. Patrick J. Leahy (D-Vt.) and John Cornyn (R-Tex.), would restrict one of the most commonly used and contentious exemptions to the law and mandate a "presumption of openness" for agencies considering information requests.

The bill would also give the Office of Government Information Services authority to mediate FOIA disputes, with the goal of avoiding costly and time-consuming litigation.

"Open government is a hallmark of a healthy democracy, and the American people have a fundamental right to know what their government is doing," Cornyn said in a statement.

FOIA is a nearly 48-year-old law that requires the government to disclose certain documents upon request by members of the public. Congress has shown a strong desire to update the statute's regulations this year after numerous media and government-watchdog reports showed that most agencies do not comply with the existing requirements.

"Both Democrats and Republicans understand that a commitment to transparency is a commitment to the American values of openness and accountability," Leahy said in a statement, adding that his bill has garnered "broad, bipartisan support."

President Obama promised on the first day of his first term that his administration would be the most transparent in U.S. history. He issued a directive in 2009 saying that agencies should operate with a "presumption of disclosure" with most FOIA requests.

But an Associated Press analysis this year found that the administration has grown more secretive over time, with agencies censoring and outright denying FOIA access in 2013 more than ever since Obama took office.

Additionally, a report from the National Security Archive showed that 54 percent of all agencies have ignored the 2009 directive from Obama and Attorney General Eric H. Holder Jr. The group also found that nearly half of all agencies have not updated their FOIA regulations to comply with amendments that Congress made to the law in 2007.

The House unanimously passed a bill in February that would establish a six-month deadline for agencies to update their FOIA regulations, a proposal that transparency advocates support. Rep. Darrell Issa (R-Calif.) sponsored that legislation.

As for the Obama directive, the Senate bill would turn it into law.

"Putting it into statute is a very good thing, because we'd have a statutory policy to rely on rather than just a presidential directive when we have to litigate these cases," said National Security Archive Director Tom Blanton.

The Senate bill would also establish a 25-year limit on withholding documents under a FOIA exemption that allows the government to refuse records if the information is part of decision-making processes. Critics say the Obama administration has abused that rule, which they describe as the "withhold it because you want to" exception.

"Agencies routinely and needlessly withhold important information from the public," said Anne Weismann, chief counsel for Citizens for Responsibility and Ethics in Washington.

— Josh Hicks