

The Honorable Elijah Cummings
United States House of Representatives
2235 Rayburn House Office Building
Washington, D.C. 20515

The Honorable Darrell Issa
United States House of Representatives
2347 Rayburn House Office Building
Washington, D.C. 20515

April 18, 2011

Dear Chairman Issa and Ranking Member Cummings,

Our undersigned groups strongly support HR 1144, which we believe will make the government operate with more transparency and accountability. H.R. 1144, “The Transparency and Openness in Government Act,” will enhance the effectiveness of federal advisory panels, provide more access to presidential records, secure electronic messages generated by Administration officials, ensure donations to presidential libraries are part of the public record, and give the Government Accountability Office more teeth.

The reforms in H.R. 1144 are ripe for bipartisan action and support, since they are commonsense, noncontroversial measures, all of which passed the House of Representatives in the 111th Congress with substantial bipartisan support.

Title 1 of this bill, the Federal Advisory Committee Act Amendments Act, was approved by a bipartisan House vote of 250 to 124 in July 2010. It addresses weaknesses in the advisory committee process raised by the Government Accountability Office in 2004. The GAO thoroughly examined the FACA process and raised serious concerns about the ways agencies select and designate members, too frequently wrongly designating experts as representative stakeholders not subject to conflict of interest reviews. The GAO also recommended greater transparency for the member selection process such as “providing information on how the members of the committees are identified and screened, and indicating whether the committee members are providing independent or stakeholder advice.”

This title will give the public more information about any conflicts of interest among advisory panel members and how the agency addresses them, make all meetings available on the agency’s web site, and achieve a breakthrough for public participation allowing public comments for panel members and other openness.

Title II of this bill, Presidential Records Act Amendments, was sponsored in the 111th Congress by Rep. Edolphus Towns (D-NY), with Republican co-sponsors Reps. Issa (CA) and Dan Burton (IN). It passed the House by a vote of 359 to 58.

Past presidents have blocked the public release of presidential records and expanded the ability to use claims of executive privilege to do so. This title establishes a process for handling executive privilege claims over presidential records to ensure the timely release of these records. This title will ensure that requests by former presidents to redact certain presidential records are part of the public record, and that presidents may withhold a presidential record only if a former president has a constitutionally valid reason for doing so.

Title III, the Presidential Libraries Donation Reform Act, sponsored in the 111th Congress by Rep. Towns, with the bipartisan sponsorship of Reps. Issa and John Duncan (TN), passed the House in January 2009 by a vote of 388 to 31.

This title repairs a gaping hole in our campaign finance disclosure system. Gifts to presidential libraries can often total \$1 million or more, and yet they are not required to be disclosed. This title would require quarterly reporting to Congress and the National Archives of donations to presidential libraries of \$200 or more. This disclosure requirement would last up to four years after a president leaves office.

Title IV, Electronic Message Preservation, passed the House in March 2010 by voice vote. Emails and other electronic messages throughout the government are currently at risk. With little guidance for better methods, many agencies print them out to file—and some simply discard them. Title IV will ensure that all records that belong to the American people are preserved. The title requires the National Archivist to issue rules that address the capture, management, preservation, and retrieval of electronic records.

Title V, The Government Accountability Office Improvement Act, introduced in the 111th Congress by Rep. Towns, passed the House by a voice vote in January 2010.

The Government Accountability Office (GAO) is sometimes hamstrung in its efforts to audit or investigate agencies on behalf of Congress. Title V clarifies the authority of the Government Accountability Office (GAO) to access agency records, and enforce this authority in court, if necessary.

We hope we can work with you to ensure that this package of reforms receives bipartisan support and prompt action in the House.

Sincerely,

John W. Curtis, Ph.D.
Director of Research and Public Policy
American Association of University Professors

Christopher Finan
President
American Booksellers Foundation for Free Expression (ABFFE)

Anne L. Weismann
Chief Counsel
Citizens for Responsibility and Ethics in Washington

John Richard
Essential information

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