

Statement of

The Honorable Patrick Leahy

United States Senator
Vermont
April 15, 2010

Statement Of Senator Patrick Leahy (D-Vt.),
Chairman, Senate Committee On The Judiciary,
On Committee Consideration Of The "Faster FOIA Act Of 2010"
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Today the Committee considers an important measure to improve the administration of the Freedom of Information Act (FOIA). The Faster FOIA Act of 2010 would establish a bipartisan commission to examine the root causes of agency FOIA delays, and to recommend to the Congress and the President steps to help eliminate FOIA backlogs.

Senator Cornyn and I first introduced this bill in 2005, because of the growing problem of excessive FOIA delays within our Federal agencies. During the five years since then, we have successfully worked together to reinvigorate FOIA through several legislative initiatives. I thank Senator Cornyn for his work on this bill and for his leadership on this issue.

The Obama administration has also made significant progress in improving the FOIA process. Last month the administration announced that the number of overdue FOIA cases fell by 50 percent government-wide (from 124,019 in FY 2008 to 67,764 in FY 2009) during the past year. This is good news. But large FOIA backlogs remain a major roadblock to public access to information.

According to the Department of Justice's Freedom of Information Act Annual Report for Fiscal Year 2009, the Department had a backlog of almost 5,000 FOIA requests at the end of 2009. The Department of Homeland Security's report for the same period shows a backlog of 18,918 FOIA requests.

The Associated Press recently reported that more than 67,000 overdue FOIA requests remain outstanding across the Federal Government. Their report also indicates that the government's use of FOIA exemptions to withhold information from the public - which often contributes to FOIA delays - increased during FY 2009. Federal agencies cited FOIA exemptions at least 466,872 times in FY 2009, which is a significant increase from the previous year, according to the Associated Press.

Senator Cornyn and I believe that is simply unacceptable. And that is why we have introduced this bill. We have also worked with Senator Grassley and Senator Sessions to improve the bill. I am pleased that during yesterday's oversight hearing, the Attorney General said that he would also work with us on this issue.

The commission created by the Faster FOIA Act will make key recommendations to Congress and the President for reducing impediments to the efficient processing of FOIA requests. The commission will also examine whether the current system for charging fees and granting fee waivers under FOIA should be modified. The commission will be made up of government and non-governmental representatives with a broad range of experience related to handling FOIA requests.

In 2005, the Committee favorably reported this bill by unanimous consent. Democratic and Republican Senators alike not only supported this bill, but contributed to improving the bill.

I have said many times that open government is neither a Democratic issue, nor a Republican issue - it is truly an American value and virtue that we all must uphold. It is in this bipartisan spirit that I hope we can make progress on reporting the Faster FOIA Act. I urge all Members of the Committee to support these constructive improvements in our Nation's fundamental right-to-know law.

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