

Statement of

The Honorable Patrick Leahy

United States Senator
Vermont
April 7, 2011

Opening Statement Of Senator Patrick Leahy (D-Vt.),
Chairman, Senate Judiciary Committee,
Executive Business Meeting
April 7, 2011

Today we should be able to complete action on a number of measures, including the cameras in the courtroom bill that Senator Grassley and Senator Schumer have brought to us, our bipartisan FOIA bill, and the oil cartel bill, all of which we have favorably considered in prior years.

Just a word about our bill to improve the implementation of the Freedom of Information Act (FOIA). The Faster FOIA Act will establish a bipartisan commission to examine the root causes of agency FOIA delays, and to recommend to Congress and the President steps to help eliminate FOIA backlogs.

Senator Cornyn and I first introduced this bill in 2005, because we were concerned about the problem of excessive FOIA delays within our Federal agencies. During the intervening years, the problem has not gone away. That is why in 2010, we reintroduced this bill. The Senate unanimously passed it last year. After the Committee's March 14 oversight hearing on FOIA, we reintroduced our bill, again. I hope that Congress, both the Senate and the House, will finally enact this good government legislation. I hope that the Committee will do its part and favorably report our bill today.

While the Obama administration has made significant progress in improving the FOIA process, large backlogs remain a major roadblock to public access to information. A recent report released by the National Security Archive found that only about half of the Federal agencies surveyed have taken concrete steps to update their FOIA policies in light of the recent reforms. These delays are simply unacceptable.

Our bill can help to reverse this trend. 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. In addition, the commission will examine whether the current system for charging fees and granting fee waivers under FOIA should be modified. The commission will be comprised by government and non-governmental representatives with a broad range of experience related to FOIA.

I have said many times over the years that open government is neither a Democratic issue, nor a Republican issue - it is an American value that we all must uphold. I have said that whether the

administration is Democratic or Republican. I thank Senator Cornyn for his work on this bill, and I thank Senator Whitehouse our cosponsor. In addition, I thank the Committee's Ranking Member, Senator Grassley, for working with us. I hope now with the circulation of an amendment the Ranking Member has cosponsored, that he will work with us to pass this bill in the Senate.

Before we get to those legislative matters, we need to complete our reconsideration of the nomination of Professor Goodwin Liu to fill a longstanding judicial vacancy on the United States Court of Appeals for the Ninth Circuit. The Ninth Circuit is one of the most overworked in the Nation. There are currently three vacancies on that court, all of which are considered judicial emergencies, and another future vacancy has already been announced. Recently the Judicial Conference of the United States reiterated its recommendation that in addition to those four vacancies, the work load of the circuit justifies an additional five judges.

I know how strongly Senator Feinstein and Senator Boxer support this nomination, and I join with them. I am sorry that when the nomination was reported favorably last year, the Senate was prevented from debating and voting on it. Last week, we discussed that we would debate and vote on this nomination this week without a filibuster and I thank all members for their cooperation.

I will first call upon Senator Grassley, our Ranking Republican member, for any comments he wishes to make and then will continue the debate on the Liu nomination by recognizing Senator Feinstein.

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