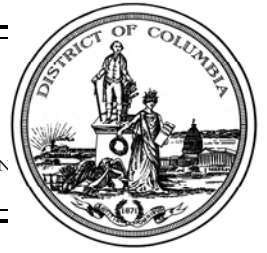

OFFICE OF MARY M. CHEH
COUNCILMEMBER, WARD 3
CHAIR, COMMITTEE ON GOVERNMENT OPERATIONS & THE ENVIRONMENT



INTRODUCTION OF OPEN GOVERNMENT ACT OF 2010
APRIL 22, 2010

Hi, I am Mary Cheh, and I represent Ward 3 of the DC Council.

The Freedom of Information Act (referred to as FOIA) makes it the law in the District of Columbia that all persons are entitled to full and complete information regarding the affairs of government. The promise of FOIA is that our government must operate not solely in the public interest, but also in the public domain.

As Chair of the Committee on Government Operations and the Environment, I have heard repeatedly heard that the District's track record with FOIA leaves much to be desired. I have heard that FOIA requests were not responded to in a timely manner. I have heard that FOIA requests were frequently denied with only the slenderest of justifications for withholding information. And I have heard that aggressive assertions of privilege limit the ability of the public and the media to access critical information about the basic functioning of our government.

Part of the reason that FOIA has not lived up to its promise is that there are few enforcement mechanisms to ensure that the law is complied with. The main means of enforcement is to go to court; but that is too costly, burdensome, and takes so long that, by the time the information is released, it is no longer useful.

Today I am pleased to introduce the Open Government Act of 2010, which would change the way we do FOIA in the District. It would create an Open Government Office—modeled off of similar entities in Connecticut, New York, Minnesota, and Virginia—to ensure that the District complies with FOIA, and also to assist people who want to access government information.

It would enhance enforcement mechanisms and incentives by allowing agencies to collect fees if they act in a timely manner, and take those fees away if they don't. It would hold FOIA officers and agencies responsible for failure to comply with FOIA. And it would ensure that, when you do go to court, a requester can recover attorney fees.

And that's only part of the bill. There are changes to the Administrative Procedure Act to make sure that the rules that the District uses are made in a more fair and transparent way. It would require agencies to create biennial transparency plans to increase public access to information and public engagement. It would reform lobbyist and financial disclosures to increase transparency. And, it would increase spending and budget transparency in the District.

This bill is the culmination of many months of work, but the work is not done. I am calling on you to help me through one of 4 working groups to participate in making the law better. And I am asking for you to testify at my hearing on June 7th. And finally, I am asking for read my bill and to submit your comments on my website at <http://opengovernment.marycheh.com>.

Thank you.