

## **LCHR RECOMMENDATIONS ON OPEN GOVERNMENT (3/11/03)**

1. The attorney general should rescind the October 12, 2001 directive on the implementation of the Freedom of Information Act (FOIA), which encourages the presumptive refusal of requests. He should restore guidelines in keeping with the express intent of the law to promote open government.
2. Congress should hold hearings on the “critical infrastructure information” exemption to FOIA contained in Section 214 of the Homeland Security Act. Congress should amend the exemption to ensure that sufficient information is available under FOIA to help people protect themselves and to create safety incentives for the private companies that control most of the country’s “critical infrastructure.”
3. Congress should amend the Homeland Security Act, section 871, to remove exemptions of its advisory committees from the provisions of the Federal Advisory Committee Act.
4. Congress should reaffirm the mandate and independence of the General Accounting Office to act as its agent in seeking information from the executive.
5. Congress should hold oversight hearings into the implementation of the USA PATRIOT Act aimed at upholding the principle of open government.
6. Congress should hold hearings into any proposals to enhance executive prerogatives under USA PATRIOT and into the secretive drafting of the “Domestic Security Enhancement Act of 2003.”
7. If the Administration's Domestic Security Enhancement Act of 2003 is introduced in Congress, it should be referred to the Judiciary Committee and other appropriate committees on a schedule that provides adequate time for full and careful analysis. Those committees should hold extensive hearings, where the Administration can explain its views in detail and outside groups can respond, before marking up the bill. If a final bill is brought up for a vote, it should be the one that has been reported out by the appropriate committees.