

HR 5073

Restore Open Government Act of 2004

Congress: 108 (2003–2005, Ended)

Chamber: House

Policy Area: Government Operations and Politics

Introduced: Sep 14, 2004

Current Status: Referred to the Subcommittee on Technology, Information Policy, Intergovernmental Relations and the

Latest Action: Referred to the Subcommittee on Technology, Information Policy, Intergovernmental Relations and the Census. (Oct 14, 2004)

Official Text: <https://www.congress.gov/bill/108th-congress/house-bill/5073>

Sponsor

Name: Rep. Waxman, Henry A. [D-CA-30]

Party: Democratic • State: CA • Chamber: House

Cosponsors (21 total)

Cosponsor	Party / State	Role	Date Joined
Del. Norton, Eleanor Holmes [D-DC-At Large]	D · DC		Sep 14, 2004
Rep. Clay, Wm. Lacy [D-MO-1]	D · MO		Sep 14, 2004
Rep. Cummings, Elijah E. [D-MD-7]	D · MD		Sep 14, 2004
Rep. Kucinich, Dennis J. [D-OH-10]	D · OH		Sep 14, 2004
Rep. Maloney, Carolyn B. [D-NY-14]	D · NY		Sep 14, 2004
Rep. McCollum, Betty [D-MN-4]	D · MN		Sep 14, 2004
Rep. McDermott, Jim [D-WA-7]	D · WA		Sep 14, 2004
Rep. Sanders, Bernard [I-VT-At Large]	I · VT		Sep 14, 2004
Rep. Van Hollen, Chris [D-MD-8]	D · MD		Sep 14, 2004
Rep. Berman, Howard L. [D-CA-28]	D · CA		Sep 22, 2004
Rep. Conyers, John, Jr. [D-MI-14]	D · MI		Sep 22, 2004
Rep. Doggett, Lloyd [D-TX-10]	D · TX		Sep 22, 2004
Rep. Pelosi, Nancy [D-CA-8]	D · CA		Sep 22, 2004
Rep. Stark, Fortney Pete [D-CA-13]	D · CA		Sep 22, 2004
Rep. Lynch, Stephen F. [D-MA-9]	D · MA		Nov 16, 2004
Rep. DeGette, Diana [D-CO-1]	D · CO		Nov 19, 2004
Rep. Nadler, Jerrold [D-NY-8]	D · NY		Nov 19, 2004
Rep. Owens, Major R. [D-NY-11]	D · NY		Nov 19, 2004
Rep. Schakowsky, Janice D. [D-IL-9]	D · IL		Nov 19, 2004
Rep. Slaughter, Louise McIntosh [D-NY-28]	D · NY		Nov 19, 2004
Rep. Woolsey, Lynn C. [D-CA-6]	D · CA		Nov 19, 2004

Committee Activity

Committee	Chamber	Activity	Date
Homeland Security Committee	House	Referred To	Sep 15, 2004
Oversight and Government Reform Committee	House	Referred to	Oct 14, 2004

Subjects & Policy Tags

Policy Area:

Government Operations and Politics

Related Bills

No related bills are listed.

Restore Open Government Act of 2004 - Revokes: (1) the "Memorandum for Heads of all Federal Departments and Agencies" on "The Freedom of Information Act" issued by Attorney General John Ashcroft on October 12, 2001; and (2) the "Memorandum for the Heads of Executive Department and Agencies" on "Action to Safeguard Information Regarding Weapons of Mass Destruction and Other Sensitive Documents Related to Homeland Security" issued by Andrew H. Card, Jr., Assistant to the President and Chief of Staff on March 19, 2002.

Declares that the policy of the Federal Government is to release information to the public in response to a request under the Freedom of Information Act (FOIA) if such release is: (1) required by law; or (2) allowed by law and the agency concerned does not reasonably foresee that disclosure would be harmful to an interest protected by an applicable exemption. Instructs that all guidance provided to Federal agencies shall be consistent with such policy.

Prohibits a record pertaining to the vulnerability of and threats to critical infrastructure that is furnished voluntarily to the Department of Homeland Security (DHS) from being made available under the FOIA if: (1) the provider would not customarily make the record available to the public; and (2) the record is designated and certified by the provider as confidential and not customarily made available to the public. (Allows the provider of such a record at any time to withdraw the confidential designation.) Requires a Federal agency in receipt of a record that was furnished voluntarily to DHS and subsequently shared with that agency, upon receipt of a FOIA request, to: (1) not make the record available; and (2) refer the request to DHS for processing and response in accordance with this Act.

Revokes Executive Order 13233 (relating to further implementation of the Presidential Records Act), dated November 1, 2001 and makes effective Executive Order 12667 (relating to Presidential records), dated January 18, 1989.

Directs the President to ensure that the names of Presidential interagency advisory committee members are published in the Federal Register. Mandates that such a committee must make public each substantive contact between the advisory committee, or individual committee members acting on the committee's behalf, and any person who is not a full-time or permanent part-time officer or employee of the Government.

Directs the President to require Federal departments and agencies to promote a culture of information sharing by reducing disincentives to information sharing, including overclassification of information and unnecessary requirements for originator approval.

Amends the FOIA to permit a U.S. district court to assess against the United States reasonable attorney fees and other litigation costs reasonably incurred in any case seeking information from a Federal agency or official under any other Federal law in which the complainant has substantially prevailed.

Actions Timeline

- **Oct 14, 2004:** Referred to the Subcommittee on Technology, Information Policy, Intergovernmental Relations and the Census.
- **Sep 15, 2004:** Referred to the House Committee on Homeland Security (Select).
- **Sep 14, 2004:** Introduced in House
- **Sep 14, 2004:** Introduced in House
- **Sep 14, 2004:** Referred to the House Committee on Government Reform.