

Sunshine in Government Initiative

1101 Wilson Boulevard, Suite 1100 · Arlington, Virginia 22209
Phone (703) 807-2100 · Fax (703) 807-2109
www.SunshineInGovernment.org · info@SunshineInGovernment.org



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Contact: Rick Blum
202-309-2654 (cell), 703-807-2100
rblum@sunshineingovernment.org

SGI objects to President's proposal to eliminate new Freedom of Information Act ombudsman

The Sunshine in Government Initiative (SGI) wrote to lawmakers today objecting to the administration's proposal in the fiscal year 2009 budget to eliminate the newly created independent Freedom of Information Act (FOIA) ombudsman at the National Archives and Records Administration (NARA).

"For the first time, Congress created an independent ombudsman in the federal government to help the public," said Rick Blum. "Why quit the experiment after only 35 days? The ombudsman will be an important advocate for the public to better understand how open government works, resolve disputes and avoid unnecessary lawsuits when seeking documents from our government."

The language inserted in the President's budget seeks to reverse legislation signed into law barely a month ago. Included in page 239 of the appendix to the President's proposed budget for FY2009 is a paragraph that eliminates the Office of Government Information Services (OGIS) within NARA and instructs the Justice Department to carry out its functions. (See below for text.)

"Asking the Justice Department to perform the responsibilities creates an inherent conflict of interest," SGI noted in the letter to lawmakers. "We encourage the Congress to fully fund OGIS within the National Archives. This reflects the plain language of the statute and intent of Congress in passing the OPEN Government Act. The money should follow the law."

The Sunshine in Government Initiative is a coalition of ten media groups promoting open and accountable government. The full letter and more information are available at www.sunshineingovernment.org.

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Excerpt from the Appendix to the President's fiscal year 2009 budget, page 239:

Sec. 519. The Department of Justice shall carry out the responsibilities of the office established in 5 U.S.C. 552(h), from amounts made available in the Department of Justice appropriation for "General Administration Salaries and Expenses". In addition, subsection (h) of section 552 of title 5, United States Code, is hereby repealed, and subsections (i) through (l) are redesignated as (h) through (k). (Commerce, Justice, Science, and Related Agencies Appropriations Act, 2008.)

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