

March 30, 2009

The Honorable Joseph I. Lieberman  
Chairman  
Committee on Homeland Security  
& Governmental Affairs  
United States Senate  
Washington, DC 20510

Dear Mr. Chairman:

"The Presidential Records Act (PRA) Amendments of 2009" (H.R. 35), which would establish procedures to ensure the timely release of presidential records, currently awaits action before your committee. We, the undersigned organizations representing a broad range of stakeholders interested in access to presidential records, urge you to take swift action on this important legislation.

We want to thank you for your tireless work in the 110<sup>th</sup> Session of Congress to facilitate passage of an identical bill by the Senate. We stand committed to assisting you in any capacity to ensure passage this year.

In November 2001, President George W. Bush issued Executive Order 13233, which gave current and former presidents and vice presidents, and their heirs much broader authority to withhold presidential records or delay their release. This unnecessarily added to the backlog in processing and releasing records at the National Archives and made it more difficult for the public to gain access to presidential materials.

On January 21, 2009, in one of his first official acts, President Obama issued a new Executive Order 13489 revoking Executive Order 13233 and restoring needed balance to the procedures controlling access to presidential records.

In a memorandum accompanying Executive Order 13489, President Obama stated, "Openness will strengthen our democracy and promote efficiency and effectiveness in Government. *Government should be transparent.* Transparency promotes accountability and provides information for citizens about what their Government is doing. Information maintained by the Federal Government is a national asset."

The on-going litigation over the whereabouts of millions of missing e-mails from the Bush administration's White House servers and the apparent use of private, non-governmental accounts by Bush administration employees to conduct official government business provide perfect examples of why the passage of H.R. 35 is needed. Congress must codify vital improvements to the Presidential Records Act to ensure that its implementation is not undermined by future administrations that may not share President Obama's commitment to transparency and openness.

On January 7, 2009, the House of Representatives approved H.R. 35, the “Presidential Records Act Amendments of 2009,” by an overwhelmingly bi-partisan vote of 359-58. H.R. 35 was chosen by the House leadership as the first piece of substantive legislation passed in 2009 as a symbol of a new era of government transparency.

The American people should not be denied their basic right to have access to the information they need to hold their government accountable for its actions. We thank you for bringing the Presidential Records Act Amendments of 2007 (H.R. 35) up for markup so that it can be expeditiously considered by the Senate and enacted into law.

Sincerely,

American Historical Association

Citizens for Responsibility and Ethics in Washington

National Coalition for History

National Council on Public History

National Security Archive

OpenTheGovernment.org

Public Citizen

Society for Historians of American Foreign Relations

Society of American Archivists

Cc: Senator Susan Collins