

February 5, 2015

Senator John Cornyn

Representative Darrell Issa

Senator Patrick Leahy

Representative Elijah Cummings

Dear Senators Cornyn and Leahy and Representatives Issa and Cummings:

The undersigned organizations announce their support for the bicameral, bipartisan movement toward reforming the Freedom of Information Act (FOIA). We thank you and your staffs for your continued leadership and perseverance in updating this cornerstone of government accountability and transparency. Congress must act this year to ensure that FOIA stays current with people's need to access government information and resilient in the face of attempts to subvert that access.

Public oversight is critical to ensuring accountability, and the reforms embodied in both the FOIA Oversight and Implementation Act (H.R. 653), introduced by Representatives Issa and Cummings, and the FOIA Improvement Act of 2015 (S.337), introduced by Senators Cornyn and Leahy, are necessary to enable that oversight. The undersigned groups therefore strongly support these bipartisan efforts.

Both pieces of legislation would:

- Codify the presumption of openness, thereby requiring records be released unless there is a foreseeable harm or legal requirement to withhold them;
- Improve public access to released records;
- Rein in (b)(5), the "withhold it because you want to" exemption, including by placing a 25-year sunset on its use;
- Clarify and reform the use of fees as assessed by agencies; and
- Strengthen the Office of Government Information Services (OGIS).

The bill introduced in the Senate, which is virtually identical to the bill that passed through unanimous consent last year, is the product of months of negotiations, which were unfortunately undermined by last-minute agency objections designed to stall FOIA reform. The House bill is very similar to last year's, but includes additional language designed to further reduce the record-breaking overuse of exemption (b)(5). With the removal of the public interest balancing test, however, neither bill goes as far as the Senate's original FOIA Improvement Act did last year. Given the disturbing, and increasing, misuse of the (b)(5) exemption, the undersigned organizations call on both chambers to pass the strongest reform possible.

We look forward to working with our allies on the Hill to make this happen.

Please contact Patrice McDermott of OpenTheGovernment.org (202.332.6736; pmcdermott@openthegovernment.org) with any questions or to follow up.

Sincerely,

Access

American Civil Liberties Union

American Association of Law Libraries

American Booksellers for Free Expression

American Commitment

American Library Association

American Society of News Editors

American-Arab Anti-Discrimination Committee

Appeal for Justice

Associated Press Media Editors

Association of Alternative News Media

Association of Research Libraries

Bill of Rights Defense Committee

Campaign for Digital Fourth Amendment Rights

Campaign for Liberty

Cause of Action

Center for Effective Government

Center for Science and Democracy at the Union of Concerned Scientists

Citizens for Responsibility and Ethics in Washington

Data Transparency Coalition

Defending Dissent Foundation

DownsizeDC.org

Electronic Frontier Foundation

FOIA Project

Food & Water Watch

FreedomWorks

Government Accountability Project

Human Rights Watch

International Justice Network

Less Government

Media Alliance

Mine Safety and Health News

National Coalition for History

National Security Archive

National Security Counselors

National Taxpayers Union

OpenTheGovernment.org

People for the American Way
Project on Government Oversight
R Street Institute
RootsAction.org
Society of Professional Journalists
Sunlight Foundation
Taxpayers for Common Sense
Taxpayers Protection Alliance
Transactional Records Access Clearinghouse
Tully Center for Free Speech at Syracuse University

Cc: Senator Charles E. Grassley. Chair, Senate Judiciary Committee
Representative Jason Chaffetz, Chair, House Oversight and Government Reform Committee