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