

The Honorable Patrick Leahy
Senate Judiciary Committee
U.S. Senate
Washington, DC 20515

June 26, 2014

Dear Chairman Leahy,

We, the undersigned organizations, are pleased to support the FOIA Improvement Act of 2014, a bill to amend the Freedom of Information Act (FOIA) to promote greater government transparency and accountability. The bipartisan bill is authored by long-time FOIA champions Senator Judiciary Chairman Leahy and Senator John Cornyn. We urge you to support this legislation.

The FOIA Improvement Act includes key reforms that address the overuse and abuse of FOIA's exemptions. Notably, the bill codifies the current Administration's directive that federal agencies should process all requests for information under the presumption that the records should be released, and that information should not be withheld from the public unless the agency reasonably foresees an identifiable harm in releasing the information. The bill further makes it clear that federal agencies cannot withhold records because the information may be embarrassing.

Even more importantly, the bill narrows the use of FOIA's Exemption 5, which covers inter- and intra-agency records. Over time, the government has expanded the scope of material they consider subject to Exemption 5 to the point that it covers practically anything that is not a final version of a document. The bill takes the common sense step of requiring agencies to weigh the public interest in the release of the record and applies a 25-year sunset to the exemption.

The bill also provides the Office of Government Information Services (OGIS) with the ability to submit reports and testimony directly to Congress and the President. This change is critical for making sure OGIS has the ability to alert Congress to potential problems with agencies' implementation of the law, and to suggest reforms to make FOIA work better for the public. The bill also makes several other changes that strengthen OGIS' ability to influence how agencies carry out their responsibility to process requests for information.

Among other improvements to the statute, Senator Leahy and Cornyn's bill also clarifies Congress' intent, in the Open Government Act of 2007, to prohibit agencies' ability to charge fees when they have missed the FOIA's statutory deadlines. The bill will also require the Government Accountability Office (GAO) to conduct audits of agency compliance with the FOIA, and catalog the number and use of other statutes that exempt information from disclosure. Additionally, the bill creates a Chief FOIA Officers Council to monitor agencies' implementation of the law, and recommend changes to agencies' practices, policies, personnel, and funding.

We urge you to support the FOIA Improvement Act of 2014. To speak further about these issues, please contact Amy Bennett, assistant director at OpenTheGovernment.org at 202-332-6736 or abennett@openthegovernment.org.

Sincerely,

American Association of Law Libraries

American Booksellers Foundation for Free Expression

American Library Association

American Society of News Editors

Amnesty International USA

Appeal for Justice

Arizona Newspapers Association

Article 19

Association of American Publishers

Association of Research Libraries

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 – CREW

Council on American-Islamic Relations – CAIR

Data Transparency Coalition

Defending Dissent Foundation

Don't Tread on Educators

Electronic Frontier Foundation – EFF

Essential Information

Freedom of the Press Foundation

Federation of American Scientists

First Amendment Coalition

Government Accountability Project – GAP

iSolon.org

Liberty Coalition

Mississippi Center for Freedom of Information

National Coalition Against Censorship

National Coalition for History

National Security Archive

National Security Counselors

National Sustainable Agriculture Coalition

OpenTheGovernment.org

PEN American Center

People For the American Way

Physicians for Human Rights

Project On Government Oversight – POGO

Public Citizen

Reporters Committee for Freedom of the Press

The Rural Coalition/Coalición Rural

Sage Information Services

Savannah River Site Watch

Society of American Archivists

Society of Professional Journalists

Student Press Law Center

The Sunlight Foundation

Tully Center for Free Speech at Syracuse University

University of Florida's Brechner Center for Freedom of Information

Utah Foundation for Open Government

Washington Civil Rights Council

Washington Coalition for Open Government