

March 17, 2010

The Honorable Patrick Leahy, Chairman  
Judiciary Committee  
United States Senate  
224 Dirksen Senate Office Building  
Washington, DC 20510

The Honorable John Cornyn  
Judiciary Committee  
United States Senate  
152 Dirksen Senate Office Building  
Washington, DC 20510

Dear Senators Leahy and Cornyn:

The undersigned organizations write in support of the *Faster FOIA Act*, which would establish the Commission on Freedom of Information Act Processing Delays (the Commission). This advisory commission would be charged with recommending to Congress and the President steps that should be taken to reduce delays in the administration of the Freedom of Information Act (FOIA).

In our experience, agency backlogs impose one of the greatest impediments to access under the FOIA and create a disparity across the federal government in the administration of the FOIA. Moreover, while backlogs have presented a longstanding problem in agency implementation of the FOIA, we still do not understand fully the conditions and practices that create those backlogs. Particularly in light of President Obama's directive to agencies to reduce significant backlogs of outstanding FOIA requests, it is imperative that we identify the root causes of FOIA processing delays.

Toward that end, the Commission established by the Faster FOIA Act would examine agency backlogs and recommend to Congress and the President steps that should be taken to reduce delays and make the administration of the FOIA equitable and efficient throughout the federal government. By including representatives of the FOIA requester community, the Commission would bring a fresh perspective to a persistent problem.

The Commission would also be tasked with examining the current FOIA system for charging fees and granting waiver fees. In our experience, an agency's refusal to recognize a requester's entitlement to a fee waiver all too often causes further processing delays and imposes yet another unreasonable bar to access under the FOIA.

We welcome the opportunity this legislation presents for further study of this problem, specifically considering whether the current statutory provision should be reformed.

Thank you for your ongoing commitment to strengthening the Freedom of Information Act.

Sincerely,

OpenTheGovernment.org

MuckRock

American Association of Law Libraries

The Multiracial Activist

American Library Association

National Coalition for History

Association of Research Libraries

National Freedom of Information Coalition

American Society of News Editors

National Security Archive

Californians Aware

North Carolina Open Government Coalition

Center for Democracy and Technology

OMB Watch

Citizens for Responsibility and Ethics in Washington

Project On Government Oversight

Defending Dissent Foundation

Public Citizen

DC Open Government Coalition

Reporters Committee for Freedom of the Press

Electronic Frontier Foundation

The Rutherford Institute

Essential Information

Sage Information Services

Government Accountability Project

Society of Professional Journalists

iSolon.org

Special Libraries Association

Justice Through Music

Sunlight Foundation

Liberty Coalition

Velvet Revolution

Minnesota Coalition on Open Government

Washington Coalition for Open Government