

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](mailto:pmcdermott@openthegovernment.org)) with any questions or to follow up.

Sincerely,

Access	FOIA Project
American Civil Liberties Union	Food & Water Watch
American Association of Law Libraries	FreedomWorks
American Booksellers for Free Expression	Government Accountability Project
American Commitment	Human Rights Watch
American Library Association	International Justice Network
American Society of News Editors	Less Government
American-Arab Anti-Discrimination Committee	Media Alliance
Appeal for Justice	Mine Safety and Health News
Associated Press Media Editors	National Coalition for History
Association of Alternative News Media	National Security Archive
Association of Research Libraries	National Security Counselors
Bill of Rights Defense Committee	National Taxpayers Union
Campaign for Digital Fourth Amendment Rights	OpenTheGovernment.org
Campaign for Liberty	People for the American Way
Cause of Action	Project on Government Oversight
Center for Effective Government	R Street Institute
Center for Science and Democracy at the Union of Concerned Scientists	RootsAction.org
Citizens for Responsibility and Ethics in Washington	Society of Professional Journalists
Data Transparency Coalition	Sunlight Foundation
Defending Dissent Foundation	Taxpayers for Common Sense
DownsizeDC.org	Taxpayers Protection Alliance
Electronic Frontier Foundation	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