

June 24, 2011

The Honorable Darrell Issa
U.S. House of Representatives
House Oversight and Government Reform
Committee
2157 Rayburn House Office Building
Washington, DC 20515

The Honorable Elijah Cummings
U.S. House of Representatives
House Oversight and Government Reform
Committee
B350A Rayburn House Office Building
Washington, DC 20515

Dear Chairman Issa and Ranking Member Cummings:

In recognition of the upcoming 45th anniversary on July 4th of the signing of the Freedom of Information Act (FOIA), the undersigned organizations write to ask that you support and move forward the Faster FOIA Act, which would establish the Commission on Freedom of Information Act Processing Delays (the Commission). The Senate unanimously passed the legislation, co-authored by Senators Leahy (D-VT) and Cornyn (R-TX), earlier this year.

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. Additionally, the Commission will examine and determine why the Federal Government's use of the exemptions under FOIA increased in Fiscal Year 2009, what efforts were made by Federal agencies to comply with the Administration's guidelines and whether those efforts were successful, and the extent to which political appointees have been involved in the FOIA process.

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

Thank you for your ongoing commitment to transparency and open government by strengthening the Freedom of Information Act.

Sincerely,

American Association of Law Libraries	MuckRock
American Association of University Professors	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	OpenTheGovernment.org
Defending Dissent Foundation	Project On Government Oversight
DC Open Government Coalition	Public Citizen
Electronic Frontier Foundation	Reporters Committee for Freedom of the Press
Essential Information	The Rutherford Institute
Fund for Constitutional Government	Sage Information Services
Government Accountability Project	Society of Professional Journalists
iSolon.org	Special Libraries Association
Justice Through Music	Sunlight Foundation
Liberty Coalition	U.S. PIRG
Minnesota Coalition on Open Government	Velvet Revolution
	Washington Coalition for Open Government