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