

Members of Congress
U.S. House of Representatives
Washington, DC 20515

February 24, 2014

Dear Representative,

We, the undersigned organizations, are pleased to support H.R. 1211, the FOIA Oversight and Implementation Act of 2014, a bill to amend the Freedom of Information Act (FOIA) to promote greater government transparency and accountability. The bipartisan bill is cosponsored by House Oversight and Government Reform Chairman Darrell Issa (R-Calif.), Ranking Member Elijah Cummings (D-Md.), and Representative Mike Quigley (D-Ill.). We urge you to vote in favor of this open government legislation.

The FOIA has yet to become an effective and efficient tool for the public to access government information, and the experience of the past few years makes clear the need for reform to ensure the law is implemented as Congress intended. Particular reforms included in H.R. 1211 that we support include advancing the online portal for FOIA requests, establishing an open government advisory committee, requiring all agencies to update their FOIA regulations, and providing the Office of Government Information Services with the ability to submit reports and testimony directly to Congress and the President. The bill also encourages more proactive disclosures, and puts into statute the current administrative policy of a “presumption of openness” with which agencies should review FOIA requests.

This bill has also been a catalyst for administrative reform. We welcome the Obama Administration’s commitments to similar significant reforms to FOIA in the U.S. National Action Plan for the Open Government Partnership. Similar to H.R. 1211, the President has pledged to create a central, online FOIA portal, establish an advisory committee for modernizing FOIA, and improve agency FOIA practices to reduce backlog. We also appreciate the President’s promise to harmonize the current confusing patchwork of FOIA regulations. While we are working to support the fulfilment of these commitments, we believe that these efforts will be strengthened when supported in statute. We will work with Congress and the Administration to ensure that any final FOIA reform legislation will do just that.

While the House bill reflects several of our recommendations to improve FOIA for the American people, there is still more that must be done. We look forward to working with the Senate Judiciary Committee to advance legislation with additional reforms, including provisions to curb the overuse and abuse of certain exemptions—particularly Exemption 3 and Exemption 5. At a minimum, the application of Exemption 5 should be narrowed to promote greater transparency and be subject to the same time limits as the President’s records, and a public interest balancing test should be used when applying Exemption 3. Additionally, we hope that the Senate Judiciary Committee will put in place a much stronger requirement that agencies make all records that have been reviewed for release available to the public.

We urge you to vote for H.R. 1211 and then join us in supporting House and Senate FOIA champions to produce a final bill with robust Freedom of Information Act reforms.

Sincerely,

American Association of Law Libraries

American Library Association

American Society of News Editors

Association of Alternative Newsmedia

Association of Research Libraries

Center for Effective Government

Center for Media and Democracy

Delaware Coalition for Open Government

Delaware League of Women Voters

Government Accountability Project – GAP

iSolon.org

James Madison Project

Liberty Coalition

Mine Safety and Health News

National Coalition Against Censorship

National Security Archive

National Security Counselors

OpenTheGovernment.org

Project On Government Oversight (POGO)

Public Citizen

Public Employees for Environmental
Responsibility (PEER)

Sage Information Services

Society of American Archivists

Society of Professional Journalists

Sunlight Foundation

Tully Center for Free Speech at Syracuse
University

Vermont Press Association