

March 14, 2016

Senator Grassley
Chairman, Senate Judiciary Committee
135 Hart Senate Office Building
Washington, D.C. 20510

Senator Patrick Leahy
Ranking Member, Senate Judiciary Committee
437 Russell Senate Office Building
Washington, D.C. 20510

Senator John Cornyn
Member, Senate Judiciary Committee
517 Hart Senate Office Building
Washington, D.C. 20510

Re: Endorsement of Immediate Passage of FOIA Improvement Act of 2016

Dear Senators Grassley, Leahy and Cornyn:

We, the undersigned organizations and individuals, write to express our thanks for your authorship of the FOIA Improvement Act of 2016 ([S.337](#)) and reaffirm our support for the bipartisan and bicameral movement toward reforming the Freedom of Information Act. We urge the earliest possible passage of S. 337 to finally enable the enhanced public oversight of government critically needed to ensure its accountability to the people.

The FOIA Improvement Act has received overwhelming support on both sides of the aisle and from the openness community, and is virtually identical to legislation that the Senate passed by unanimous consent in 2014 ([S.2520](#)). Thanks to months of negotiation and hard work by your and other key Congressional staffs, we believe that substantive concerns raised by some Senators have been addressed. We therefore respectfully urge you to press for it to move to a floor vote without any further changes that would jeopardize its broad backing.

For nearly 50 years, the FOIA has empowered the public with the access to information essential for democratic governance and accountability, and has been used as a critical tool used to make the public aware of countless acts of waste, fraud, and abuse. The law is in need of meaningful reform, however, to bring it up to date and to overcome the weight of backlogs, inconsistent proactive disclosure, overbroad exemptions, and outdated technology.

Specifically, the FOIA Improvement Act would strengthen existing law in a number of ways that will significantly improve requestors' ability to obtain information about government actions and decision-making by amending the FOIA with positive changes. These include:

- Codifying the presumption of openness for future administrations, thereby requiring agencies to disclose information unless there is a foreseeable harm or legal requirement to withhold the information;
- Harnessing technology to improve the FOIA process by requiring agencies to make their

disclosed records publicly available in an electronic format. It also would require the creation of a consolidated online request portal, streamlining the FOIA process significantly by allowing the public to submit requests through a single website;

- Ending secrecy for 25-year-old drafts and other internal deliberations not otherwise exempt from disclosure, thereby ensuring that agencies cannot abuse FOIA's Exemption 5 to withhold historical records that will help the public better understand how a policy was developed;
- Increasing the effectiveness of the FOIA by making the Office of Government Information Services (OGIS) more independent.

We make this request during Sunshine Week 2016 (March 13-19), a nationwide initiative to highlight the importance of open government and the imperative of strengthening transparency at all levels of government. We also note that there would be no more appropriate way for Congress to honor the upcoming 50th anniversary of the FOIA on July 4th, 2016, than by passing S. 337 to strengthen the law. We stand ready to aid your efforts to ensure that the nation can celebrate FOIA's 50th anniversary with stronger and better statute, one that enhances the public's capacity to hold its officials accountable and to understand the workings of our democracy.

Thank you again for your commitment to a strong FOIA, and to open and accountable government. To consult further about these issues, please contact Patrice McDermott, Executive Director of OpenTheGovernment.org, at 202.332.6736 or pmcdermott@openthegovernment.org.

Sincerely,

Access Now

American-Arab Anti-Discrimination Committee
(ADC)

American Association of Law Libraries

American Civil Liberties Union

American Library Association

American Society of Journalists and Authors

American Society of News Editors

Association of Alternative Newsmedia

Association of American Publishers

Association of Research Libraries

Appeal for Justice

Bill of Rights Defense Committee

Center for Science and Democracy at the Union
of Concerned Scientists

Campaign for Accountability

Citizens for Responsibility and Ethics in
Washington

Constitutional Alliance

Defending Dissent

Demand Progress

Government Accountability Project

International Justice Network

Liberty Coalition

Make Your Laws, Inc

Media Freedom Foundation

National Coalition Against Censorship

National Security Archive

National Taxpayers Union

New America's Open Technology Institute

OpenTheGovernment.org

People for the American Way

Project Censored

Project on Government Oversight

Public Citizen

Reinvent Albany

Restore The Fourth, Inc.

RootsAction.org

The Niskanen Center

Reclaim The Records

Society of Professional Journalists
Sunlight Foundation
TechFreedom

Transactional Records Access Clearinghouse
Tully Center for Free Speech at Syracuse
X-Lab

INDIVIDUALS

Jeremy Bigwood, Independent Researcher
Bob Ortega, Honolulu Civil Beat
Prof. Glenn Muschert, Miami University