

## Facsimile Transmission

June 1, 2009

The Honorable Daniel Inouye  
Chairman, Committee on Appropriations  
United States Senate  
Washington, DC 20510

The Honorable David R. Obey  
Chairman, Committee on Appropriations  
United States House of Representatives  
Washington, DC 20515

The Honorable Thad Cochran  
Ranking Member, Committee on  
Appropriations  
United States Senate  
Washington, DC 20510

The Honorable Jerry Lewis  
Ranking Member, Committee on  
Appropriations  
United States House of Representatives  
Washington, DC 20515

Dear Senators and Representatives:

We, the undersigned organizations committed to promoting openness and accountability in government, write to urge your support for retaining, during the House-Senate Conference, a key provision to strengthen the Freedom of Information Act ("FOIA") contained in the Senate-passed version of the Supplemental Appropriations Act of 2009, H.R. 2346: the *Leahy-Cornyn OPEN FOIA Act*. The OPEN FOIA Act simply requires that when Congress provides for a statutory exemption to FOIA in new legislation, Congress must state its intention to do so explicitly and clearly.

This commonsense provision, which will make the process for creating new statutory exemptions to FOIA more transparent, mirrors bipartisan legislation that the Senate unanimously passed in 2005 (S.1181) and the House overwhelmingly passed in 2007 (H.R. 1309). New statutory exemptions to FOIA threaten to undermine the accountability that Congress intended when it passed the Freedom of Information Act and which it has sought to enhance through subsequent amendments to the statute.

Thank you for your consideration of this matter and your commitment to keep the federal government open and accountable and the process for creating exemptions to the FOIA transparent.

Sincerely,

Patrice McDermott, Director  
OpenTheGovernment.org

Charles N. Davis, Executive Director  
National Freedom of Information Coalition (NFOIC)

Jessica McGilvray, Assistant Director  
Office of Government Relations  
American Library Association

Dave Aeikens, President  
Society of Professional Journalists

Anne Weismann, Chief Counsel  
Citizens for Responsibility and Ethics in Washington (CREW)

Meredith Fuchs, General Counsel  
National Security Archive

Mary Alice Baish, Director  
Government Relations Office  
American Association of Law Libraries

Roger Strother  
Information Policy Analyst  
OMB Watch

Caroline Fredrickson, Director  
Washington Legislative Office  
American Civil Liberties Union

Angela Canterbury  
Director of Advocacy  
Public Citizen's Congress Watch Division