



American Association of Law Libraries

FOIA Improvement Act of 2015

Enacted in 1966, the *Freedom of Information Act (FOIA)* established the public's right to obtain information from the federal government. *FOIA* is our nation's principal federal open government law and allows citizens access to full or partial disclosure of previously unreleased information and documents controlled by the federal government.

FOIA has seen significant amendment since 1966 to reflect changes in technology and to improve and implement its mandate. The *E-FOIA Act of 1996* increased access to electronic government information and the *OPEN Government Act of 2007* clarified agencies' response time and established methods for checking the status of pending requests. This popular law generates over 700,000 requests annually with a current backlog of 70,000 requests, some going back decades. Only 30 percent of *FOIA* requests result in full disclosure of requested documents, a vivid demonstration of the importance of government transparency and accountability.

On February 2, Representatives Darrell Issa (R-Calif.) and Elijah Cummings (D-Md.) introduced the *FOIA Oversight and Implementation Act of 2015* (H.R. 653) and Senators John Cornyn (R-Tex.) and Patrick Leahy (D-Vt.) introduced the *FOIA Improvement Act of 2015* (S.337) with strong bipartisan support. Similar measures passed both chambers separately in the 113th Congress, but no conference bill was given floor consideration.

It is critical that Congress act to ensure that *FOIA* is a robust tool allowing citizens to access government information. Both H.R. 653 and S. 337 provide for transparency, oversight, and a more streamlined request process. In Rep. Issa's words, "Requests through the *Freedom of Information Act* remain the best tool for the American people to hold their government accountable. In this information technology driven era, it should be easier, not harder for citizens to have simpler and broader access to government information." **The American Association of Law Libraries (AALL) urges Congress to pass the *FOIA Oversight and Implementation Act of 2015* (H.R. 653) and *FOIA Improvement Act of 2015* (S. 337) because these reforms:**

- **Codify the presumption of openness.** H.R. 653 and S. 337 require that agencies process requests for records under the presumption that they should be released unless there is a foreseeable harm or a specific legal requirement to withhold them.
- **Improve public access to released records.** H.R. 653 and S. 337 require all fulfilled *FOIA* requests be made available to the public.
- **Streamline the request process and promote government efficiency.** H.R. 653 and S. 337 mandate that a consolidated online request portal be developed that allows a member of the public to submit a request for any federal agency records from a single website.
- **Rein in b(5),** the "withhold it because you want to" exemption. H.R. 653 and S. 337 strengthen the prohibition on using b(5) to conceal binding legal interpretations and final agency policies, and include a 25 year sunset on its use.
- **Strengthen the Office of Government Information Services (OGIS).** H.R. 653 and S. 337 would make OGIS an independent ombudsman, reporting directly to Congress rather than to the executive branch.