

Sunshine in Government Initiative

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Media coalition celebrates President Obama signing of FOIA reforms into law as FOIA turns 50 on July 4

President Barack Obama's signature on the FOIA Improvement Act of 2016 marks a high point in the half century history of the federal Freedom of Information Act.

"We are pleased to mark the 50th anniversary of the signing of the original Freedom of Information Act with a stronger FOIA," said Rick Blum, director of the Sunshine in Government Initiative, a coalition of media associations that has strongly supported efforts by Congress to make federal agencies implement FOIA as Congress intended a half century ago. "We thank President Obama for signing the legislation into law."

"FOIA is the most effective oversight tool available to the public, including journalists. Over the last 50 years, FOIA has helped improve public safety, save taxpayer dollars, and expose malfeasance or just plain bad decisions. Strengthening FOIA and limiting the government's ability to abuse or plain ignore it is a fitting birthday present to the American people as we celebrate the Fourth of July and FOIA's 50th birthday."

The new law ends the ability of agencies to withhold deliberations otherwise not protected under FOIA after 25 years, writes clearly into law the presumption of disclosure, strengthens the FOIA Ombudsman so the office can assert itself with the independence that Congress intended, makes FOIA more public-friendly by creating a single FOIA portal for agencies to receive requests and build additional public-friendly tools, and requires agencies to report on their FOIA track record each year in time for Sunshine Week.

Today's signing could not have been possible without the bipartisan efforts of many in the U.S. House and Senate. We would like to especially thank House Oversight and Government Reform Committee Chairman Jason Chaffetz (R-Ut.) and Ranking Member Elijah Cummings (D-Md.), as well as Rep. Darrell Issa (R-Ca.), who chaired the committee in the 113th Congress and introduced the original House bill (H.R. 653). In the Senate, Senate Judiciary Committee Chairman Charles Grassley (R-Ia.), Ranking Member Patrick Leahy (D-Vt.) and Sen. John Cornyn (R-Tx.) worked for several years on bipartisan, bicameral efforts to help make our government more transparent and accountable to the public.

About the Sunshine in Government Initiative

SGI members have worked together for a decade to speak with a united voice to strengthen open government policies and practices. Members of the Sunshine in Government Initiative include: American Society of News Editors, The Associated Press, Association of Alternative Newsmedia, National Newspaper Association, Newspaper Association of America, Online News Association, Radio Television Digital News Association, Reporters Committee for Freedom of the Press and Society of Professional Journalists.

For more information, visit sunshineingovernment.org, or on Twitter [@sunshineingov](https://twitter.com/sunshineingov) or [#FixFOIAby50](https://twitter.com/FixFOIAby50)

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Reporters Committee for Freedom of the Press ♦ Society of Professional Journalists

**What SGI Members have said
about the FOIA Improvement Act of 2016**

Newspaper Association of America

“NAA celebrates FOIA reforms becoming law just days before FOIA turns 50 on July 4. President Obama’s signature culminates years of work by NAA and its SGI partners and shows bipartisanship works to strengthen the ability of the public, through the media, to obtain information from government.”

– NAA Chief Executive Officer David Chavern

Online News Association

“ONA is thrilled to see Congress and the President come together to strengthen the public’s access to information through these improvements to FOIA. While there is more that can and should be done, we applaud this progress in FOIA’s fiftieth year.”

– ONA President Josh Hatch

Radio Television Digital News Association

“We are pleased to see many of the important reforms we have fought for become law today. It marks an important step forward in the right of Americans to have access to information about how the government is working on their behalf.”

– RTDNA Executive Director Mike Cavender

Reporters Committee for Freedom of the Press

“Beginning today, journalists have a stronger starting point when using FOIA to fulfill their watchdog role in our society.”

– RCFP Executive Director Bruce Brown

Society of Professional Journalists

“SPJ and more than 50 other journalism and open government organizations have been pushing for a more open and transparent government for quite some time. This is important for not only journalists, but the public as well. An open government is a healthy and robust government. When government leaders and agencies are allowed to keep information secret and hidden, journalists and citizens alike are kept in the dark and the foundations of American democracy fail.”

– SPJ President Paul Fletcher

Background

Signing S. 337 into law culminates years of hard work. FOIA reform bills in the House (H.R. 653) and Senate (S. 337) were both introduced on February 2, 2015. They are almost identical to each other and to bills approved by the full House and full Senate in the previous (113th) Congress. The House bill, H.R. 653, was introduced by Darrell Issa (R-Ca.) and co-sponsors Elijah Cummings (D-Md.) and Mike Quigley (D-Ill.) and referred to the House Oversight and Government Reform Committee. H.R. 653 passed the full House on January 11, 2016 by unanimous consent.

The Senate bill, S. 337, was introduced on February 2, 2015 by Senators John Cornyn (R-Tx.), Patrick Leahy (D-Vt.), and Charles Grassley (R-Ia.) and co-sponsored by 2 additional senators. One week later, on February 9, 2015, the Senate Judiciary Committee approved the measure by unanimous consent. S. 337 passed the full Senate on March 15, 2016. It was approved by the House of Representatives on June 13, 2016.

Highlights in the FOIA Improvement Act of 2016

The FOIA Improvement Act of 2016 takes many steps to strengthen FOIA. Specifically, S. 337:

- Strengthens the Office of Government Information Services (OGIS) by clarifying the Office must speak with an independent voice. Currently OGIS must seek input from other agencies and the Office of Management and Budget before making its recommendations for improving FOIA available to the public. This limits what OGIS can say.
- Ensures future administrations start from a presumption of openness. That means agencies may withhold information only if they reasonably foresee that disclosure would cause specific, identifiable harm from one of the nine types of interests already protected by FOIA (such as personal privacy, national security and trade secrets). Agencies have used this same standard since 2009.
- Pushes agencies to modernize technology in responding to FOIA requests by creating a single FOIA portal to accept FOIA requests for any agency.
- Requires agencies to submit annual FOIA processing statistics a month earlier each year so they are available for Sunshine Week.
- Limits the ability of agencies to keep internal deliberations confidential to a period of 25 years. Agencies would lose the ability to cite Exemption 5 (protecting internal deliberations) in denying requests if the information is more than 25 years old.