



September 25, 2018

The Honorable Pat Roberts  
109 Hart Senate Office Building  
Washington DC 20510-1605

The Honorable Debbie Stabenow  
731 Hart Senate Office Building  
Washington, DC 20510-2204

**BY ELECTRONIC MAIL**

Dear Senators Roberts and Stabenow:

We write to you as the Presidents of the American Society of News Editors (“ASNE”) and the Associated Press Media Editors (“APME”), the nation’s two oldest and most prominent organizations for news editors which have agreed to merge into the leading organization for news leaders in the United States.

On behalf of our combined memberships of more than 500 editors around the country, we ask that you remove from pending legislation any provisions to bar disclosure of data relating to retailers participating in the Supplemental Nutritional Assistance Program (“SNAP”). We understand that proposals to exempt such information from release via federal Freedom of Information Act (“FOIA”) are being considered in conference committees discussing HR 2 (commonly referred to as the Farm Bill) and HR 6147 (the appropriations bill for the Department of Agriculture). Enacting these provisions into law would be a grave mistake, as it would inhibit public oversight of a federal program that distributes approximately \$70 billion in taxpayer money every year.

Exempting this information from FOIA prevents oversight of this massive program, especially with regard to exposing past fraud in the SNAP program and promoting future best practices. SNAP grew exponentially during the economic recession that began in 2008, increasing from a \$25 billion program in 2004 to its highest point in 2013, when \$80 billion in funds were distributed to the public. The program’s breadth increased as well, moving beyond just grocery stores to include other retail outlets.

This growth prompted reporters at the Sioux Falls (South Dakota) *Argus Leader* to investigate whether SNAP is truly serving the public. Reporters working for our news outlets around the country routinely ask questions that bring needed change with regard to government programs – which is exactly what the *Argus Leader* reporters did here. For instance, the USDA reported in 2016 that 81% of SNAP dollars were spent at superstores. But what happens if there are no such stores nearby? Where do SNAP recipients go? Are they forced to do their entire food shopping at, for instance, gas stations? Can we recognize patterns in how stores market and promote certain products around the times that SNAP benefits are paid?

The House Agriculture Committee itself acknowledges the importance of these issues. In a document titled “Farm Bill: Question and Answer,” the Committee said “[w]e have an obligation to clearly understand purchase patterns across the nation. The basic information will help us improve program design and will inform future nutrition policy decisions, i.e., access and nutrition education,” adding “[h]ow can we continue to inform policy, and improve upon it, without knowing the full breadth of the people served by SNAP?”

The Committee is undercutting its obligation now by preventing the public from participating in this process – and for no good reason. Release of retailer-specific information will not impact personal privacy. Nor is there credible evidence that company trade secrets will be revealed. Indeed, of the approximately 321,000 retailers notified by the United States Department of Agriculture (“USDA”) in 2014 that this data would be released, only 235 (.1%) objected.

Two federal courts agreed. The *Argus Leader* successfully pursued this information in federal court for more than seven years after a 2010 FOIA request for a list of participating retailers and their total SNAP sales was denied and a subsequent administrative appeal was rejected. Of particular note is the fact that the USDA itself stopped defending the FOIA denial in court after a United States District Court ordered the agency to release the data (the Food Marketing Institute unsuccessfully defended the USDA’s decision before the Eighth Circuit). That Congress is now seeking to reverse the other two branches of government is particularly frustrating.

But it is entirely confounding that Congress would seek to overrule not one, but two, federal courts by inserting an easily overlooked provision into a 643 page bill, with no public hearings on the issue. At a minimum, this exemption should be removed from each bill until a meaningful discussion of the issue occurs.

We appreciate your consideration of this issue and are happy to discuss this with you or your staff further should the need arise.

Sincerely,

Nancy Barnes  
Editor & Executive Vice President of News, Houston Chronicle  
President, American Society of News Editors

Angie Muhs  
Executive Editor, Springfield (IL) State Journal-Register  
President, Associated Press Media Editors