

Prepared Statement by Senator Chuck Grassley of Iowa
Chairman, Senate Committee on the Judiciary
Hearing on “The Freedom of Information Act:
Examining the Administration’s Progress on Reforms and Looking Ahead”
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Today, the Committee focuses its attention on the Freedom of Information Act (FOIA). We have a responsibility to ensure that both the letter and spirit of FOIA are being faithfully carried out. It’s also Sunshine Week—an annual recognition of the importance of government openness and transparency.

It’s always good to focus on transparency. As I’ve said time and again, transparency brings accountability.

But, I’ve learned over the years that transparency doesn’t come easy. It requires constant oversight and pressure from the public, the press, and Congress. So, we’re here today in the midst of Sunshine Week to do just that.

FOIA is our nation’s premier transparency law, giving the public a statutory right to access government records. Before FOIA, countless stories of government waste, fraud, and abuse could’ve remained under the rug. Thanks to FOIA, it’s the right of the People to know what their government is up to.

But no one can say with a straight face that FOIA always works as intended. Some agencies are still working on requests from 10 to 15 years ago. Keep in mind that FOIA requires a response within 20 days. And anyone who’s made a FOIA request only to receive a page full of redactions, or be charged an absurd processing fee—or to simply get no response at all—knows we have work to do.

This Committee has a bipartisan history of confronting these challenges and strengthening the public’s ‘right to know.’ Recently, this bipartisan work led to the enactment of the *FOIA Improvement Act of 2016*. I was proud to work with Senators Cornyn and Leahy on that bill. In fact, when I took over as Chairman in 2015, the *FOIA Improvement Act* was the first bill that I listed on the Committee agenda.

The *FOIA Improvement Act* was the result of years of bipartisan work, collaboration with the open government community, and good faith negotiations. But it was no easy task.

We all remember the promises made under President Obama. He touted a new era of government openness. Yet, it was the Obama administration that tried to defeat FOIA reform efforts in Congress. Under President Obama, White House review of politically sensitive FOIA requests became official policy. And more than one of his top officials used personal or alias email accounts to conduct official business, undermining transparency and accountability.

So, when I hear any administration make promises of improved transparency, I take it with a grain of salt.

Some things have changed since this Committee last convened to examine FOIA. A new administration is in place, and with that, the responsibility for ensuring openness and transparency is in new hands. But as you know, I take my oversight job seriously--no matter who's in the White House. And there are things that concern me.

I hear of even more delays at certain agencies, and proposals to raise search fees or limit the number of FOIA requests from organizations. Further, according to a recent GAO audit, most of the agencies surveyed haven't updated their FOIA regulations as required under the 2016 amendments. And the agencies with the largest request backlogs lack concrete plans on how to reduce their backlogs.

Another GAO report found that FOIA litigation costs cannot be fully determined, which is troubling—particularly in cases when the government shouldn't have fought the requester in the first place.

Here's an idea: instead of litigating over a FOIA request, agencies should proactively release that information now for all to see.

So today, I expect to hear what the administration is doing to fix these problems and improve transparency for all.

President Trump should show leadership on this issue. I hope he's listening today. He promised to "drain the swamp." There's no better way to do that than by letting in the sunlight.

And on the issue of sunlight, I was pleased to work closely with Senator Leahy last fall in pushing for the administration's full release of the JFK assassination records.

I also introduced the *Disclosing Foreign Influence Act* last year to improve transparency and disclosure of foreign lobbying efforts under the Foreign Agents Registration Act. My bill includes numerous oversight and reporting provisions to improve transparency, all of which were issues I identified in leading this Committee's oversight work on the Foreign Agents Registration Act.

Finally, the Committee received a statement for the record from the Cause of Action Institute, which will be included in the record, without objection.

I thank the witnesses for being here, and I look forward to their testimony.