

Prepared Opening Statement of Senator Chuck Grassley of Iowa  
Ranking Member, Senate Judiciary Committee  
Hearing on “The Freedom of Information Act: Improving Transparency and the American Public’s Right to  
Know for the 21st Century”  
March 29, 2022

[VIDEO](#)

Today, this Committee turns its attention to an important issue that unfortunately doesn’t usually get the attention it deserves.

Government transparency is fundamental to good governance. The Freedom of Information Act, or FOIA, is supposed to help ensure this transparency.

Congress has a responsibility to ensure that both the letter and spirit of FOIA are being faithfully carried out—by administrations of both parties.

Transparency brings accountability.

FOIA is our nation’s primary transparency law. It gives the American public a statutory right to request government records. Americans have a right to know what their government is doing.

Before Congress enacted FOIA, much more government waste, fraud, and abuse could’ve remained hidden from public scrutiny.

This Committee has a bipartisan history of confronting FOIA challenges and strengthening the public’s ‘right to know.’ In 2016 a bipartisan effort led to the FOIA Improvement Act of 2016. As Chairman then, I worked with Senators Cornyn and Leahy to get that bill enacted.

But there’re still significant issues with the FOIA system. Federal agencies seem determined to disclose as little as possible.

I want to acknowledge that the Department of Justice recently published FOIA guidelines for federal agencies. However, I’m disappointed that it took more than a year for the Administration to issue these guidelines.

I’ve heard similar promises before with no real improvement in transparency.

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

Unfortunately there’re still delays and backlogs of FOIA requests. The GAO found that backlogged requests increased 18 percent from 2019 to 2020. Since 2012 backlogged requests have nearly doubled.

Another recent GAO review of FOIA found that federal agencies' use of what's known as a "B3" exemption has doubled since 2012. Instead of increased disclosures, federal agencies have doubled their use of this exemption to withhold information from the public.

And proactive disclosure. The GAO found that 25 federal agencies didn't report a single proactive disclosure. How's this possible?

There's clearly substantial room for improvement, so I look forward to hearing those recommendations today.

Finally, it's not just the public who can't get answers from federal agencies.

Last year I asked the Department of Veterans Affairs for information about allegations that VA employees leaked potentially market-sensitive information and then retaliated against whistleblowers. Nearly one year later I still haven't received a single document. And that's just one of many examples I have.

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

