

Senate Judiciary Committee
Questions for the Record
Hearing on
The Freedom of Information Act: Perspectives from Public Requesters
April 8, 2025
Senator Amy Klobuchar

For Mr. Mike Howell: You suggested that Congress could improve our existing FOIA infrastructure by expanding the universe of records that are proactively disclosed and enact penalties for non-compliance.

- How would these and other policy solutions you proposed help satisfy Congress' original objective of ensuring government transparency and enabling the people to hold their government accountable?

Expanding the universe of records that are proactively disclosed and enacting penalties for non-compliance would increase transparency and hold government more accountable in several ways. First, it would reduce the need for the public to submit FOIA requests for widely requested or other similarly situated documents if they were proactively disclosed. This would help reduce the backlog because agencies would no longer need to conduct multiple searches for the same records. Second, expanding the universe of proactive disclosures will make government records more accessible to the general public and reverse the growing trend that FOIA is only available to professional transparency organizations and journalists. Well-stocked FOIA reading rooms that are user friendly is transparency in action. Finally, the only tangible penalties now for non-compliance with FOIA are attorney's fees after protracted litigation (*e.g.* rounds of summary judgment briefing). Increasing penalties for non-compliance will give the government more "skin in the game" and reduce the need for drawn out litigation.