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United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

KOLAN L. DAVIS, *Chief Counsel and Staff Director*
JENNIFER DUCK, *Democratic Staff Director*

March 15, 2017

VIA ELECTRONIC TRANSMISSION

Alina M. Semo
Director, Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road - OGIS
College Park, MD 20740-6001

Dear Director Semo:

We write to express our unified sense that compliance with both the letter and spirit of the Freedom of Information Act (FOIA) should be and always remain a top priority for any administration. Enacted over 50 years ago, FOIA is a critically important tool for Americans to ensure government transparency and accountability, as it establishes clear rules for informing the people about what their government is doing. Without FOIA, countless stories of government waste, fraud, and abuse, as well as important historical documents, would have remained in the dark.

Despite its successes, however, a culture of obstruction and reflexive secrecy across government has undermined FOIA. This has been the case under both Democratic and Republican administrations. Last year, a strong bipartisan and bicameral effort resulted in the enactment of the FOIA Improvement Act of 2016. This important piece of legislation accomplishes some of the most sweeping and meaningful improvements to FOIA in history. The amendments made by the FOIA Improvement Act of 2016 were guided by an overriding principle—to make government transparency the norm, not the exception.

The Senate Committee on the Judiciary has jurisdiction over—and is charged with conducting oversight of—FOIA. Complete implementation of FOIA's statutory requirements, including its most recent amendments, is necessary to ensure that the public can exercise its right to know. Accordingly, we request detailed information regarding the implementation of the FOIA Improvement Act of 2016, as well as information regarding your office's role in FOIA matters. Please provide a numbered, written response to the following questions by no later than April 5, 2017.

1. Please explain any effect that the Office of Government Information Services (OGIS) has seen in the use of its services by requesters and agencies since the enactment of the FOIA Improvement Act of 2016. Has the volume or nature of requests for OGIS's services changed since the bill's enactment? If so, how?
2. The FOIA Improvement Act of 2016 increased the independence of OGIS and strengthened the Director's ability to provide Congress with "recommendations" and other materials.

Accordingly, what specific recommendations do you have for Congress at this time such that we can assist in ensuring compliance across the government with both the letter and spirit of FOIA?

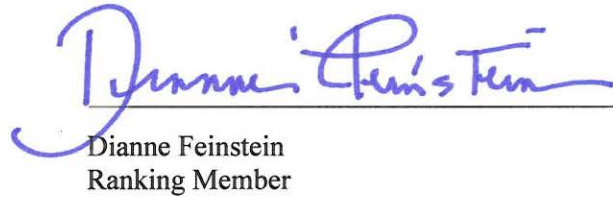
3. What specific actions has OGIS taken or does it intend to take to encourage a more customer-friendly, collaborative FOIA response process? Has OGIS identified agency best practices that encourage communication and dialogue early in the FOIA request process between requesters and processors, and if so, what is OGIS doing to ensure that these practices are encouraged government-wide?

Thank you for your prompt attention to this important matter. If you have any questions, please contact Kyle McCollum of the Majority Staff at (202) 224-5225 or Lartese Tiffith of the Minority Staff at (202) 224-7703.

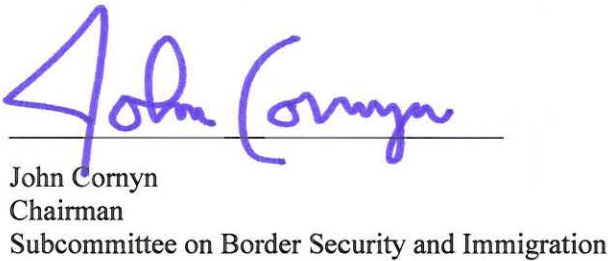
Sincerely,



Charles E. Grassley
Chairman



Dianne Feinstein
Ranking Member



John Cornyn
Chairman
Subcommittee on Border Security and Immigration



Patrick Leahy
Former Ranking Member