

Congress of the United States
Washington, DC 20515

March 16, 2022

The Honorable Gene L. Dodaro
Comptroller General
Government Accountability Office
441 G Street, N.W.
Washington, D.C. 20226

Dear Comptroller General Dodaro:

We request that the Government Accountability Office (GAO) conduct a comprehensive study of systemic issues faced by federal agencies in fulfilling their obligations under the Freedom of Information Act (FOIA). FOIA is crucial for ensuring transparency and accountability in government, but persistent challenges continue to limit citizens' ability to access to information under the statute.

The coronavirus pandemic complicated FOIA administration, necessitating that FOIA offices adapt to an increase in telework or ensure safe workplace conditions in certain classified settings. Earlier this year, GAO reported that the backlog of FOIA requests continued its long-term upward trend, increasing by 97% from fiscal year 2012 to fiscal year 2020.¹

In March 2021, GAO identified challenges that three federal agencies—the Department of Housing and Urban Development, Federal Aviation Administration, and Veterans Health Administration—faced in administering FOIA. These challenges included high staff turnover, competing priorities, and lack of awareness about reporting requirements.²

In January 2022, GAO examined factors contributing to FOIA backlogs at five additional agencies. The Department of Agriculture, Department of Homeland Security, Department of Labor, Environmental Protection Agency, and Federal Bureau of Investigation “identified one or more of the following new or ongoing challenges to reducing their backlogs: increasing complexity of requests, technology-related issues, staffing limitations, and increasing litigation.”³

¹ Government Accountability Office, *Freedom of Information Act: Selected Agencies Adapted to the COVID-19 Pandemic but Face Ongoing Challenges and Backlogs* (Jan. 2022) (GAO-22-105040) (online at www.gao.gov/assets/gao-22-105040.pdf).

² Government Accountability Office, *Freedom of Information Act: Actions Needed to Improve Agency Compliance with Proactive Disclosure Requirements* (Mar. 2021) (GAO-21-254) (online at www.gao.gov/assets/gao-21-254.pdf).

³ Government Accountability Office, *Freedom of Information Act: Selected Agencies Adapted to the COVID-19 Pandemic but Face Ongoing Challenges and Backlogs* (Jan. 2022) (GAO-22-105040) (online at www.gao.gov/assets/gao-22-105040.pdf).

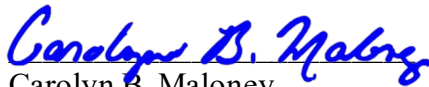
GAO's recent work evaluating FOIA at a handful of agencies has helped us better understand the extent of and reasons for the federal government's FOIA backlog. A broader analysis of the systemic FOIA issues across the government would be beneficial for weighing potential reforms to improve and modernize FOIA administration.

We request that GAO conduct a government-wide survey or convene focus groups of FOIA officials in a fully representative sample of government agencies to examine:

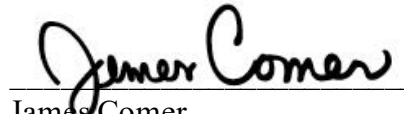
1. The causes of the persistent backlog in FOIA requests;
2. Challenges to reducing the backlog; and
3. Potential regulatory or legislative changes to reduce or eliminate the backlog quickly and efficiently.

If you have any questions regarding this request, please contact House Oversight Committee staff at (202) 225-5051 or Rajiv Venkataramanan with the Senate Judiciary Committee at (202) 224-3466.

Sincerely,



Carolyn B. Maloney
Chairwoman
House Committee on Oversight
and Reform



James Comer
Ranking Member
House Committee on Oversight
and Reform



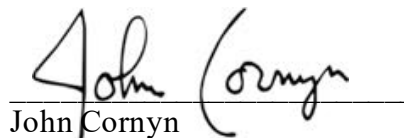
Richard Durbin
Chair
Senate Committee on the Judiciary



Charles E. Grassley
Ranking Member
Senate Committee on the Judiciary



Patrick Leahy
United States Senator



John Cornyn
United States Senator