



# COMMITTEE ON HOMELAND SECURITY

**FOR IMMEDIATE RELEASE**

**Hearing Statement of Chairman Bennie G. Thompson (D-MS)**

***The Public's Right to Know: FOIA at the Department of Homeland Security***

**October 17, 2019**

Congress passed the Freedom of Information Act (FOIA) more than five decades ago — recognizing that a government that is truly accountable to its citizens must operate in the open. Prior to FOIA, individuals had to establish a “need to know” in order to access federal records. Today, they have the “right to know.” The burden of proof has shifted to the government, which must provide a compelling reason before denying a citizen’s request for public information.

I am concerned that, all too often, public requests for information are being denied by the Department of Homeland Security — and that FOIA’s statutory exemptions are being inconsistently applied. DHS, which receives the vast majority of FOIA requests across the entire federal government, only fully granted about 7% of requests in Fiscal Year 2018. This was far less than the governmentwide average of 27%. Put another way, the Department partially or fully denied 93% of requests it received in 2018. I want to know why the Department’s response rate is much lower than the average. I also want some assurances that information the public is entitled to under the law is not being unduly withheld from the American people. Finally, I want to touch on a disturbing phenomenon we have seen recently at other federal agencies.

Earlier this year, the Interior Department formally instituted a policy allowing political appointees to review FOIA responses in which they, themselves, are named. Similar changes were made at the Environmental Protection Agency (EPA) in June, giving the EPA Administrator and Deputy Administrator the authority to decide whether or not to release public documents. I want confirmation today that DHS is not following the lead of these agencies and allowing political appointees to undermine the FOIA process.

I also hope to hear about why the Department lacks a centralized system for handling FOIA requests as well as what more can be done at Headquarters to ensure all components’ FOIA offices follow Department-wide guidance.

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Media contact: Adam Comis at (202) 225-9978