MORGAN J. FRANKEL
COUNSEL
PATRICIA MACK BRYAN
DEPUTY COUNSEL
THOMAS E. CABALLERO
SENIOR ASSISTANT COUNSEL
VIVIAN M. RIVERA
ASSISTANT COUNSEL

United States Senate

OFFICE OF SENATE LEGAL COUNSEL
WASHINGTON, DC 20510-7250

TELEPHONE: (202) 224–4435
FAX: (202) 224–4777

November 15, 2024

BY E-mail (174572-55163937@requests.muckrock.com)
David Medeiros
ABI Resources
39 Kings Highway, Suite C
Gales Ferry, CT 06335

Dear Mr. Medeiros:

Your October 17, 2024 request sent via MuckRock.com to the Senate Office of Public Records requesting records pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, and follow-up communications have been referred to our office for response.

Congressional records are not subject to the FOIA as Congress is not an agency for purposes of that Act. *See* 5 U.S.C. §§ 551(1)(A), 552(f); *FCC v. Fox Television Stations, Inc*., 556 U.S. 502, 524, 525 n.6 (2009) (plurality) (FOIA "does not apply to Congress" because statutory definition of agency "specifically excludes the Congress"); *American Civil Liberties Union v. CIA*, 823 F.3d 655, 658 (D.C. Cir. 2016) ("Congress is not an 'agency' under FOIA and, therefore, congressional documents are not subject to FOIA's disclosure requirements."); *United We Stand America, Inc. v. Internal Revenue Serv*., 359 F.3d 595, 597 (D.C. Cir. 2004) ("Because Congress is not an agency, congressional documents are not subject to FOIA's disclosure requirement."); *Mayo v. U.S. Government Printing Office*, 9 F.3d 1450, 1451 (9th Cir. 1993).

Accordingly, congressional records, including the records of the Senate, are not available under the FOIA, and we are therefore unable to respond favorably to your request for records.

Sincerely,

Vivian M. Rivera

Vivian M. Rivera