

**Response of Margaret B. Kwoka
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**To Senator Amy Klobuchar
United States Senate Committee on the Judiciary**

**Regarding Questions for the Record
Hearing on
The Freedom of Information Act: Perspectives from Public Requesters**

Question 1: In your testimony you expressed concerns about the impact that DOGE will have on an agency's capacity to comply with Freedom of Information Act (FOIA) requests. Specifically, you noted that in some cases DOGE has effectively eliminated all FOIA staff.

- Are you concerned that with significant reductions to staff, agencies will fail to meet the legal obligations under FOIA?

Response: FOIA offices have historically been underfunded and under-resourced. In part as a result of this underinvestment, many agencies have long experienced significant and persistent backlogs of requests and routinely failed to comply with FOIA's deadlines. The extent of the impact of the recent reductions in the federal workforce on FOIA offices is currently unknown, but there doubtless has been impact and some public reports do suggest that at certain agencies there remain little to no staff in the FOIA offices. The natural consequence will undoubtedly be to further lengthen the delays requesters experience and hinder agency compliance with FOIA. Given that FOIA compliance was already a significant issue, recent developments do give cause for concern.

Question 2: What steps would you recommend Congress take to ensure federal agencies' can respond to FOIA requests?

Response: Congress could address FOIA compliance in several ways. I believe one of the most productive first steps would be to increase requirements and incentives for proactive disclosure of agency records, thereby reducing the need for the public to rely on a request-and-response process to obtain access to key government records. Another promising avenue is to invest in technology to increase the efficiency of FOIA offices. And finally, Congress should direct funds to FOIA compliance specifically to ensure that agencies have the resources necessary to meet their legal obligations.