

September 5, 2025

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Attorney-Advisor / FOIA Public Liaison  
U.S. General Services Administration  
FOIA Requester Service Center (LG)  
1800 F Street, NW, 7308  
Washington, DC 20405-0001

Re: Request Under the Freedom of Information Act

To Whom It May Concern:

This letter constitutes a request made pursuant to the Freedom of Information Act, 5 U.S.C. § 552, and implementing regulations of the General Services Administration (“GSA”), 41 C.F.R. § 105-60.

Public participation is an essential part of the federal government’s regulatory process. Not only is it often legally required under the Administrative Procedure Act (“APA”) of 1946, public comments help agencies improve regulations, provide a new perspective or greater insight into the outcomes of the regulations.<sup>1</sup> Since the Regulations.gov website was launched in 2003, it has become the central portal for the public to comment on federal regulations and participate in the rulemaking process. In August 2020, GSA made improvements to the portal, including the creation of an Application Program Interface (“API”), which allowed external parties to engage with Regulations.gov in different ways.<sup>2</sup> One of the new features of the API is the addition of a POST method, which allows users to submit comments through an API. GSA recognized that this would result in the ability of advocacy organization to “better submit large volumes of comments on behalf of their memberships.”<sup>3</sup>

Shockingly, in August 2025, GSA took this ability away.<sup>4</sup> Reportedly, API key holders were told that “the POST method will no longer be allowed for all users with the exception of approved use cases by federal agencies.” There has not been a satisfactory substantive explanation for why the POST method was removed nor any resolution related to restoring this functionality. While the public may still manually submit comments through the Regulations.gov website, the website is complicated and arduous. Removing the POST method drastically impacts the public’s ability to provide comments to ongoing rulemaking, especially at a time when this administration is rapidly either reversing or rescinding previous rules or drafting new,

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<sup>1</sup> *How members of the public can contribute to the regulatory process*, U.S. GEN. SERVS. ADMIN., <https://www.gsa.gov/policy-regulations/regulations/managing-the-federal-rulemaking-process-erulemaking/how-the-public-can-contribute-to-the-regulatory-process> (last updated Aug. 15, 2025).

<sup>2</sup> *New eRulemaking APIs for uploading comments and downloading data from Beta.Regulations.gov*, U.S. GEN. SERVS. ADMIN., Aug. 12, 2020, <https://www.gsa.gov/blog/2020/08/12/new-erulemaking-apis-for-uploading-comments-and-downloading-data-from-betaregulationsgov>

<sup>3</sup> *Id.*

<sup>4</sup> Matthew Gault, *The Government Just Made it Harder for The Public to Comment on Regulations*, 404 MEDIA, Aug. 18, 2025, <https://www.404media.co/the-government-just-made-it-harder-for-the-public-to-comment-on-regulations/>.

harmful rules. Specifically, GSA’s removal of the POST method for comments impacted the Center and its community. In response to the Department of Veterans Affairs’ rulemaking on reproductive health services, the Center encouraged its community to provide comments on the proposed rule. However, the POST method for comments was suddenly removed in the middle of the comment period for this proposed rule without adequate notice or reasoning, severely impinging on the public’s ability to comment. This is, at minimum, a violation of the spirit of the APA’s mandate to permit the public a meaningful opportunity to comment.

Relatedly, the second Trump administration, has issued two Executive Orders (“EOs”): 1) “Ensuring Lawful Governance and Implementing the President’s ‘Department of Government Efficiency’ Deregulatory Initiative,” which directed the government to “commence the deconstruction of the overbearing and burdensome administrative state,”<sup>5</sup> and 2) “Directing the Repeal of Unlawful Regulations,” which tells agencies they can dispense with the comment process entirely when possible.<sup>6</sup> These EOs as well as other actions taken foretell an administration which does not seek to engage the public in reasoned and deliberative rulemaking, but rather rulemaking through some perceived sense of executive fiat.<sup>7</sup>

The Center for Reproductive Rights (“Center”) seeks to better understand GSA’s process in removing the POST method during an especially important public comment period. This information is vital to the public interest to understand how the public can best communicate its feedback on agency rulemaking.

## **Records Requested**

Please provide all responsive records from January 20, 2025, through the date the search is conducted. As used herein, “records” means all records as defined in 22 C.F.R. § 171.1(b). Please note that “communications” requested include, but are not limited to, e-mails, messaging platforms (including, but not limited to Signal, Slack, GChat or Google Hangouts, Lync, Skype, X (formerly Twitter) direct messages, Facebook messages, Truth Social messages, WhatsApp, Telegram, or Parler), and communications and relevant materials that may have been distributed via personal phones or devices.

We request the following to be produced within twenty business days:

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<sup>5</sup> *Ensuring Lawful Governance and Implementing the President’s “Department of Government Efficiency” Deregulatory Initiative*, WHITE HOUSE, Feb. 19, 2025, <https://www.whitehouse.gov/presidential-actions/2025/02/ensuring-lawful-governance-and-implementing-the-presidents-department-of-government-efficiency-regulatory-initiative/>.

<sup>6</sup> *Memorandum for the Heads of Executive Departments and Agencies re: Directing the Repeal of Unlawful Regulations*, WHITE HOUSE, Apr. 9, 2025, <https://www.whitehouse.gov/presidential-actions/2025/04/directing-the-repeal-of-unlawful-regulations/>.

<sup>7</sup> See e.g., Sam Berger, *Undermining Accountability in Rulemaking: The Trump Administration’s Attack on Public Engagement in the Regulatory Process*, COAL. FOR SENSIBLE SAFEGUARDS, Jul. 17, 2025, <https://sensiblesafeguards.org/reports-and-studies/undermining-accountability-in-rulemaking-the-trump-administrations-attack-on-public-engagement-in-the-regulatory-process/>.

1. All guidance, memoranda, directives, or communications created by the GSA or sent to, received by, or exchanged with any GSA employee (temporary or permanent), official, appointee, or contractor and any third party, regarding the removal of the POST method.
2. All versions, drafts, copies, or modifications of the notice provided to API key holders about the POST method.
3. All guidance, memoranda, directives, or communications created by the GSA or sent to, received by, or exchanged with any GSA employee (temporary or permanent), official, appointee, or contractor and any third party, regarding removing the POST method specifically for advocacy organizations.
4. All guidance, memoranda, directives, or communications created by the GSA or sent to, received by, or exchanged with any GSA employee (temporary or permanent), official, appointee, or contractor and any third party, regarding continuing to permit the POST method for certain businesses and trade organizations.
5. All guidance, memoranda, directives, or communications created by the GSA or sent to, received by, or exchanged with any GSA employee (temporary or permanent), official, appointee, or contractor and any third party, regarding guidance to federal agencies about which users may be provided exceptions and/or approved use cases for the use of the POST method.
6. Any and all data, records, and information regarding which users have been granted an “approved use case” to use or continuing using the POST method.

The Center seeks all responsive records regardless of format, medium, or physical characteristics. In conducting your search, please understand the terms “record,” “document,” and “information” in their broadest sense, to include any written, typed, recorded, graphic, printed, or audio material of any kind. We seek records of any kind, including electronic records, audiotapes, videotapes, and photographs, as well as letters, emails, facsimiles, telephone messages, voice mail messages and transcripts, notes, or minutes of any meetings, telephone conversations or discussions. Our request includes any attachments to these records. No category of material should be omitted from search, collection, and production.

In addition to the records requested above, the Center also requests records describing the processing of this request, including records sufficient to identify search terms used, locations and custodians searched, and any tracking sheets used to track the processing of this request. If GSA uses FOIA questionnaires or certifications completed by individual custodians or components to determine whether they possess responsive materials or to describe how they conducted searches, we also request any such records prepared in connection with the processing of this request.

Please search all records regarding agency business. You may not exclude searches of files or emails in the personal custody of your officials, such as personal email accounts or text messages. Records of official business conducted using unofficial systems or stored outside of

official files are subject to the Federal Records Act and FOIA. It is not adequate to rely on policies and procedures that require officials to move such information to official systems within a certain period of time; the Center has a right to records contained in those files even if material has not yet been moved to official systems or if officials have, through negligence or willfulness, failed to meet their obligations.

Please note that in conducting a “reasonable search” as required by law, you must employ the most up-to-date technologies and tools available, in addition to searches by individual custodians likely to have responsive information. Recent technology may have rendered your agency’s prior FOIA practices unreasonable. In light of the government-wide requirements to manage information electronically by the end of 2016, it is no longer reasonable to rely exclusively on custodian-driven searches. Furthermore, agencies, including GSA, which have adopted the National Archives and Records Agency Capstone program, or similar policies, now maintain emails in a form that is reasonably likely to be more complete than individual custodians’ files. For example, a custodian may have deleted a responsive email from his or her email program, but your agency’s archiving tools would capture that email under Capstone.

Accordingly, the Center requests that GSA use the most up-to-date technologies to search for responsive information and take steps to ensure that the most complete repositories of information are searched. The Center is available to work with you to craft appropriate search terms. However, custodian searches are still required; agencies may not have direct access to files stored in .PST files, outside of network drives, in paper format, or in personal email accounts.

We request that you produce all responsive materials in their entirety; however, should you determine the materials contain information which falls within the statutory exemptions provided in 5 U.S.C. § 552 or 22 C.F.R. § 171.11, we request the information be reviewed for possible discretionary disclosure. We furthermore request that all reasonably segregable portions of the exempt material be provided. We request that any deleted material be described in detail, and that you specify the statutory basis for the denial as well as your reasons for believing that the alleged statutory justification applies in this instance. Please separately state your reasons for not invoking your discretionary powers to release the requested documents in the public interest. Such statements will be helpful in deciding whether to appeal an adverse determination.

Under the FOIA Improvement Act of 2016, agencies must adopt a presumption of disclosure, withholding information “only if . . . disclosure would harm an interest protected by an exemption” or “disclosure is prohibited by law.” If it is your position that any portion of the requested records is exempt from disclosure, the Center requests that you provide an index of those documents as required under *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973), *cert. denied*, 415 U.S. 977 (1974). As you are aware, a *Vaughn* index must describe each document claimed as exempt with sufficient specificity “to permit a reasoned judgment as to whether the material is actually exempt under FOIA.”<sup>8</sup> Moreover, the *Vaughn* index “must describe each document or portion thereof withheld, and for each withholding it must discuss the consequences of disclosing the sought-after information.”<sup>9</sup> Further, “the withholding agency must supply ‘a relatively

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<sup>8</sup> *Founding Church of Scientology v. Bell*, 603 F. 2d 945, 949 (D.C. Cir. 1979).

<sup>9</sup> *King v. U.S. Dep’t of Just.*, 830 F.2d 210, 223-24 (D.C. Cir. 1987).

detailed justification, specifically identifying the reasons why a particular exemption is relevant and correlating those claims with the particular part of a withheld document to which they apply.”<sup>10</sup>

You should institute a preservation hold on information responsive to this request. The Center intends to pursue all legal avenues to enforce its right of access under FOIA, including litigation if necessary. Accordingly, your agency is on notice that litigation is reasonably foreseeable.

To ensure that this request is properly construed, that searches are conducted in an adequate but efficient manner, and that extraneous costs are not incurred, the Center welcomes an opportunity to discuss its request with you before you undertake your search or incur search or duplication costs. By working together at the outset, the Center and your agency can decrease the likelihood of costly and time-consuming litigation in the future.

### **Waiver or Limitation of Fees**

Pursuant to 5 U.S.C. § 552(a)(4)(A)(iii), documents are required to be provided to requesters without any charge or at reduced fees “if disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester.” We request a waiver (or, in the alternative, a reduction) of all fees because disclosure of the information would be in the public interest by contributing significantly to the public understanding of GSA’s removal of the POST method for rulemaking comments.

Founded in 1992, the Center is the only global legal advocacy organization dedicated to reproductive rights, and its litigation and advocacy has played a key role in expanding access to reproductive health care around the world. The Center uses information gathered, and its analysis of information gathered, to educate the public through reports, briefing papers, fact sheets, periodicals, articles, blog posts, and other educational materials. Likewise, the Center also makes the materials gathered available on its public website and promotes their availability on social media platforms, such as Facebook, X (formerly known as Twitter), and Instagram. The Center receives hundreds of thousands of website page views, monthly, and publishes newsletters for public dissemination. Thus, the Center has demonstrated commitment to the public disclosure of documents and creation of editorial content.

The Center does not make this request for commercial use. 45 C.F.R. § 5.54(b)(3). As a 501(c)(3) nonprofit organization, the Center does not have a commercial purpose, and the release of the information requested is not in the organization’s financial interest. Accordingly, the Center qualifies for a fee waiver.

In the event that you determine you are unable to waive the fees, please provide us with prior notice if the total fees authorized will exceed \$200 so that we can discuss arrangements.

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<sup>10</sup> *Id.* at 224.

## Conclusion

The Center looks forward to working with your agency on this request. Thank you for your prompt attention to this matter.

With respect to the form of production, *see* 5 U.S.C. § 552(a)(3)(B), the Center requests that responsive materials be provided electronically by email or in PDF or TIF format on a USB drive. Please send any responsive material being provided and acknowledgement of receipt of this request to:

Manasi Raveendran  
c/o Julia Long  
Center for Reproductive Rights  
1600 K Street, NW, 7<sup>th</sup> Floor  
Washington, DC 20006  
Phone: (202) 524-5536  
Email: MRaveendran@reprorights.org

If it will accelerate release of responsive records, please also provide responsive material on a rolling basis.

If you do not understand any part of this request, have any questions, or foresee any problems in fully releasing the requested records, please contact Manasi Raveendran at (202) 524-5536 if you have any questions. Thank you for your assistance.

Sincerely,

Manasi Raveendran