

TRENDS

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Federal information access gets an upgrade

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Federal information access gets an upgrade

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Two new government websites launched in Fall 2012 aim to improve public access to federal information. [FOIAonline](#) is a web tool for submitting, tracking, and reviewing prior Freedom of Information Act requests. [Congress.gov](#), still in beta, will replace the Library of Congress's existing congressional information system, [Thomas](#).

FOIAonline

Several federal agencies have jointly launched a new website for processing, tracking, and storing the results of FOIA requests. Spearheaded by an Environmental Protection Agency (EPA) team and the Office of Government Information Services, the effort to create the new site began as a sort of inversion of [Regulations.gov](#), which EPA administers. On [Regulations.gov](#), agencies post proposed rules and accept public comments; on [FOIAonline](#), they accept FOIA requests from the public and produce responsive documents. The site has been live since October 1, 2012, and current participating agencies include EPA, the Department of Commerce, Department of the Treasury, Federal Labor Relations Authority, Merit Systems Protection Board, and National Archives and Records Administration. The extent of each agency's participation varies somewhat.

FOIAonline allows registered users to request information under FOIA from participating agencies, track the status of and modify or withdraw those requests, and file appeals. [Registration](#) is

About Trends

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simple and free. Registered users are also able to communicate with the staff handling their requests directly through the site and receive records electronically, which should prevent delivery costs and delays. Users who do not register are still able to submit requests but have more limited tracking and communication capabilities.

One of the site's key features—and one that does not require registration to utilize—is users' ability to [search](#) past FOIA requests and responses across all participating agencies. The agencies will post requests they receive and materials they produce in response—in searchable form, in fact—so that subsequent would-be requesters might access information that they otherwise would have to request and agency employees may likewise avoid duplicating past responses. In other words, requests and released documents are now available to the general public rather than only to the original requester. This takes one step further the existing requirement in FOIA for agencies to post frequently-requested records. The information one can search varies by agency, but generally, it is possible to search for requests, appeals, and records released in response to a request. This feature will no doubt increase efficiency on both ends of a FOIA request or a would-be FOIA request. However, so far, the participating agencies have not consistently fulfilled their pledge to post produced data or to make posted material searchable by keyword.

The site also enables users to generate reports on participating agencies' FOIA activities during a given period of time. Using data from the agencies' annual FOIA reports, this feature can produce reports on the disposition of requests, processing times, invocation of FOIA exemptions, and more. Then again, the data from which reports can be generated on FOIAonline dates back only to October 1, 2012—the inception of the site—whereas the Department of Justice's FOIA.gov site offers a similar feature for *all* federal agencies and includes several years' worth of data. FOIAonline's Public User Guide explains the reports feature, along with all other aspects of the site, in moderately helpful terms. Computer-based training on the site is allegedly "coming soon."

FOIAonline should also streamline and increase the efficiency of agencies' FOIA-request processing. With requests received electronically, FOIA officers should be able to quickly pass them to the agency component most likely to have responsive materials, which is additionally significant because the FOIA's mandatory response timelines begin when the request is received by the appropriate agency component.

Environmental and natural resources law practitioners should be pleased that EPA and the Department of Commerce (including its

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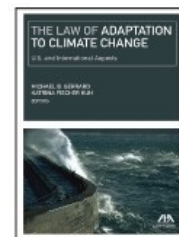
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**THE LAW OF
ADAPTATION
TO CLIMATE
CHANGE:**
United States and
International Aspects

By Michael B. Gerrard,
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National Oceanic and Atmospheric Administration) were among the first agencies to utilize FOIAonline, but, since participation is voluntary, more agencies need to be encouraged to join the site. For lawyers in the energy field, participation by the Department of Energy would be a useful addition. Additionally, participating agencies must adhere to their commitment to transparency by posting requested materials and making them easily searchable. And hopefully, FOIAonline will not become a crutch for FOIA officers, tempting them to simply direct new requesters to posted documents instead of performing a new search specific to the requester.

Congress.gov

The Library of Congress, in conjunction with the Senate, House, and Government Printing Office, launched [Congress.gov](#) last September, beginning a transformation from the existing, outdated legislative information system, Thomas (launched in 1995), to a more modern, user-friendly configuration. All of the information available on Thomas will eventually be incorporated into the new beta site, but presently, some older congressional information remains [available only on Thomas](#). Like Thomas, Congress.gov includes all [federal legislation](#), the [Congressional Record](#), and other congressional information like schedules and calendars. One handy new feature offers a [profile](#) of each member of Congress, complete with a list of, and links to, legislation each has sponsored or cosponsored. Congress.gov, when completed, will essentially just be the new Thomas—with improved searching capabilities, a more readable design, and a few more bells and whistles.

FOIAonline and Congress.gov both promise new accessibility to public documents and public record requests. Time will tell if enough agencies join FOIAonline and fully participate to make its potential features truly useful to environmental, energy, and natural resources lawyers.