

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

**CITIZENS FOR RESPONSIBILITY AND
ETHICS IN WASHINGTON,**

PLAINTIFF,

V.

**UNITED STATES CENTERS FOR
DISEASE CONTROL AND
PREVENTION, *et al***

DEFENDANTS.

CIVIL ACTION NO. 25-01020 (TJK)

FIFTH DECLARATION OF WILLIAM H. HOLZERLAND

I, William H. Holzerland, declare the following to be true and correct:

1. As detailed in my first four declarations in this matter, I continue to serve as the Deputy Agency Chief Freedom of Information Act Officer for the Department of Health and Human Services. I incorporate those previously stated credentials and professional qualifications by reference and do not restate them here. (ECF No. 18-1, ECF No. 25-1, ECF No. 38-1, ECF No. 43-3).

2. This Declaration is my Fifth Declaration in this case. It incorporates and supplements my First Declaration dated May 1, 2025 (ECF No. 18-1), my Second Declaration dated May 19, 2025 (ECF No. 25-1), my Third Declaration dated August 13, 2025 (ECF No. 38-1), and my Fourth Declaration dated September 4, 2025 (ECF No. 43-3).

3. I submit this Declaration to provide an update on the processing of the five (5) FOIA requests that Plaintiff submitted on April 1, 2025, in which Plaintiff sought expedited

processing, for “time-sensitive records relating to CDC’s assessment of measles risks, the closure of its FOIA office, DOGE’s involvement in that closure, and Defendants’ plans (if any) to comply with their statutorily mandated FOIA duties” identified below as follows: **“Request A–Measles,” “Request B–AdminLeave,” “Request C–DOGE/OPM,” “Request D–FOIA Plans,” and “Request E–Portal/Emails.** This Declaration will also provide other updates related to the reorganization of the OS-FOIA program.

PROCESSING OF PLAINTIFF’S FOIA REQUEST A– MEASLES

4. The description of **Request A–Measles** and the Department’s handling of that request—including acknowledgment, tracking number assignment, expedited processing, the initiation of searches, and the identification of eleven (11) potentially responsive emails—has been provided in my prior declarations, which I incorporate here by reference. *See* ECF 43-3, ¶¶17-28.

5. OS-FOIA completed the processing of this request and sent its final response to Plaintiff on September 30, 2025. This release completed HHS obligations under **Request A–Measles**. OS-FOIA posted its responses related to **Request A–Measles** in the OS-FOIA Electronic FOIA library which are available at <https://www.hhs.gov/foia/electronic-reading-room/litigation-releases/citizens-for-responsible-ethics-in-washington/index.htm>.

PROCESSING OF PLAINTIFF’S FOIA REQUEST B– ADMINLEAVE

6. The description of **Request B–AdminLeave** and the Department’s handling of that request—including acknowledgment, tracking number assignment, the denial of expedited processing, the initiation of searches, and the identification of approximately one thousand eight hundred (1,800) pages of potentially responsive records—has been provided in my prior declarations, which I incorporate here by reference. *See* ECF 43-3, ¶¶29-33.

7. OS-FOIA's September 15, 2025, first interim response included processing of one thousand seven hundred eighty-three (1,783) pages from CDC's search (RIF notices sent to CDC FOIA staff). Of these pages, one thousand five hundred forty-seven (1,547) pages were duplicates, ten (10) pages were withheld in full, and two-hundred and twenty-six (226) pages partially withheld pursuant to FOIA Exemption (b)(6).

8. In addition to this first search, OS-FOIA continued its search on the grounds that additional custodians at Departmental offices might have had responsive records. In so doing, OS-FOIA conducted a search of records held by Office of the Secretary personnel using keywords: "FOIA;" "CDC FOIA;" "CDC/ATSDR FOIA;" "reduction in force and CDC FOIA;" "RIF and CDC FOIA;" "admin leave and CDC FOIA;" and "administrative leave and CDC FOIA" and on August 28, 2025, received "Personal Storage Tables" (or .PST) files which contain Outlook user messages and other Outlook items. None of the records were responsive.

9. On September 26, 2025, OS-FOIA sent a (third) supplemental e-discovery search request, for the same OS personnel, using additional keywords: "agency reductions in force and reorganization plan;" and "ARRP." OS-FOIA is working closely with subject matter experts on the records search, which is ongoing, at the time of this Fifth Declaration. OS-FOIA plans to update Plaintiff on the status of this request by January 30, 2026. As of December 5, 2025, OS-FOIA posted all responses associated with **Request B–AdminLeave** to its Electronic FOIA library, available at <https://www.hhs.gov/foia/electronic-reading-room/litigation-releases/citizens-for-responsible-ethics-in-washington/index.html>.

PROCESSING OF PLAINTIFF'S FOIA REQUEST C–DOGE/OPM

10. The description of Request **C–DOGE/OPM** and the Department's handling of that request—including acknowledgment, tracking number assignment, the denial of expedited

processing, the initiation of searches, the determination that no responsive records were located, and the issuance of the final response on September 30, 2025—as noted in my prior declarations, which I incorporate here by reference. *See ECF 38-1, ¶¶34-35, ECF 43-3, ¶¶34-37.*

PROCESSING OF REQUEST D-FOIA PLANS

11. The description of **Request D-FOIA Plans** and the Department’s handling of that request—including acknowledgment, tracking number assignment, the denial of expedited processing, the initiation of searches, the identification of additional search terms and custodians after no responsive records were initially located, and OS-FOIA’s plan to update Plaintiff on or before September 30, 2025—has been provided in my prior declarations, which I incorporate here by reference *See ECF 43-3, ¶¶38-42, ECF 38-1, ¶¶38-39.*

12. As a result of the search, OS-FOIA initially did not locate any potentially responsive records to date, but in conjunction with CDC Information Technology staff, OS-FOIA identified additional search terms and potential record custodians and continued its search. Following this supplemental search, OS-FOIA identified five hundred fifty-five (555) pages of potentially responsive records. On September 30, 2025, OS-FOIA provided its first interim response, releasing 64 pages of responsive records. Following this release, four hundred ninety-one (491) pages still required review, one hundred fifty-four (154) of which were found to be responsive to Plaintiff’s request. HHS completed the processing of the remaining pages and updated Plaintiff on December 8, 2025. This processing completed HHS’ obligations under **Request D-FOIA Plans**. As was the case for **Request A-Measles** and **Request B-AdminLeave**, OS-FOIA posted all of its responses related to **Request D-FOIA Plans** in the OS-FOIA Electronic FOIA library which are available at <https://www.hhs.gov/foia/electronic-reading-room/litigation-releases/citizens-for-responsible-ethics-in-washington/index.html>.

PROCESSING OF REQUEST E-PORTAL/EMAILS

13. The description of **Request E-Portal/Emails** and the Department's handling of that request—including acknowledgment, tracking number assignment, the denial of expedited processing, the initiation of searches, the identification of two hundred fifty-four (254) pages of potentially responsive records, and the completion of processing and release of those records on September 30, 2025—has been provided in my prior declarations, which I incorporate here by reference. *See ECF 43-3, ¶¶43-47, ECF 38-1, ¶¶43-44.* As was the case for **Request A–Measles, Request B–AdminLeave, and Request D–FOIA Plans**, OS-FOIA posted all of its responses related to **Request E–Portal/Emails** in the OS-FOIA Electronic FOIA library which are available at <https://www.hhs.gov/foia/electronic-reading-room/litigation-releases/citizens-for-responsible-ethics-in-washington/index.html>.

OTHER UPDATES

14. Since my Fourth Declaration (September 3, 2025), the OS-FOIA program, inclusive of all work in its portfolio, had nearly nine thousand five hundred (9,500) pending FOIA requests, approximately seven hundred (700) pending FOIA appeals, and three hundred twenty-seven (327) pending FOIA consults. In the intervening timeframe, the government experienced a shutdown of forty-three (43) days from October 1, 2025 to November 12, 2025, due to a lapse of appropriations. This lapse impacted HHS. The shutdown interrupted ongoing work significantly, including the processing of FOIA requests. This is because OS-FOIA staff were furloughed during the entire shutdown and not permitted to work on FOIA-related matters.

15. As of the date of this declaration, relative to the portfolio of the former CDC-FOIA office, OS-FOIA retains the ability to reference historical CDC tracking numbers; however, following the reorganization, all new FOIA requests are logged under a single OS-

FOIA numbering system.

16. Since April 1, 2025, when the FOIA reorganization started, as of December 5, 2025, OS-FOIA has issued one hundred and thirty-five (135) litigation productions, encompassing sixty-four thousand eight hundred thirty-five (64,835) pages reviewed and fifty-one thousand seven hundred ninety-seven (51,797) released during this time. Of those litigation productions, OS-FOIA has issued at least nineteen (19) CDC-related productions, reviewing at least three thousand nine hundred eighty-nine (3,989) pages and releasing at least three thousand four hundred sixty-two (3,462).

17. Since April 1, 2025, as of December 5, 2025, OS-FOIA has been actively reviewing over one hundred thousand (100,000) pages of records currently in the final stage of their review process by senior OS-FOIA personnel, and those records are responsive to approximately seven hundred (700) pending FOIA requests outside of litigation. In addition to the foregoing, in compliance with 5 U.S.C. §552(a)(2), OS-FOIA continues to make proactive disclosures on a publicly available website, available at Electronic FOIA library | HHS.gov. Since April 1, 2025, when the FOIA reorganization started, through May 19, 2025, the Department has publicly posted an additional two hundred twenty-three (223) discrete items to its electronic FOIA library. As noted in my prior declaration, the Department has continued its efforts to process records within the consolidated OS-FOIA portfolio and to expand proactive disclosures consistent with the Department's *Radical Transparency* initiative. *See* ECF 43-3, ¶95. Building on those efforts, HHS anticipates that technical issues permitting, by the end of December 2025 the HHS 'Radical Transparency Portal' will be live. This portal will serve as the centralized location for required disclosures under 5 U.S.C. § 552(a)(2) as well as additional proactive disclosures that the Department elects to make publicly available.

18. As stated in my last declaration, the Department is in the process of implementing a pilot program designed to incorporate artificial intelligence (AI) tools into the initial review of FOIA-responsive records as part of its broader modernization initiative. *See ECF 43-3, ¶¶104-106.* The government shutdown, which lasted forty-three (43) days, severely limited the Department's ability to advance this effort. FOIA and IT personnel essential to the pilot were furloughed, contractor activities were halted due to a lapse in appropriations, and inter-office coordination—including required cybersecurity, privacy, records management, and legal reviews—could not occur. Many of these offices operate with skeleton staff during a shutdown. Additionally, system access for non-essential development work was suspended. Shutdowns further routinely delay required management approvals, security reviews, legal sign-off, privacy and compliance assessments. Collectively, these constraints prevented the Department from making substantive progress on the pilot during the shutdown. Notwithstanding the foregoing, after a lengthy shutdown, staff must first address the backlog of halted work, including time-sensitive operational duties, before returning to modernization efforts.

19. As previously noted, as part of this transition, as another measure, OPM had authorized the Department to hire ten (10) additional staff members to strengthen FOIA operations. However, the government shutdown halted this effort entirely. Federal hiring processes—including posting positions, reviewing applications, conducting interviews, issuing tentative or final job offers, and initiating background investigations—cannot proceed during a lapse in appropriations. Human resource specialists and other personnel needed to support these actions were furloughed, and security and suitability reviews were suspended. Agencies cannot start background checks, conduct fingerprinting, process suitability determinations, issue credentials or system access. Once the government reopened after the longest shutdown in

American history, the Department also faced significant backlogs (paused personnel actions, revalidate hiring needs, restart every step in the process) that further delayed the resumption of hiring activities. This has impacted prospective hiring timelines. These factors collectively caused a delay and temporary loss of momentum in filling the authorized FOIA positions.

CONCLUSION

20. In summary, based on the foregoing, I aver that HHS has provided the Court with adequate grounds to show that the reorganization of the HHS FOIA offices complies with the law.

21. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury the foregoing to be true and correct, to the best of my knowledge, information and belief.

Executed this 9th day of December 2025.

WILLIAM H.
HOLZERLAND -S

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