

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

CITIZENS FOR RESPONSIBILITY AND ETHICS
IN WASHINGTON,

Plaintiff,

v.

UNITED STATES GENERAL SERVICES
ADMINISTRATION,

Defendant.

Civil Action No. 18-377 (CRC)

DECLARATION OF TRAVIS LEWIS

I, Travis Lewis, pursuant to 28 U.S.C. § 1746, hereby declare as follows:

INTRODUCTION

1. I am the Director of the Freedom of Information Act (“FOIA”) & Records Management Division of the Office of Administrative Services for the U.S. General Services Administration (“GSA”) headquartered at 1800 F Street, NW, Washington, D.C. As the FOIA Officer for GSA, a position I have held since February 4, 2013, my responsibilities include:

- (a) reviewing requests for access to GSA records filed under the FOIA, 5 U.S.C. § 552;
- (b) assigning FOIA requests to GSA FOIA Analysts for processing;
- (c) identifying offices within GSA (often referred to as “business units”) likely to possess responsive records;
- (d) liaising with business units to help identify specific custodians of records and collect responsive records;

(e) reviewing responsive records and determining applicable FOIA exemptions in accordance with the provisions of the FOIA and GSA regulations 41 C.F.R. §§ 105-60, *et seq.*;

(f) reviewing correspondence related to FOIA requests; and

(g) preparing responses to FOIA requests.

2. As GSA's sole FOIA Officer, I have the authority to determine which records should be released and/or withheld pursuant to the FOIA and to explain the rationale for GSA's disclosure determinations. The statements I make in this declaration are based on my review of the official files and records of GSA and my own personal knowledge acquired through the performance of my official duties.

3. This declaration incorporates my two previous declarations filed on August 6, 2018 and November 8, 2018 (*see* Dkt. Nos. 16-2, 21-1) and explains the procedures that were followed by GSA in conducting a subsequent search for additional responsive records to Plaintiff's FOIA request per the Court's Order in the Memorandum and Opinion for this case dated December 17, 2018.

**GSA'S SUBSEQUENT SEARCH AND RESPONSE TO PLAINTIFF'S FOIA REQUEST
PER THE COURT'S ORDER**

4. In my capacity as GSA's FOIA Officer in which my office reviews all potentially responsive documents in response to pertinent documents, I have gained institutional knowledge regarding what GSA individuals were involved with the decision to cancel the procurement for new FBI headquarters. I have learned that the following individuals (a few of whom were mentioned in Plaintiff's original FOIA request) have had internal communications /or interagency communications with the Office of Management and Budget (OMB) and the Federal

Bureau of Investigations (FBI) pertaining to the decision to cancel the procurement for the new FBI headquarters:

- 1) Mary Gibert- GSA's then Regional Commissioner for the GSA Public Building Service (PBS);
- 2) Tim Horne- GSA's then-Acting Administrator;
- 3) Michael Gelber- GSA's Deputy Commissioner for PBS;
- 4) Aaron Hasinger- Project Manager for the FBI Headquarters Consolidation; and
- 5) Shapour Ebadi- GSA's Director of the Office of Design and Construction within PBS.

5. In order to be as responsive as possible, GSA ran a search from the first day of the current administration, January 1, 2017. The search included the terms "JEH" and "Hoover Building" in our search query per the Court's Order as well. I thus then tasked GSA'S Office of the Chief Information Officer (OCIO) to run a search for potentially responsive documents using the following search queries:

Terms:

JEH

Hoover Building

FBI

FBI Headquarters procurement

procurement for the new FBI Headquarters consolidation

Mary.gibert@gsa.gov and eop.gov

Mary.gibert@gsa.gov and fbi.gov

Mary.gibert@gsa.gov and omb.gov

Tim.horne@gsa.gov and eop.gov

Tim.horne@gsa.gov and fbi.gov

Tim.horne@gsa.gov and omb.gov

aaron.hassinger@gsa.gov and eop.gov

aaron.hassinger@gsa.gov and fbi.gov

aaron.hassinger@gsa.gov and omb.gov

michael.gelber@gsa.gov and eop.gov

michael.gelber@gsa.gov and fbi.gov

michael.gelber@gsa.gov and omb.gov

shapour.ebadi@gsa.gov and eop.gov

shapour.ebadi@gsa.gov and fbi.gov

shapour.ebadi@gsa.gov and omb.gov

GSA Employee Email Addresses:

Mary.gibert@gsa.gov

Tim.horne@gsa.gov

aaron.hassinger@gsa.gov

michael.gelber@gsa.gov

shapour.ebadi@gsa.gov

Time Table:

January 20, 2017 to February 23, 2018.

6. The OCIO is the office within GSA that has access to the entirety of GSA's electronic records and conducts all of the agency's electronic discovery searches for potential responsive documents to FOIA requests. In my capacity as GSA's FOIA Director, I have tasked the OCIO to conduct hundreds of searches for records in response to FOIA requests. I aver that when OCIO conducts a search for responsive records, a search is conducted agency wide for any potentially responsive records and not only within OCIO as a singular office.

7. GSA's subsequent search for all electronic records returned approximately 6,738 pages of documents. Upon reviewing each page, my office determined that there are only 18 additional pages beyond what GSA provided to Plaintiff in our initial response to their FOIA request. The difference in volume between potentially responsive and actually responsive records is due to the depth and breadth of the search terms GSA used in its subsequent search for responsive records. GSA as an agency provides construction, management and preservation for all government buildings. GSA has thus engaged in communications with the FBI and our other federal customers on a plethora of issues beyond those concerning the decision to cancel the new FBI headquarters consolidation project, which is the subject of Plaintiff's FOIA request. Using terms like "FBI" "Procurement" and "JEH" with the listed individuals returns all documents on all subject matters in which the aforementioned individuals have had either internal or communications with the FBI or OMB within the specified time frame of January 1, 2017 - February 23, 2018. Our search for responsive documents returned a variety of communications with the FBI /or OMB including, but not limited to: communications regarding administrative and security procedures for government personnel to meet at the White House, communications between GSA and the FBI pertaining to any vacant GSA building space that the FBI could use to house a small amount of employees for a special mission, communications between GSA and the FBI regarding the State Department's hosting of foreign officials and allowing them access to federal facilities, etc. After reviewing the documents and also conferring with GSA Assistant General Counsel Duane Smith, who also reviewed the documents, GSA concluded that the documents provided to Plaintiff as result of the second search reflected the entirety of agency records concerning the decision to cancel the procurement for the new FBI headquarters.

8. Within the 18 pages of responsive documents, GSA redacted portions of the communications pursuant to the fifth statutory exemption to the FOIA, 5 U.S.C. § 552 (b)(5). Specifically GSA redacted a portion of intra/interagency communications reflecting the deliberative process with respect to proposed recommendations for talking points concerning how GSA would address communications with members of the public and Capitol Hill regarding the decision to cancel the procurement for the new FBI Headquarters facility. GSA also redacted employees' cellphone numbers and private individual's work email addresses pursuant to the sixth statutory exemption to the FOIA, 5 U.S.C. § 552 (b)(6).

9. Beyond the search for electronic records, I also ensured that there were no paper records in the agency's possession that were responsive to Plaintiff's FOIA request. To ensure this, my office asked for and received confirmation via email from each of the individuals who communicated with either OMB or the FBI regarding the decision to cancel the procurement for the new FBI headquarters that none of them had any paper records of any such communications. Each individual confirmed that they did not have any paper records that related to Plaintiff's FOIA request.

CONCLUSION

10. As detailed above, GSA conducted a subsequent appropriate search for documents responsive to Plaintiff CREW's FOIA request per the Court's order dated December 17, 2018 and produced to Plaintiff all responsive nonexempt records located as a result. I aver that the 18 additional pages of responsive documents (coupled with the earlier produced documents) represent the entirety of documents in GSA's possession related to Plaintiff's FOIA request for records concerning GSA's decision to cancel the procurement for the new FBI

headquarters consolidation project. GSA furthermore did not exclude any sources or locations in the agency where responsive records may exist.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Executed this __21st__ day of March, 2019, in Washington, D.C.

Travis S. Lewis

Travis Lewis,
FOIA and Records Management Director
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