

November 10, 2009

By facsimile (202-395-3504) and first-class mail

Dionne Hardy, FOIA Officer
Office of Management and Budget
725 17th Street, N.W., Room 9026
Washington, DC 20503

Re: Freedom of Information Act Request

Dear Ms. Hardy:

Citizens for Responsibility and Ethics in Washington (“CREW”) makes this request for records, regardless of format, medium, or physical characteristics, and including electronic records and information, audiotapes, videotapes, and photographs, pursuant to the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, et seq., and Office of Management and Budget (“OMB”) FOIA regulation 5 C.F.R. Title 1303.

CREW seeks records related to cost savings realized as a result of the e-Government Travel Service (“e-Gov Travel”). Specifically, CREW requests:

- (1) records collected from individual agencies that relate, refer to, or reflect savings realized as a result of e-Gov Travel;
- (2) reports, analyses, memoranda, spreadsheets, and correspondence related to such savings;
- (3) post-implementation reviews of agency e-Gov Travel provided to OMB;
- (4) records that relate, refer to, or reflect any decrease in the ability of agencies to fund travel as a result of the costs of e-Gov Travel; and
- (5) records sufficient to identify the e-Gov Travel provider for each agency that has deployed or is deploying e-Gov Travel.

Please search for responsive records regardless of format, medium, or physical characteristics. We seek records of any kind, including electronic records, audiotapes, videotapes, photographs, and back-up tapes. Our request includes any telephone messages, voice mail messages, daily agenda and calendars, information about scheduled meetings and/or discussions, whether in-person or over the telephone, agendas for those meetings and/or discussions, participants included in those meetings and/or discussions, minutes of any such

meetings and/or discussions, the topics discussed at those meetings and/or discussions, e-mail regarding meetings and/or discussions, e-mail or facsimiles sent as a result of those meetings and/or discussions, and transcripts and notes of any such meetings and/or discussions to the extent they relate to the aforementioned requested information.

If it is your position that any portion of the requested records is exempt from disclosure, CREW 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 (1972). 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.” Founding Church of Scientology v. Bell, 603 F.2d 945, 959 (D.C. Cir. 1979). Moreover, the Vaughn index must “describe each document or portion thereof withheld, and for **each** withholding it must discuss the consequences of supplying the sought-after-information.” King v. U.S. Dep’t of Justice, 830 F.2d 210, 223-24 (D.C. Cir. 1987) (emphasis added). Further, “the withholding agency must supply ‘a relatively 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.’” Id. at 224, citing Mead Data Central v. U.S. Dep’t of the Air Force, 566 F.2d 242, 251 (D.C. Cir. 1977).

In the event some portions of the requested records are properly exempt from disclosure, please disclose any reasonably segregable non-exempt portions of the requested records. See 5 U.S.C. § 552(b) (“Any reasonably segregable portion of a records shall be provided to any person requesting such record after deletion of the portions which are exempt ...”); see also Schiller v. Nat’l Labor Relations Bd., 964 F.2d 1205, 1209 (D.C. Cir. 1992). If it is your position that a document contains non-exempt segments, but those non-exempt segments are so dispersed throughout the document as to make segregation impossible, please state what portion of the document is non-exempt and how the material is dispersed throughout the documents. Mead Data Central, 566 F.2d at 261. Claims of non-segregability must be made with the same degree of detail as required for claims of exemption in a Vaughn index. If a request is denied in whole, please state specifically that it is not reasonable to segregate portions of the record for release.

Public Interest Fee Waiver Request

In accordance with 5 U.S.C. § 552(a)(4)(A)(iii) and 5 C.F.R. § 1303.70, CREW requests a waiver of fees associated with processing this request for records. The subject of this request concerns the operations of the federal government and its expenditures, and the disclosures likely will contribute to a better understanding of relevant government procedures by CREW and the general public in a significant way. Moreover, the request is primarily and fundamentally for non-commercial purposes. 5 U.S.C. § 552(a)(4)(A)(iii). See, e.g., McClellan Ecological v. Carlucci, 835 F.2d 1282, 1285 (9th Cir. 1987).

These records are likely to contribute to the public's understanding of the extent to which e-Gov Travel in fact provides cost savings to agencies and taxpayers. In 2003, the General Services Administration ("GSA") awarded a 10 year, \$450 million contract to three companies to provide Web-based travel management services for the federal government. See GSA Press Release, GSA Awards E-Travel Contract: E-Gov Initiative Saves Millions (Nov. 10, 2003) (attached as Exhibit A). GSA claimed at the time e-Gov Travel would save millions of dollars by reducing federal travel management costs by up to 50 percent. Id. Three years later, GAO issued a report evaluating GSA's projection that e-Gov Travel would realize \$473 million in savings from 2002 to 2013. See E-Government Travel, Participation by Small Businesses and Estimated Program Savings, at 8, 36 (Publication No. GAO-06-911, Sep. 2006) (available at <http://www.gao.gov/new.items/d06911.pdf>). However, GAO reported GSA did not provide evidence for the bulk of the projected savings, id. at 37-40, and recommended GSA collect data from individual agencies on actual savings realized as a result of e-Gov Travel, id. at 43.

The importance of measuring any cost savings is underscored by OMB's efforts to evaluate and report on this subject. In August 2006, OMB issued a memorandum to all agency chief information officers instructing them to develop baseline cost estimates for e-Government Initiatives, including e-Gov Travel, and to begin measuring actual costs so that OMB could identify savings. See Karen S. Evans, Administrator, E-Government and Information Technology, Memorandum for Chief Information Officers (Aug. 8, 2006) (available at <http://www.whitehouse.gov/OMB/memoranda/fy2006/m06-22.pdf>). OMB said it planned to request information regarding actual cost savings and cost avoidance on a semi-annual basis. Subsequently, some information about cost savings from e-Gov Travel has been included in OMB's annual Report to Congress on the Benefits of the E-Government Initiatives. See, e.g., http://www.whitehouse.gov/omb/assets/egov_docs/FY09_Benefits_Report.pdf. The requested records will shed light both on whether e-Gov Travel is achieving its objectives and on OMB's oversight of the programs.

CREW is a non-profit corporation, organized under section 501(c)(3) of the Internal Revenue Code. CREW is committed to protecting the right of citizens to be aware of the activities of government officials and to ensuring the integrity of those officials. CREW is dedicated to empowering citizens to have an influential voice in government decisions and in the government decision-making process. CREW uses a combination of research, litigation, and advocacy to advance its mission. The release of information garnered through this request is not in CREW's financial interest. In addition, CREW will disseminate any documents it acquires from this request to the public through www.governmentdocs.org, an interactive website CREW founded that includes thousands of pages of public documents from a number of organizations in addition to CREW. CREW website also contains links to thousands of pages of documents acquired from multiple FOIA requests. See www.citizensforethics.org. CREW's virtual reading room provides around-the-clock access to anyone willing to learn about the government activities that form the focus of CREW's FOIA requests. The CREW website also includes documents

relating to CREW's FOIA litigation, Internal Revenue Service complaints, and Federal Election Commission complaints and requests for investigation.

Under these circumstances, CREW satisfies fully the criteria for a fee waiver.

News Media Fee Waiver Request

CREW also asks that it not be charged search or review fees for this request because CREW qualifies as a "representative of the news media" pursuant to the FOIA and FTC FOIA regulation 16 C.F.R. § 4.8. In Nat'l Sec. Archive v. U.S. Dep't of Defense, 880 F.2d 1381, 1386 (D.C. Cir. 1989), the Court of Appeals for the District of Columbia Circuit found the National Security Archive was a representative of the news media under the FOIA. As the court noted, the FOIA's legislative history indicates the phrase "representative of the news media" is to be interpreted broadly; "[i]t is critical that the phrase 'representative of the news media' be broadly interpreted if the act is to work as expected. . . . In fact, *any person or organization which regularly publishes or disseminates information to the public . . . should qualify for waivers as a 'representative of the news media.'*" Id., citing 132 Cong.Rec. S14298 (daily ed. Sept. 30, 1986) (emphasis in original).

CREW routinely and systematically disseminates information to the public in several ways. First, CREW maintains a frequently visited web site, www.citizensforethics.org, that received 43,592 visits in October 2009. The website reports the latest developments and contains in-depth information about a variety of activities of government agencies and officials. The website CREW maintains by which it disseminates documents it acquires through FOIA requests, www.governmentdocs.org, received 2,077 visits in October 2009.

Second, since May 2007 CREW has published an online newsletter, *CREWCuts*, that currently has 15,503 subscribers. *CREWCuts* provides subscribers with regular updates regarding CREW's activities and information the organization has received from government entities. A complete archive of past *CREWCuts* is available at <http://www.citizensforethics.org/newsletter>.

Third, CREW publishes a blog, *Citizens blogging for responsibility and ethics in Washington*, that reports on and analyzes newsworthy developments regarding government ethics and corruption. The blog, located at <http://www.citizensforethics.org/blog>, also provides links that direct readers to other news articles and commentary on these issues. CREW's blog had 2,609 hits in October.

Finally, CREW has published numerous reports to educate the public about government ethics and corruption. Examples include: *The Revolving Door*, a comprehensive look into the post-government activities of 24 former members of President Bush's cabinet; *2008 Top Ten*

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Ethics Scandals; 2008 Most Embarrassing Re-Elected Members of Congress; 2008 Most Corrupt Members of Congress; and Those Who Dared: 30 Officials Who Stood Up For Our Country. These and all other CREW's reports are available at <http://www.citizensforethics.org/reports>.

Based on these extensive publication activities, CREW qualifies for a fee waiver as a "representative of the news media" under the FOIA and agency regulations.

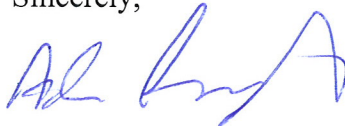
Conclusion

Please respond to this request in writing within 20 days as requested under 5 U.S.C. §552(a)(6)(A)(I). If all of the requested documents are not available within that time period, CREW requests that you provide it with all requested documents or portions of documents that are available within that time period.

If you have any questions about this request or foresee problems in releasing fully the requested records within the 20-day period, please call me within that time period. I can be reached at (202) 408-5565. Also, if CREW's request for a fee waiver is not granted in full, please contact me immediately upon making such a determination. Please send the requested documents to Adam J. Rappaport, Citizens for Responsibility and Ethics in Washington, 1400 Eye Street, N.W., Suite 450, Washington, D.C. 20005.

Thank you for your attention to this matter.

Sincerely,



Adam J. Rappaport
Senior Counsel
Citizens for Responsibility and Ethics in Washington

Enclosure

EXHIBIT A

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U.S. General Services Administration

GSA Awards E-Travel Contract: E-Gov Initiative Saves Millions

GSA #10056

November 10, 2003

Contact: GSA Public Affairs (202) 501-1231

Washington, D.C. - The U.S. General Services Administration today awarded its E-Travel contract to CW Government Travel Inc. (CWGT) of San Antonio, Electronic Data Systems Corp. (EDS) of Fairfax, Va and Northrop Grumman Mission Systems (NGMS) of Fairfax, Va.

All three companies were awarded the 10-year; \$450 million contract to provide Web-based, travel management services for the federal government.

E-Travel will be available to civilian agencies in the first quarter of the 2004 calendar year. It will deliver an easy-to-use, integrated travel service tool to the desktops of government customers. The service, one of President Bush's E-Government Initiatives, will simplify federal travel management, and at the same time save taxpayers up to 50 percent in federal travel management costs over 10 years.

GSA successfully resolved the EDS complaint to the General Accounting Office that its proposal needed a full hearing by inviting EDS, along with CWGS and NGMS--the three were finalists in the bid process--to re-demonstrate their E-Travel solutions. GSA conducted its review and determined that all three are consistent with the E-Travel solicitation requirements.

The Office of Management and Budget has helped implement President Bush's E-Gov vision, harnessing the Internet to achieve new government efficiencies and, ultimately, saving taxpayer dollars. E-Travel contracts embrace best commercial practices to use the Internet effectively and also empower the federal traveler--all at a substantially lower cost to the taxpayer.

E-Travel will be hosted commercially to minimize federal technology costs and guarantee real-time information. From travel planning and authorization to reimbursement, E-Travel leverages best practices in areas such as administration, finance and information technology to realize significant cost savings and improved employee productivity.

Independent verification and validation testing of the vendors' solutions will begin immediately. In addition, selected agencies soon will launch E-Travel to demonstrate initial operational capability. All civilian agencies are expected to complete migration to E-Travel by Sept. 30, 2006, the end of the fiscal year. The E-Travel contract accommodates existing travel agencies and FedTrip[®], the existing federal online booking service.

GSA is a centralized federal procurement, property management and policy agency created by Congress to improve government efficiency and help federal agencies better serve the public. It

acquires, on behalf of federal agencies, office space, equipment, telecommunications, information technology, supplies and services. It also plays a key role in developing and implementing governmentwide policies. GSA, comprised of 13,000 associates, provides services and solutions for the office operations of over one million federal workers located in more than 8,000 government-owned and leased buildings in 2,000 U.S. communities.