



August 17, 2017

Mr. Ryan Mulvey  
CoA Institute  
1875 Eye street NW, Suite 800  
Washington, DC 20006

Dear Mr. Mulvey:

This letter is in response to your U.S. General Services Administration (GSA) Freedom of Information Act (FOIA) Appeal (GSA-2017-001158), dated July 26, 2017. Previously, on June 8, 2017, you submitted a FOIA request to GSA (GSA-2017-001433) in which you requested "[a]ccess to the following records for the time period of January 20, 2017 to the present:

1. All records concerning the GSA's policy or procedures for handling congressional oversight requests, congressional requests for information, or congressional requests for the disclosure of agency documents, including any records describing or discussing the "new policy" referenced by Administrator Horne.
2. All records reflecting memoranda, directives, or guidance from any component of the Executive Office of the President, including the White House Office (e.g., Office of the White House Counsel), concerning (a) White House review of congressional oversight or records requests or (b) any form of pre-production review of draft responses to any congressional requester (i.e., Congressional committees, chairmen, or individual Members) by White House staff or GSA officials or employees.
3. All records reflecting memoranda, directives, or guidance from any component of the Executive Office of the President, including the White House Office (e.g., Office of the White House Counsel), concerning (a) White House review of FOIA requests, including White House consultation on agency records containing "White House equities," or (b) any form of pre-production review of draft responses to any FOIA requester by White House staff or GSA officials or employees."

On July 19, 2017, GSA replied to your FOIA request indicating that the Agency had responsive documents to Items #1 and #3. In response to Item #2, the Agency informed you that the Executive Office of the President, including the White House

Office (e.g., Office of the White House Counsel), does not provide GSA any guidance concerning review of congressional oversight or records requests or reviews any draft responses prior to GSA responding to Congressional requester.

On July 26, 2017, you appealed the adequacy of GSA's search based upon the following arguments:

**Argument #1:** GSA's search falls short of the required reasonableness because the Agency failed to produce records in response to Item One concerning "its new policy only to respond to the Republican committee Chairman" when handling congressional inquiries. Records concerning this new policy almost certainly exist.

**Argument #2:** The Agency's final response is still inadequate because the record produced in response to Item One does not, in fact, contain any policies or procedures for responding to disclosure requests from Members of Congress in their *individual capacity*, that is, internal guidance for the treatment of non-oversight requests under the FOIA.

**Agency Response:** GSA is providing you with a copy of its updated Agency policy dated July 24, 2017. This Agency policy states that GSA will coordinate and correspond with Congress in a manner consistent with the Department of Justice's "*Authority of Individual Members of Congress to Conduct Oversight of the Executive Branch*" memorandum dated May 1, 2017- a copy of which is being provided to you as well.

Moreover, GSA follows the FOIA guidance promulgated by the Department of Justice's Office of Information Policy with respect to Congressional inquiries, which can be located here: <https://www.justice.gov/oip/blog/foia-update-oip-guidance-congressional-access-under-foia>.

As stated therein, "...if the request is not an official committee or subcommittee request, then the agency should process it as a request from "any person" under the FOIA, but with particular regard for the considerations of congressional relations, discretionary disclosure and waiver referred to above."

This letter constitutes GSA's final determination regarding this matter. You have the right to seek judicial review of this determination in the United States District Court in the District in which you reside, have your principal place of business, or in the District of Columbia, or where the records are located.

As an alternative to litigation, the Office of Government Information Services (OGIS) has been created under the 2007 FOIA amendments. OGIS was created to offer mediation services to resolve disputes between FOIA requesters and Federal agencies as a nonexclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. You may contact OGIS by mail at the Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi

Road, Room 2501, College Park, MD 20740, via e-mail at [ogis@nara.gov](mailto:ogis@nara.gov) or by phone at (877) 684-6448.

Sincerely,  
  
**Cynthia A. Metzler**  
Chief FOIA Officer