



United States
Department of
Agriculture

Office of the General Counsel
1400 Independence Ave. SW
Washington, DC 20250-1400

July 27, 2020

Delivered via Electronic Mail

Austin R. Evers
American Oversight
1030 15th Street NW
Suite B255
Washington, District of Columbia 20005
Email: foia@americanoversight.org

Ricardo J. Salvador
Union of Concerned Scientists
1825 K Street NW
Suite 800
Washington, District of Columbia 20006

Re: Final Response of Freedom of Information Act (FOIA) Request 2020-REE-03064-F

Dear Mr. Evers and Mr. Salvador:

This is the Research, Education, and Economics (REE) mission area's **final response** to the above referenced FOIA request. This correspondence also responds to the matter of *American Oversight, et al. v. U.S. Department of Agriculture, et al.*, Civil Action No. 20-1259-EGS, currently pending in the U.S. District Court for the District of Columbia.

The pending Complaint in the above referenced matter is based on USDA's alleged failure to comply with the applicable time-limit provisions of the FOIA in response to American Oversight (AO) and the Union of Concerned Scientist's (UCS) request for the following records:

1. *All records reflecting any cost-benefit analysis of relocating USDA employees outside of the National Capital Region.*

Requesters believe that USDA is in the best position to identify the custodians of responsive records. However, we request that USDA search, at a minimum, records of Deputy Secretary Stephen Censky, Acting Deputy Assistant Secretary Donald Bice, and Chief Economist Robert Johansson.

Please provide all responsive records from January 1, 2018, through August 15, 2018.

2. *The complete copy of the "NIFA and ERS Relocation: Cost Benefit Analysis," the Executive Summary of which was published on June 13, 2019, in conjunction with the announcement of the Kansas City Region as the new location*

for the Economic Research Service and National Institute of Food and Agriculture. This request includes any and all underlying records on which this Executive Summary was based.

3. *All electronic communications (including emails, email attachments, calendar invitations, calendar invitation attachments, or text messages) sent by (a) the USDA officials listed below to (b) any members of Congress or congressional staff, including anyone communicating with an email address ending in senate.gov or mail.house.gov.*

USDA Officials:

- i. Stephen Censky, Deputy Secretary*
- ii. Donald Bice, Acting Deputy Assistant Secretary for Administration*
- iii. Robert Johansson, Chief Economist*
- iv. Kristi Boswell, Senior Advisor*
- v. Benny Young, Associate General Counsel*
- vi. Courtney Knupp, Chief of Staff for Research, Education, and Economics*
- vii. Brock Densel, Policy Advisor for Research, Education, and Economics*
- viii. Robert MacGregor, former Director of Intergovernmental and External Affairs and current Senior Advisor*

On March 17, 2020, pursuant to USDA regulation 7 C.F.R. § 1.4(c), the Departmental FOIA Office (DFO) routed parts of Item 3, specifically vi and vii, to the REE mission area for processing and direct response to you.

Your request has been processed under the FOIA, 5 U.S.C. § 552.

Search Efforts

An electronic search for responsive records was conducted by the Client Experience Center's (CEC) eComply team. The email accounts associated with the USDA REE staff listed in Item 3 of your request were searched. The CEC search did not locate any responsive records. A manual search was also conducted. No responsive records were found as a result of the manual search.

In light of the matter *American Oversight, et al. v. U.S. Department of Agriculture, et al.*, Civil Action No. 20-1259-EGS, currently pending in the U.S. District Court for the District of Columbia, administrative appeal rights are not being provided in this response letter.

Austin R. Evers / Ricardo J. Salvador

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If you have any questions or concerns about this final response or the pending civil action, please contact John Truong, Assistant United States Attorney, U.S. Department of Justice at John.Truong@usdoj.gov.

Sincerely,

Alexis R. Graves

Alexis R. Graves

Departmental FOIA Officer

Office of the General Counsel