

Redacted Version

DECLARATION

I, **David L. McClure**, pursuant to 28 U.S.C. § 1746, hereby declare as follows:

1. I am providing this declaration pursuant to an order issued by the U.S. Court of Federal Claims in the matter of Google, Inc., et. al. v. United States and Softchoice Corp., Case No. 10-743C.

2. I am the Associate Administrator for the Office of Citizen Services and Innovative Technologies (“OCSIT”) with the U.S. General Services Administration. I have served in this position since August 26, 2009.

3. The Office of Citizen Services and Innovative Technologies focuses on achieving transparency and collaboration in the federal government by harnessing new technologies that find ways for citizens, businesses, governments, and media to easily find and obtain information and services from federal agencies through various delivery channels (Internet, mail, phone contact, printed publications, and mobile devices). Additionally, the Office leads several innovative electronic (“e”)-government and cloud computing technology projects that help foster government-wide capabilities designed to improve effective and efficient service delivery to citizens. My job responsibilities include testifying before appropriate Congressional committees on information management and technology issues pertinent to the ongoing activities of my Office, if so requested.

4. GSA also has an office dedicated to information technology (“IT”), the Office of the Chief Information Officer (“OCIO”). OCIO focuses on the development and implementation of policies related to information technology and the use of information technology products by GSA employees and stakeholders. OCIO's responsibilities include ensuring that information technology products and services utilized by GSA are compliant with the Federal Information

Security Management Act (“FISMA”). Moreover, because GSA offers IT-related products and services to other government agencies, OCIO provides determinations of FISMA compliance for particular information technology products or services that may be relied upon by other agencies, if they so choose.

5. On April 12, 2011, I provided testimony before the U.S. Senate Committee on Homeland Security and Governmental Affairs' Subcommittee on Federal Financial Management, chaired by Senator Thomas R. Carper. The purpose of this hearing was to address President Obama's announced plans to eliminate wasteful spending on information technology in the Federal Government. I testified at the hearing because of the role my office plays in supporting numerous innovative eGovernment initiatives designed to bring greater IT efficiencies to the federal government as well as the role we play in concert with GSA's Federal Acquisition Service in streamlining agencies' access to cost-effective, secure cloud computing services.

6. During the hearing referenced in paragraph 5, Senator Carper asked for comment regarding certain news reports indicating that Google, Inc.'s “Google Apps for Government” suite did not possess FISMA compliance from GSA. I addressed Senator Carper's inquiry with an answer based on my understanding of the issue as had been explained to me by other GSA employees who are/were directly involved in the process of FISMA certification and accreditation of Google's product(s). Specifically, prior to the Senate hearing and after, I based my understanding of the FISMA “certification” on conversations I had with Casey Coleman, who is GSA's Chief Information Officer and head of OCIO. As head of OCIO, Ms. Coleman is the GSA employee with authority to grant FISMA Authority to Operate (“ATO”) for GSA's enterprise information systems.

7. In answer to Senator Carper's question, I explained my understanding of whether Google's products had obtained FISMA certification from GSA. Specifically, I explained that in July of 2010, GSA provided FISMA certification and accreditation for a Google product called "Google Apps Premier." It was also my understanding that GSA provided FISMA certification for Google Apps Premier in order to provide this certification and accreditation for use both by GSA and other federal government agencies. Although GSA's FISMA certification and accreditation is not binding on other federal agencies, this was done because GSA is serving as the lead agency for the Federal Cloud Computing Initiative.

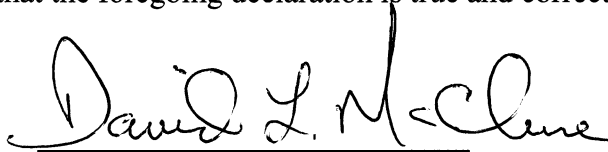
8. However, after FISMA certification was provided for Google Apps Premier, Google introduced a suite of services called "Google Apps for Government." I was informed that GSA became aware of this offering in December, 2010 and undertook a review of Google Apps for Government to determine whether any differences between the two Google products required a new FISMA certification for Google Apps for Government. While I have no direct responsibility for the review process, it is my understanding that the process is ongoing and that no final determination has been made by GSA regarding FISMA certification for Google Apps for Government.

9. In the time since my Senate testimony, I have had further conversations with Ms. Coleman and other GSA employees responsible for the FISMA review process. My understanding from these conversations is that my Senate testimony was accurate and that, as indicated in the previous paragraph, the review process for Google Apps for Government continues.

10. I am also aware that GSA has prepared a public statement to address public inquiries regarding Google Apps Premier's FISMA certification, as it is a topic that has generated

some media interest. A copy of GSA's public statement is attached to this Declaration. My understanding is that this statement is consistent with the ongoing review process for Google Apps for Government.

I declare under penalty of perjury that the foregoing declaration is true and correct.


David L. McClure

Executed on this 22 day of April, 2011.

ATTACHMENT



GSA Office of Communications and Marketing

GSA's Statement for Media on Google's FISMA Certification

April 14, 2011

On the record statement:

"GSA certified the Google Apps Premier environment as FISMA compliant in July of 2010. Google Apps for Government uses the Google Apps Premier infrastructure, but adds additional controls in order to meet requirements requested by specific government agencies. The original FISMA certification remains intact while GSA works with Google to review the additional controls to update the existing July 2010 FISMA certification."

Background:

When a change is made to a FISMA-certified package, GSA uses its professional judgment to pursue one of the following 3 courses of action:

1. The change is so minor that it does not trigger a review.
2. The change is noteworthy enough to be reviewed, but is not significant enough to require a new FISMA certification. The review focuses on the change itself and (if applicable) how the change interacts with the package as a whole. The certification remains for the original product, but is modified to include the change.
3. The change is significant enough to warrant an entirely new certification.

Google Apps for Government falls into the second category. To be clear, the original Google Apps Premier certification will remain valid. GSA is working with Google to evaluate the additional controls to determine if they can be rolled into the July 2010 certification.