



United States
Office of Government Ethics
1201 New York Avenue, NW, Suite 500
Washington, DC 20005-3917

Tyler

November 2, 2011

Daniel Epstein
Executive Director
Freedom Through Justice Foundation
2111 Wilson Blvd, #700
Arlington, VA 22201

Tracking No.: OGE FOIA FY 11/68

Dear Mr. Epstein:

The Office of Government Ethics (OGE) is granting your September 23, 2011, Freedom of Information Act (FOIA) request (there is no charge for processing it). In your request, you sought numerous documents regarding compliance of Executive Order 13490, the Hatch Act, and the White House status as an "agency" for FOIA and ethics purposes since January 1, 2009 to the present. OGE does not have any authority for implementing the Hatch Act or any information regarding the status of the White House for FOIA purposes.

In response to your request, we are enclosing copies of the following document: (1) the 2009 and 2010 OGE annual reports on agency compliance with Executive Order 13490; (2) 5 C.F.R. § 2638.104, which defines "agency" for purposes of the Ethics in Government Act of 1978; (3) legal advisories issued by OGE regarding fundraising by executive branch employees; and (4) pledge waivers issued in accordance with Executive Order 13490.¹ OGE did not locate any other records responsive to your request.

The OGE official responsible for this FOIA determination is the undersigned. In accordance with the FOIA, as codified at 5 U.S.C. § 552(a)(6)(A), and OGE's FOIA regulations, at 5 C.F.R. § 2604.304, you may administratively appeal this determination that OGE does not have certain responsive records. The name and address of the OGE official to whom such an appeal would have to be submitted are: Don W. Fox, General Counsel, Office of Government Ethics, Suite 500, 1201 New York Avenue, NW., Washington, DC 20005-3917. Any such appeal must be in writing and must be sent within 30 days of the date you receive this response

¹ The word "waivers" used throughout your enumerated list was interpreted to refer to Executive Order 13490 pledge waivers.

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letter. If you do appeal, you should include copies of your request and this response, together with a statement of why you believe this initial determination is in error. Also, if you appeal, you should clearly indicate on the envelope and in the letter that it is a "Freedom of Information Act Appeal."

Sincerely,

A handwritten signature in cursive script that reads "Elaine Newton".

Elaine Newton
OGE FOIA Officer

Enclosures