



U.S. Department of Justice
Office of Information Policy
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Washington, DC 20530-0001

Telephone: (202) 514-3642

Mr. R. James Valvo, III
Cause of Action Institute
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1875 Eye Street NW
Washington, DC 20006
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Re: Appeal No. DOJ-AP-2018-002613
Request No. OLA/14-01096 (F)
ADF:DRC

VIA: Email

Dear Mr. Valvo:

You appealed from the action of the Initial Request Staff (IR Staff) of the Office of Information Policy on your Freedom of Information Act request for access to records concerning (1) Executive Order 13457, "Protecting American Taxpayers from Government Spending on Wasteful Earmarks;" (2) communications between political appointees, congressional liaisons and/or the White House regarding requests to commit, obligate, or expend funds; and (3) documents showing the decision of the Department of Justice to commit, obligate, or expend funds based upon a request from the White House, dating since January 21, 2009. I note that your appeal is limited to the IR Staff's withholding of certain non-responsive records.

After carefully considering your appeal, I am affirming the IR Staff's action on your request. The IR Staff determined that each question for the record ("QFR") constituted an individual record because each QFR concerned a different subject. See American Immigration Lawyers Association v. EOIR, 830 F.3d 667 (D.C. Cir. 2016) (recognizing that "agencies . . . in effect define a 'record' when they undertake the process of identifying records that are responsive to the request" and finding that there are a "range of possible ways in which an agency might conceive of a 'record.'"). I have confirmed that the QFR's labeled by the IR Staff as not responsive to your request concerned topics unrelated to your request.

Please be advised that this Office's decision was made only after a full review of this matter. Your appeal was assigned to an attorney with this Office who thoroughly reviewed and analyzed your appeal, your underlying request, and the action of the IR Staff in response to your request.

If you are dissatisfied with my action on your appeal, the FOIA permits you to file a lawsuit in federal district court in accordance with 5 U.S.C. § 552(a)(4)(B).

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For your information, the Office of Government Information Services (OGIS) offers mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, Maryland 20740-6001; email at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769. If you have any questions regarding the action this Office has taken on your appeal, you may contact this Office's FOIA Public Liaison for your appeal. Specifically, you may speak with the undersigned agency official by calling (202) 514-3642.

Sincerely,

3/15/2018

X 

Sean R. O'Neill
Chief, Administrative Appeals Staff
Signed by: OIP