

Email: colinaamot@protonmail.com

PBGC 2024-002163

July 29, 2024

Mr. Colin Aamot


Re: Request for Executive Order 14019 Records

Dear Mr. Aamot:

I am responding to your Freedom of Information Act (FOIA) request submitted via the National FOIA Portal on May 19, 2024, and received on May 20, 2024. You requested the following:

1. All documents sufficient to detail all incurred expenses, costs, or receipts associated with the implementation or execution of Executive Order 14019 by the agency;
2. All documents that identify the source or line of funding used for the expenses/expenditures associated with implementation or execution of Executive Order 14019;
3. All legal opinions or memos surrounding Executive Order 14019 drafted, created, or retained by the agency;
4. All documents, emails, or correspondence that include both the text of 'Executive Order 14019' OR '14019' AND 'Antideficiency Act'; and
5. All communications between the agency and Justin Levitt (justin.m.levitt@who.eop.gov), or Joseph Waldow (joseph.d.waldow@omb.eop.gov), or Justin Vail, Special Assistant to the President for Democracy and Civic Participation.

You requested that we search the inboxes of personnel assigned to the agency's Office of General Counsel (or the agency's equivalent) as the primary custodians and the time period for this request is 12:01 PM EST on January 20, 2021, to the present date.¹ You also requested a fee waiver. We processed your request in accordance with the Freedom of Information Act (FOIA) and the PBGC's implementing regulation. I apologize for the delay.²

¹ COLAD commenced the records search on June 21, 2024, ITCOSD commenced the records search on June 10, 2024, and GLE commenced the records search on June 3, 2024. Courts have recognized that an agency's search obligations for each request necessarily have a temporal limitation, recognizing that records created after the date-of search "cut-off" are not included in the temporal scope of the request. See *Defenders. of Wildlife v. U.S. Dep't of the Interior*, 314 F.Supp. 2d 1, 12 n.10 (D.D.C. 2004).

² On June 18, 2024, the Disclosure Division notified you our response was delayed due to unusual circumstances.

Pursuant to your request, the Communications and Legislative Affairs Department (COLAD), the Information Technology Customer and Operations Service Division (ITCOSD), and the Office of General Counsel-General Law and Ethics Division (GLE) conducted a search of their records and located 109 pages³ responsive to items 3 and 5 of your request. Unfortunately, no records responsive to items 1, 2, and 4 of your request were located. The following records may be released to you in part, as follows:

1. Email dated March 8, 2021, Subject: RE: OMB Links (2 pages);
2. Email dated September 21, 2021, Subject: RE: Voting EO Agency Strategic Plan (4 pages);
3. Email dated September 16, 2021, Subject: RE: Voting EO Agency Strategic Plan (4 pages);
4. Email dated September 15, 2021, Subject: RE: Voting EO Agency Strategic Plan (3 pages);
5. Email dated September 14, 2021, Subject: RE: Voting EO Agency Strategic Plan (2 pages);
6. Email dated September 14, 2021, Subject: RE: Voting EO Agency Strategic Plan (3 pages);
7. Email dated September 14, 2021, Subject: RE: Voting EO Agency Strategic Plan (2 pages);
8. Email dated September 14, 2021, Subject: RE: Voting EO Agency Strategic Plan (1 page);
9. Email dated September 21, 2021, Subject: RE: Voting Rights (1 page);
10. Email dated December 9, 2021, Subject: [Voting] (1 page);
11. Email dated September 21, 2021, Subject: Voting Rights EO (1 page);
12. Email dated September 21, 2021, Subject: Voting Rights (1 page);
13. Email dated August 30, 2021, Subject: FW: Draft Final Strategic Plan for EO 14019, “Promoting Access to Voting” (2 pages);
14. Email dated June 2, 2021, Subject: RE: Exec Order on Access to Voting (2 pages);
15. Email dated September 8, 2021, Subject: Voting EO Agency Strategic Plan (1 page);
16. Email dated September 21, 2021, Subject: FW: Voting EO Agency Strategic Plan (3 pages);
17. Email dated December 9, 2021, Subject: FW: Voting Rights EO (1 page);
18. Email dated December 27, 2021, Subject: FW: Voting (2 pages);
19. Email dated September 7, 2021, Subject: FW: Call for Data: Voting EO Agency Strategic Plan (3 pages);
20. Email dated September 7, 2021, Subject: RE: Call for Data: Voting EO Agency Strategic Plan (4 pages);
21. Email dated March 8, 2021, Subject: RE: New EO (2 pages);
22. Email dated March 8, 2021, Subject: RE: New EO (2 pages);
23. Email dated March 8, 2021, Subject: RE: New EO (1 page); and
24. Email dated September 23, 2021, Subject: Re: Executive Order 14019 (3 pages).

³ All responsive documents, even if they are redacted in full, are being provided to you.
202-229-4040

Certain portions of the records listed above, and 58 pages of responsive records in their entirety, were withheld because they are protected from disclosure pursuant to the FOIA. These withheld records, and portions of records, contain information that is specifically exempted from disclosure because they consist of inter/intra-agency memoranda, pre-decisional and/or deliberative process privilege information, and attorney work-product/client privilege information, or personal privacy information. The PBGC reasonably foresees that disclosure of this information would harm interests protected by the FOIA. The Disclosure Officer relied on two FOIA exemptions to withhold the information.

The first applicable exemption, 5 U.S.C. § 552(b)(5), deals with internal documents: inter-agency or intra-agency memoranda or letters consisting of judgments, opinions, advice or recommendations which would not be available by law to a party other than an agency in litigation with the PBGC and as such are not required to be disclosed under 5 U.S.C. § 552(b)(5). Attorney client communications and information including the agency's deliberative processes are protected by this exemption. The Disclosure Officer has determined the disclosure of this material would not further the public interest at this time and would impede the operations of the PBGC.

The second applicable FOIA exemption, 5 U.S.C. § 552(b)(6), exempts from required public disclosure, "personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy." (29 C.F.R. § 4901.21(b)(4)). The FOIA requires agencies to conduct a balancing test before releasing personal information about a person. In applying Exemption 6, a balancing test was conducted, weighing the privacy interests of the individuals named in a document against the public interest in disclosure of the information. The public interest in disclosure is one that will "shed light on an agency's performance of its statutory duties." The Disclosure Officer has determined that disclosure of this information would constitute a clearly unwarranted invasion of an individual's personal privacy.

Since this response constitutes a partial denial of your records request, I am providing you with the FOIA appeal rights. PBGC's FOIA regulation provides that if a disclosure request is denied in whole or in part by the disclosure officer, the requester may file a written appeal within 90 days from the date of the denial or, if later (in the case of a partial denial), 90 days from the date the requester receives the disclosed material. The appeal shall state the grounds for appeal and any supporting statements or arguments, and shall be addressed to the General Counsel, Attention: Disclosure Division, Pension Benefit Guaranty Corporation, 445 12th Street, S.W., Washington, D.C. 20024. To expedite processing, the words "FOIA appeal" should appear on the letter and prominently on the envelope/email.

In the alternative, you may contact the Disclosure Division's Public Liaison at (202)326-4040 for further assistance and to discuss any aspect of your request. You also have the option to contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001; e-mail

at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

This completes the processing of your request. Because there are no fees associated with its processing, your request for a fee waiver is moot. You may submit future requests for PBGC records online using [PBGC's Public Access Link](#), or via email at Disclosure@pbgc.gov.

Sincerely,

A handwritten signature in cursive script that reads "Aeron Miller". The signature is written in black ink and is positioned to the left of a vertical line.

Aeron Miller
Government Information Specialist
Office of General Counsel
General Law and Operations Department

Enclosures