



Pension Benefit Guaranty Corporation

Office of Inspector General

1200 K Street, N.W., Washington, D.C. 20005-4026

July 23, 2015

VIA EMAIL

The Honorable Ron Johnson
Chairman
U.S. Senate Committee on Homeland Security and Governmental Affairs

Re: June 23, 2015 Request Related to Non-Career Employees Involvement in FOIA

Dear Chairman Johnson:

On behalf of the Committee on Homeland Security and Governmental Affairs, you wrote to the Office of Inspector General (OIG) requesting that we conduct a review of the involvement of non-career employees in responding to Freedom of Information Act (FOIA) requests submitted to our agency, the Pension Benefit Guaranty Corporation (PBGC). In subsequent conversations between your staff and CIGIE Legislative Chair Kathy Buller, we understand that the designation “non-career” employees is intended to mean political appointees.

Your specific request and our responses are below. For the period covering January 1, 2007 through present:

1. Analyze the involvement of non-career officials’ involvement in the FOIA process.

OIG Response: Upon our inquiry into these matters, we determined that from 2007 to the present, there has been no involvement of non-career officials in the FOIA process. As background, PBGC has three non-career positions: the Presidentially-appointed, Senate-confirmed PBGC Director and two political appointees. PBGC’s FOIA office is within the Office of the General Counsel, which is led by a career General Counsel. The FOIA Officer reports to the Deputy General Counsel who is also designated as PBGC’s Chief FOIA Officer. In our inquiry, the FOIA Officer explained that “any high-visibility case [FOIA request]t that might have drawn presidential or political attention” was handled by a certain group of federal government employees; these employees stated that no non-career employees had been involved in their processing of any FOIA request.

2. If non-career employees were involved in the FOIA process, analyze whether their involvement resulted in any undue delay of a response to any FOIA request or the withholding of any document or portion that would have otherwise been released but for the non-career official’s involvement in the process.

OIG Response: Not applicable as no non-career employees are involved in PBGC's FOIA process.

3. If your analysis shows such a result, provide certain specified information.

OIG Response: Not applicable as no non-career employees are involved in PBGC's FOIA process.

4. Seek a written certification from the agency's chief FOIA office that (1) no non-career officials were involved in the agency's response to any FOIA request or (2) if such involvement occurred,, the involvement of the non-career officials has never resulted I nthe undue delay of a response to a FOIA request or the provision of less information than would have been provided but for the involvement of the non-career officials.

OIG Response: Attached is a PDF of the requested certification executed by the Chief FOIA Officer and the General Counsel. As this is a signed and sealed document, please let us know if you would like for us to send the original.

If you have any questions about this response or about any of our OIG work, please contact me at 202 326-4000 extension 3437 or have a member of your staff contact Deborah Stover-Springer, Legal Counsel, at 202 326-4000 extension 3877.

Respectfully submitted,



Robert A. Westbrook
Inspector General



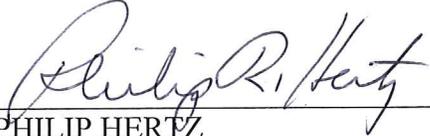
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ATTESTATION

I HEREBY ATTEST THAT:

To the best of my knowledge and belief, no non-career officials were involved in the Pension Benefit Guaranty Corporation's response to any FOIA request.

Date: 7/9/2015


PHILIP HERTZ
Chief FOIA Officer

It is hereby certified that Philip Hertz, Chief FOIA Officer of the Pension Benefit Guaranty Corporation, which was created by the Employee Retirement Income Security Act of 1974 ("ERISA"), *as amended*, 29 U.S.C. §§ 1301-1461 (2006 & Supp. V 2011), is authorized under said statute and implementing regulations to execute the above attestation on behalf of the Corporation.

BY THE CORPORATION

Dated: 7/9/2015


JUDITH R. STARR
General Counsel

