

THE WHITE HOUSE

WASHINGTON

December 4, 2017

The Honorable Trey Gowdy
Chairman
The Honorable Elijah Cummings
Ranking Member
Committee on Oversight and Government Reform
2157 Rayburn House Office Building
Washington, DC 20510

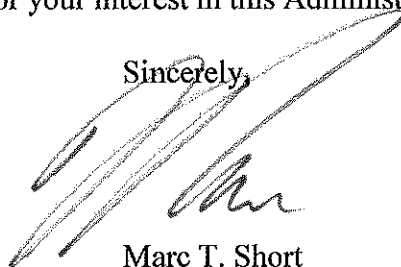
Dear Chairman Gowdy and Ranking Member Cummings:

Thank you for your November 16, 2017 letter. We welcome the opportunity to provide additional information concerning the Executive Office of the President ("EOP").

As you know, the EOP consists of a number of entities with responsibility for a broad range of domestic and international matters. The present composition of the EOP is a function of certain executive orders, reorganization plans, and legislative initiatives. Certain EOP components – such as the Office of Management and Budget and the Office of National Drug Control Policy, among others – carry out governmental functions separate and apart from their role advising and assisting the President, and accordingly are subject to the requirements of the Federal Records Act and the Freedom of Information Act.¹ Because these components maintain separate records systems in accordance with their obligations under these laws, they are in the best position to respond to requests seeking documents and related information concerning their operations.

In response to your specific question, I will ensure these components work with you should you require additional information from them concerning your September 27, 2017 request. Thank you again for your interest in this Administration's operations and activities.

Sincerely,



Marc T. Short
Assistant to the President and
Director of Legislative Affairs

¹ See 5 U.S.C. § 552(f) ("agency" under FOIA covers any "establishment in the executive branch of the Government (including the Executive Office of the President)"). However, the Supreme Court has held that the term "agency" does not cover "the President's immediate personal staff or units in the Executive Office whose sole function is to advise and assist the President." *Kissinger v. Reports Comm. for Freedom of the Press*, 445 U.S. 136, 156 (1980). Other EOP components that do not solely advise and assist the President are the Council on Environmental Quality, the Office of Science and Technology Policy, and the United States Trade Representative.