



OFFICE OF THE VICE PRESIDENT
WASHINGTON

February 25, 2005

Ms. Marilyn Glynn
Acting Director, Office of Government Ethics
ATTN: Ms. Sandy Mabry
1201 New York Avenue, N.W.
Suite 500
Washington, D.C. 20005-3917

Dear Madam Director:

I recently received your Office's request for a semi-annual report of payments accepted, pursuant to 31 U.S.C. 1353, for travel, subsistence, and related expenses from non-Federal sources in connection with the attendance of employees at meetings or similar functions relating to the official duties of the employees for the period October 1, 2003, through March 31, 2004. (DO-04-010). The reporting requirement in Section 1353(d) applies to the "head of each agency of the executive branch." The Office of the Vice President is not an "agency of the executive branch," and hence the reporting requirement does not apply. See *Franklin v. Massachusetts*, 505 U.S. 788 (1992); *Dalton v. Specter*, 511 U.S. 462 (1994); *Haddon v. Walters*, 43 F.3d 1488 (D.C. Cir. 1995); and *Corus Group PLC v. International Trade Comm'n*, 352 F.3d 1351 (Fed. Cir. 2003).

Nevertheless, I am pleased to inform you, as a matter of comity, that our administrative office advises that none of the Vice President's employees paid from the Transportation, Treasury, and Independent Agencies Appropriations Act (or those who were previously paid from appropriations for the Vice President in the Treasury and General Government Appropriations Act) accepted payments under Section 1353 during the period beginning October 1, 2003, and ending on March 31, 2004.

Sincerely,

David S. Addington
Counsel to the Vice President



OFFICE OF THE VICE PRESIDENT
WASHINGTON

January 13, 2004

Acting Director, Office of Government Ethics
ATTN: Ms. Sandy Mabry
1201 New York Avenue, N.W.
Suite 500
Washington, D.C. 20005-3917

Dear Madam Director:

On January 9, 2004, I received your Office's requests for semi-annual reports of payments accepted, pursuant to 31 U.S.C. 1353, for travel, subsistence, and related expenses from non-Federal sources in connection with the attendance of employees at meetings or similar functions relating to the official duties of the employees. (DO-02-010, May 6, 2002; DO-02-028, November 19, 2002; DO-03-008, May 15, 2003; DO-03-023, November 18, 2003). The reporting requirement in Section 1353(d) applies to the "head of each agency of the executive branch." The Office of the Vice President is not an "agency of the executive branch," and hence the reporting requirement does not apply. See *Franklin v. Massachusetts*, 505 U.S. 788 (1992); *Dalton v. Specter*, 511 U.S. 462 (1994); *Haddon v. Walters*, 43 F.3d 1488 (D.C. Cir. 1995); and *Corus Group PLC v. International Trade Comm'n*, No. 03-1040, 2003 U.S. App. LEXIS 24901 (Fed. Cir. Dec. 11, 2003).

Nevertheless, I am pleased to inform you, as a matter of comity, that our administrative office advises that none of the Vice President's employees paid from the Treasury and General Government Appropriations Act accepted payments under Section 1353 during the period beginning October 1, 2001, and ending on September 30, 2003.

Sincerely,

David S. Addington
Counsel to the Vice President



OFFICE OF THE VICE PRESIDENT
WASHINGTON

March 18, 2002

Director, Office of Government Ethics
Attn: Ms. Sandy Mabry
1201 New York Avenue, Suite 500
Washington, D.C. 20005

Dear Madam Director:

This is in response to your inquiry (DO-01-026, October 23, 2001) concerning whether the Vice President's employees paid from the Treasury and General Government Appropriations Act accepted payments under Section 1353 of Title 31 of the U.S. Code during the period beginning April 1, 2001 and ending September 30, 2001. The reporting requirement in Section 1353(d)(1) applies only to the "head of each agency in the executive branch," which does not include the Vice President because he does not head an "agency in the executive branch." 31 U.S.C. §1353(c)(1) and (d)(1); 5 U.S.C. §105; see Franklin v. Massachusetts, 505 U.S. 788 (1992) and Haddon v. Walters, 43 F. 3d 1488 (D.C. Cir. 1995).

As a matter of comity, I am pleased to inform you that our administrative office advises that none of the Vice President's employees paid from the Treasury and General Government Appropriations Act accepted payments under Section 1353 of Title 31 of the U.S. Code during the period beginning April 1, 2001 and ending September 30, 2001.

Sincerely,

A handwritten signature in cursive script that reads "David S. Addington".

David S. Addington

Counsel to the Vice President