



October 31, 2016

VIA CERTIFIED MAIL

Ms. Brooke Dorner
Chief FOIA Officer, Attorney-Advisor
Council on Environmental Quality
Executive Office of the President
722 Jackson Place NW
Washington, DC 20503

Re: Freedom of Information Act Request

Dear Ms. Dorner:

We write on behalf of Cause of Action Institute (“CoA Institute”), a nonprofit strategic oversight group committed to ensuring that government decision-making is open, honest, and fair.¹ In carrying out its mission, CoA Institute uses various investigative and legal tools to educate the public about the importance of government transparency and accountability. To that end, we are examining the Administration’s designations of new national monuments and expansion of existing monuments under the Antiquities Act of 1906, 54 U.S.C. § 320301 (“Antiquities Act” or the “Act”). In addition, we are looking into current and potential proposals for the President to exercise his authority under that Act. The Administration’s broad and frequent use of the Antiquities Act raises questions about the lack of transparency and consultation with local stakeholders leading up to the President’s designation of national monuments.² In particular, we are seeking to better understand the Council on Environmental Quality’s (“CEQ”) role in the Administration’s process for determining whether to designate new national monuments in response to proposals crafted by nongovernmental organizations and third-party interest groups.³

CEQ’s role in the Administration’s Antiquities Act process has been the subject of considerable congressional scrutiny. For instance, on October 7, 2015, the Chairman of the House Natural Resources Committee wrote CEQ Managing Director Christy Goldfuss expressing concern about “potential collusion” between outside groups and Administration officials, noting that “the public input process surrounding the designation or expansion of

¹ See CAUSE OF ACTION INSTITUTE, *About*, www.causeofaction.org/about/.

² President Obama has used the Antiquities Act to establish more new national monuments than any other president. See Douglas Brinkley, Op-Ed., *Obama the Monument Maker*, N.Y. TIMES, Aug. 27, 2016, available at <http://www.nytimes.com/2016/08/28/opinion/sunday/obama-the-monument-maker.html>.

³ According to recent media reports, “much of the monuments legwork is delegated to high-level staff at the White House Council on Environmental Quality[.]” Phil Taylor, *Meet the Advisers Driving Obama’s Monument Agenda*, GREENWIRE, May 25, 2016, available at <http://www.eenews.net/stories/1060037858>.

national marine monuments has been woefully inadequate, or even nonexistent” and that “[t]he American people and those impacted by such potential designations deserve the right to know now what the federal government is or has been doing behind closed doors[.]”⁴ The U.S. House of Representatives Committee on Oversight and Government Reform (“OGR”) has also expressed interest in better understanding the role of CEQ in the Administration’s “broad and frequent application of the Antiquities Act.”⁵ Specifically, OGR expressed concern that the President’s unprecedented and extensive use of the “Act to unilaterally designate approximately 265 million acres of land and water as national monuments” through an opaque process “raises questions about the lack of transparency and consultation with local stakeholders leading up to the President’s designation of national monuments.”⁶ We share those concerns about lack of transparency and potential politicized decision-making.⁷

Pursuant to the Freedom of Information Act, 5 U.S.C. § 552 (“FOIA”), CoA Institute hereby requests access to the following records for the time period January 1, 2014, to the present:⁸

1. All records produced to the U.S. House Committee on Oversight and Government Reform in response to a March 29, 2016, letter to Managing Director Christy Goldfuss (attached hereto as Exhibit 1 to this FOIA request).
2. All records produced to the U.S. House Committee on Natural Resources in response to a March 29, 2016, letter to Managing Director Christy Goldfuss (attached hereto as Exhibit 1 to this FOIA request).
3. All records produced to the U.S. House Committee on Appropriations in response to a March 29, 2016, letter to Managing Director Christy Goldfuss (attached hereto as Exhibit 1 to this FOIA request).

⁴ Letter from the Honorable Rob Bishop, Chairman, House Natural Resources Committee, et al., to Christy Goldfuss, Managing Director, Council on Environmental Policy, et al., at 2-3 (Oct. 7, 2015), available at http://naturalresources.house.gov/uploadedfiles/10.7.15_national_marine_monuments_information_request.pdf.

⁵ Letter from the Honorable Jason Chaffetz, Chairman, Committee on Oversight and Government Reform, et al. to Christy Goldfuss, Managing Director, Council on Environmental Quality, 1 (Mar. 29, 2016), available at <https://oversight.house.gov/wp-content/uploads/2016/03/2016-03-29-JEC-Bishop-Rogers-to-Goldfuss-CEQ-Antiquities-Act-Monuments-due-4-12.pdf>.

⁶ *Id.*

⁷ See, e.g., Robin Bravender, *Watchdogs Want CEQ Director’s Personal Email*, GREENWIRE (OCT. 27, 2016), available at <http://www.eenews.net/greenwire/2016/10/27/stories/1060044922>.

⁸ For purposes of this request, the term “present” should be construed as the date on which the agency begins its search for responsive records. See *Pub. Citizen v. Dep’t of State*, 276 F.3d 634 (D.C. Cir. 2002). The term “record” means the entirety of the record any portion of which contains responsive information. See *Am. Immigration Lawyers Ass’n v. Exec. Office for Immigration Review*, No. 15-5201, 2016 WL 4056405, at *7-9 (D.C. Cir. July 29, 2016) (admonishing agency for withholding information as “non-responsive” because “nothing in the statute suggests that the agency may parse a responsive record to redact specific information within it even if none of the statutory exemptions shields that information from disclosure”).

4. All records produced to the U.S. House Natural Resources Committee and/or U.S. House Subcommittee on Water, Power and Oceans in response to an October 7, 2015, letter to Managing Director Christy Goldfuss (attached hereto as Exhibit 2 to this FOIA request).
5. All records (including emails from governmental and personal accounts, text messages, and voicemails) reflecting, referring, or relating to communications CEQ Associate Director for Land and Water Michael Degnan has directly or indirectly received from or sent to nongovernmental organizations⁹ and/or other outside individuals and entities referring or relating to the Antiquities Act of 1906.
6. All records referring or relating to the work calendar of CEQ Associate Director for Land and Water Michael Degnan referring or relating to the Antiquities Act of 1906.
7. All records (including emails from governmental and personal accounts, text messages, and voicemails) reflecting, referring, or relating to communications CEQ Chief of Staff and former Acting Director Michael (“Mike”) Boots has directly or indirectly received from or sent to nongovernmental organizations and/or other outside individuals and entities referring or relating to the Antiquities Act of 1906.¹⁰
8. All records referring or relating to the work calendar of CEQ Chief of Staff and former Acting Director Michael (“Mike”) Boots referring or relating to the Antiquities Act of 1906.
9. All records (including emails from governmental and personal accounts, text messages, and voicemails) reflecting, referring, or relating to meetings between CEQ Managing Director Christy Goldfuss and/or White House officials and various third parties in Massachusetts and Rhode Island in or about March 2016

⁹ By way of example, nongovernmental organizations include but are not limited to the Conservation Law Foundation, Conservation Lands Foundation, Alaska Wilderness League, Sierra Club, Pew Charitable Trusts, Earthjustice, Center for American Progress, the Natural Geographic Society, Wilderness Society, Environment America, Meridian Institute, and the Natural Resources Defense Council. Thus, by way of illustrative example, communications or records to, from, or even “ccing” or “bccing” any “clf.org,” “americanprogress.org,” “nrdc.org,” any variation of “sierraclub.org” or “sierrafoundation.org” or any other email address in any way affiliated with the Sierra Club, “conservationlands.org,” “tws.org,” “merid.org,” and/or “earthjustice.org” email addresses would be potentially responsive to this request, as would private email accounts used by anyone affiliated with these non-governmental organizations (e.g., Gmail). Likewise, nongovernmental organizations also include the Conservation Alliance, Outdoor Industry Association, Outdoor Alliance, and other similar groups. The term “non-governmental organization” should be construed expansively to include employees, officers, volunteers, and others affiliated with such organizations.

¹⁰ By way of example, this would include records relating to a meeting in 2014 between Mr. Boots and Mr. Richard Moe of the Conservation Lands Foundation.

concerning a then-proposed marine monument in the Atlantic Ocean and/or other matters relating Atlantic Ocean.¹¹

Request for a Public Interest Fee Waiver

CoA Institute requests a waiver of any and all applicable fees. FOIA and applicable regulations provide that the agency shall furnish requested records without or at reduced charge if “disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester.”¹² In this case, given congressional and public concerns that the Antiquities Act process lacks transparency and a meaningful opportunity for public participation, as well as related concerns about collusion between favored third-party interest groups and Administration officials, there is significant public interest in educating the public at large about the Administration’s use of the Antiquities Act of 1906. The broad public interest in better understanding the Administration’s Antiquities Act designation process is underscored by the extensive media coverage its Presidential Proclamations have received,¹³ as well as numerous congressional hearings relating to the Administration’s expansive interpretation and aggressive use of the Act.¹⁴

CoA Institute has both the intent and ability to make the results of this request available to a reasonably broad public audience through various media. Its staff has significant experience and expertise in government oversight, investigative reporting, and federal public interest

¹¹ See Michael Conathan, *Bringing America’s ‘Best Idea’ to Our Oceans*, CENTER FOR AMERICAN PROGRESS (June 7, 2016), <https://www.americanprogress.org/issues/green/news/2016/06/07/138932/bringing-americas-best-idea-to-our-oceans/> (stating that “in March 2016, White House officials, including Acting Director of the White House Council on Environmental Quality Christy Goldfuss, traveled to Massachusetts and Rhode Island to sit down in person with fishing industry leaders and other stakeholders”).

¹² 5 U.S.C. § 552(a)(4)(A)(iii); 40 C.F.R. § 1515.15(b); see also *Cause of Action v. Fed. Trade Comm’n*, 799 F.3d 1108, 1115-19 (D.C. Cir. 2015) (discussing proper application of public-interest fee waiver test).

¹³ See, e.g., Cynthia Barnett, *Obama Creates Connecticut-Size Ocean park, First in Atlantic*, NAT’L GEOGRAPHIC, Sept. 15, 2016, available at <http://news.nationalgeographic.com/2016/09/obama-creates-a-monument-bigger-than-connecticut-in-the-atlantic/>; Richard Perez-Pena, *Obama Designates National Monument in Maine, to Dismay of Some*, N.Y. TIMES, Aug. 24, 2016, http://www.nytimes.com/2016/08/25/us/obama-maine-katahdin-woods-and-waters.html?_r=0; THE CONSERVATION, *The Antiquities Act and America’s National Parks*, U.S. NEWS, Aug. 19, 2016, available at <http://www.usnews.com/news/articles/2016-08-19/the-antiquities-act-and-americas-national-parks>; Donald J. Kochan, *Midnight Monuments*, THE HILL, Oct. 3, 2016, available at <http://64.147.104.30/blogs/congress-blog/energy-environment/298916-midnight-monuments>.

¹⁴ See, e.g., *Oversight Hearing*, supra note 10; *Field Hearing on Elevating Local Voices and Promoting Transparency for a Potential Monument Designation in Maine Before the H. Comm. on Natural Resources* 114th Cong. (2016), available at <http://naturalresources.house.gov/calendar/eventsingle.aspx?EventID=400497>; see also *Legislative Hearing on H.R. 5780, “Utah Public Lands Initiative Act” Before the Subcomm. On Federal Lands of the H. Comm. on Natural Resources*, 114th Cong. (2016), available at <http://naturalresources.house.gov/calendar/eventsingle.aspx?EventID=401106>; *Legislative Hearing on H.R. 302, H.R. 758, H.R. 817, H.R. 845, H.R. 846 and H.R. 2147 Before the Subcomm. On National Parks, Forest and Public Lands of the H. Comm. on Natural Resources*, 112th Cong. (2011), available at <http://naturalresources.house.gov/calendar/eventsingle.aspx?EventID=258136>.

litigation. These professionals will analyze the information responsive to this request, use their editorial skills to turn raw materials into a distinct work, and share the resulting analysis with the public, whether through the Institute's regularly published online newsletter, memoranda, reports, or press releases.¹⁵ In addition, as CoA Institute is a non-profit organization as defined under Section 501(c)(3) of the Internal Revenue Code, it has no commercial interest in making this request.

Request To Be Classified as a Representative of the News Media

For fee status purposes, CoA Institute also qualifies as a "representative of the news media" under FOIA.¹⁶ As the D.C. Circuit recently held, the "representative of the news media" test is properly focused on the requestor, not the specific FOIA request at issue.¹⁷ CoA Institute satisfies this test because it gathers information of potential interest to a segment of the public, uses its editorial skills to turn raw materials into a distinct work, and distributes that work to an audience.¹⁸ Although it is not required by the statute, CoA Institute gathers the news it regularly publishes from a variety of sources, including FOIA requests, whistleblowers/insiders, and scholarly works. It does not merely make raw information available to the public, but rather distributes distinct work products, including articles, blog posts, investigative reports, newsletters, and congressional testimony and statements for the record.¹⁹ These distinct works are distributed to the public through various media, including the Institute's website, Twitter, and Facebook. CoA Institute also provides news updates to subscribers via e-mail.

The statutory definition of a "representative of the news media" contemplates that organizations such as CoA Institute, which electronically disseminate information and publications via "alternative media[,] shall be considered to be news-media entities."²⁰ In light of the foregoing, numerous federal agencies have appropriately recognized the Institute's news media status in connection with its FOIA requests.²¹

¹⁵ See also *Cause of Action*, 799 F.3d at 1125-26 (holding that public interest advocacy organizations may partner with others to disseminate their work).

¹⁶ 5 U.S.C. § 552(a)(4)(A)(ii)(II); see 40 C.F.R. § 1515.11.

¹⁷ See *Cause of Action*, 799 F.3d at 1121.

¹⁸ See 40 C.F.R. § 1515.11.

¹⁹ See, e.g., *Cause of Action Testifies Before Congress on Questionable White House Detail Program* (May 19, 2015), available at <http://coainst.org/2aJ8UAA>; COA INSTITUTE, 2015 GRADING THE GOVERNMENT REPORT CARD (Mar. 16, 2015), available at <http://coainst.org/2as088a>; *Cause of Action Launches Online Resource: ExecutiveBranchEarmarks.com* (Sept. 8, 2014), available at <http://coainst.org/2aJ8sm5>; COA INSTITUTE, GRADING THE GOVERNMENT: HOW THE WHITE HOUSE TARGETS DOCUMENT REQUESTERS (Mar. 18, 2014), available at <http://coainst.org/2aFWxUZ>; COA INSTITUTE, GREENTECH AUTOMOTIVE: A VENTURE CAPITALIZED BY CRONYISM (Sept. 23, 2013), available at <http://coainst.org/2apTwqP>; COA INSTITUTE, POLITICAL PROFITEERING: HOW FOREST CITY ENTERPRISES MAKES PRIVATE PROFITS AT THE EXPENSE OF AMERICAN TAXPAYERS PART I (Aug. 2, 2013), available at <http://coainst.org/2aJh901>.

²⁰ 5 U.S.C. § 552(a)(4)(A)(ii)(II).

²¹ See, e.g., FOIA Request 1355038-000, Fed. Bureau of Investigation, Dep't of Justice (Aug. 2, 2016); FOIA Request CFPB-2016-222-F, Consumer Fin. Prot. Bureau (Apr. 20, 2016); FOIA Request CFPB-2016-207-F, Consumer Fin. Prot. Bureau (Apr. 14, 2016); FOIA Request 796939, Dep't of Labor (Mar. 7, 2016); FOIA

Record Preservation Requirement

CoA Institute requests that the disclosure officer responsible for the processing of this request issue an immediate hold on all records responsive, or potentially responsive, to this request, so as to prevent their disposal until such time as a final determination has been issued on the request and any administrative remedies for appeal have been exhausted. It is unlawful for an agency to destroy or dispose of any record subject to a FOIA request.²²

Record Production and Contact Information

In an effort to facilitate document review, please provide the responsive documents in electronic form in lieu of a paper production. If a certain portion of responsive records can be produced more readily, CoA Institute requests that those records be produced first and the remaining records be produced on a rolling basis as circumstances permit.

If you have any questions about this request, please contact us by telephone at (202) 499-4232 or by email at kara.mckenna@causeofaction.org or michael.pepson@causeofaction.org. Thank you for your attention to this matter.


Request 2015-HQFO-00691, Dep't of Homeland Sec. (Sept. 22, 2015); FOIA Request F-2015-12930, Dept. of State (Sept. 2, 2015); FOIA Request 14-401-F, Dep't of Educ. (Aug. 13, 2015); FOIA Request HQ-2015-01689-F, Dep't of Energy (Aug. 7, 2015); FOIA Request 2015-OSEC-04996-F, Dep't of Agric. (Aug. 6, 2015); FOIA Request OS-2015-00419, Dep't of Interior (Aug. 3, 2015); FOIA Request 780831, Dep't of Labor (Jul 23, 2015); FOIA Request 15-05002, Sec. & Exch. Comm'n (July 23, 2015); FOIA Request 145-FOI-13785, Dep't of Justice (Jun. 16, 2015); FOIA Request 15-00326-F, Dep't of Educ. (Apr. 08, 2015); FOIA Request 2015-26, Fed. Energy Regulatory Comm'n (Feb. 13, 2015); FOIA Request HQ-2015-00248, Dep't of Energy (Nat'l Headquarters) (Dec. 15, 2014); FOIA Request F-2015-106, Fed. Commc'n Comm'n (Dec. 12, 2014); FOIA Request HQ-2015-00245-F, Dep't of Energy (Dec. 4, 2014); FOIA Request F-2014-21360, Dep't of State, (Dec. 3, 2014); FOIA Request LR-2015-0115, Nat'l Labor Relations Bd. (Dec. 1, 2014); FOIA Request 201500009F, Exp.-Imp. Bank (Nov. 21, 2014); FOIA Request 2015-OSEC-00771-F, Dep't of Agric. (OCIO) (Nov. 21, 2014); FOIA Request OS-2015-00068, Dep't of Interior (Office of Sec'y) (Nov. 20, 2014); FOIA Request CFPB-2015-049-F, Consumer Fin. Prot. Bureau (Nov. 19, 2014); FOIA Request GO-14-307, Dep't of Energy (Nat'l Renewable Energy Lab.) (Aug. 28, 2014); FOIA Request HQ-2014-01580-F, Dep't of Energy (Nat'l Headquarters) (Aug. 14, 2014); FOIA Request LR-20140441, Nat'l Labor Relations Bd. (June 4, 2014); FOIA Request 14-01095, Sec. & Exch. Comm'n (May 7, 2014); FOIA Request 2014-4QFO-00236, Dep't of Homeland Sec. (Jan. 8, 2014); FOIA Request DOC-OS-2014-000304, Dep't of Commerce (Dec. 30, 2013); FOIA Request 14F-036, Health Res. & Serv. Admin. (Dec. 6, 2013); FOIA Request 2013-073, Dep't of Homeland Sec. (Apr. 5, 2013); FOIA Request 2012-RMA-02563F, Dep't of Agric. (May 3, 2012); FOIA Request 2012-00270, Dep't of Interior (Feb. 17, 2012); FOIA Request 12-00455-F, Dep't of Educ. (Jan. 20, 2012).

²² See 36 C.F.R. § 1230.3(b) ("Unlawful or accidental destruction (also called unauthorized destruction) means . . . disposal of a record subject to a FOIA request, litigation hold, or any other hold requirement to retain the records."); *Chambers v. Dep't of the Interior*, 568 F.3d 998, 1004-05 (D.C. Cir. 2009) ("[A]n agency is not shielded from liability if it intentionally transfers or destroys a document after it has been requested under the FOIA or the Privacy Act."); *Judicial Watch, Inc. v. Dep't of Commerce*, 34 F. Supp. 2d 28, 41-44 (D.D.C. 1998).

CAUSE OF ACTION INSTITUTE

A handwritten signature in black ink, appearing to read "Michael Pepson", with a long horizontal flourish extending to the right.

MICHAEL PEPSON
COUNSEL

A handwritten signature in blue ink, reading "Kara E. McKenna", with a long horizontal flourish extending to the right.

KARA E. MCKENNA
COUNSEL

Exhibit 1

Congress of the United States

Washington, DC 20515

March 29, 2016

Ms. Christy Goldfuss
Managing Director
Council on Environmental Quality
722 Jackson Place NW
Washington, D.C. 20503

Dear Ms. Goldfuss:

On February 12, 2016, the White House designated 1.8 million acres of land in California for conservation under the Antiquities Act of 1906.¹ The designation, which created three new national monuments in the California desert, nearly doubled the total amount of land set aside as national monuments by the President during his time in office.² In fact, the President has used the Antiquities Act to unilaterally designate approximately 265 million acres of land and water as national monuments—far more than any previous President.³

The broad and frequent application of the Antiquities Act raises questions about the lack of transparency and consultation with local stakeholders leading up to the President's designation of national monuments. To help the Committees understand how and why certain areas are designated for conservation, please provide the following documents:

1. All documents and communications referring or relating to the selection or designation of national monuments under the Antiquities Act of 1906 by the President from January 1, 2015, to the present.

Please provide the requested information as soon as possible, but no later than 5:00 p.m. on April 12, 2016. When producing documents to the Committees, please deliver production sets to the Committee on Oversight and Government Reform Majority staff in Room 2157 of the Rayburn House Office Building and Minority staff in Room 2471 of the Rayburn House Office Building; the Committee on Natural Resources Majority staff in Room 1324 of the Longworth House Office Building and Minority staff in Room 1329 of the Longworth House Office Building; and to the Committee on Appropriations Majority staff in H-305 of the Capitol Building and Minority staff in 1016 Longworth House Office Building. The Committees strongly prefer to receive all documents in electronic format.

¹ White House Fact Sheet: President Obama to Designate New National Monuments in the California Desert (Feb. 12, 2016), *available at* <https://www.whitehouse.gov/the-press-office/2016/02/12/fact-sheet-president-obama-designate-new-national-monuments-california>.

² Jenny Rowland, *Obama Designates Three New National Monuments In The California Desert*, CLIMATE PROGRESS, Feb. 12, 2016.

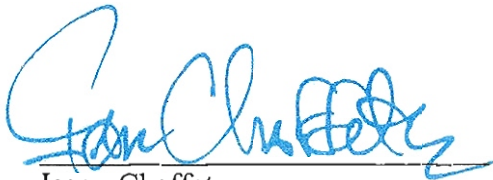
³ Timothy Cama, *Obama sets aside 1.8M California desert acres as monument*, THE HILL, Feb. 12, 2016.

Ms. Christy Goldfuss
March 29, 2016
Page 2

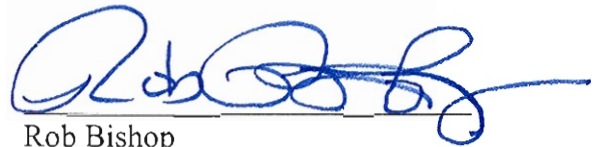
The Committee on Oversight and Government Reform is the principal oversight committee of the House of Representatives and has broad authority to investigate “any matter” at “any time” under House Rule X. The Committee on Natural Resources has broad jurisdiction with regard to the Department of the Interior and regarding relations of the United States with Native Americans and Native American tribes, public lands generally, fisheries and wildlife, mining interests generally and irrigation and reclamation as well. The Committee on Appropriation’s jurisdiction includes the organization and operation of executive departments and agencies.

Please contact William McGrath of the Committee on Oversight and Government Reform staff at (202) 225-5074, or Spencer Kimball of the Committee on Natural Resources staff at (202) 226-7736, or Dave LesStrang of the Committee on Appropriations at (202) 225-2771 with any questions about this request. Thank you for your prompt attention to this important matter.

Sincerely,



Jason Chaffetz
Chairman
Committee on Oversight and Government Reform



Rob Bishop
Chairman
Committee on Natural Resources



Harold Rogers
Chairman
Committee on Appropriations

Enclosure

cc: The Honorable Elijah E. Cummings, Ranking Member
Committee on Oversight and Government Reform

The Honorable Raul M. Grijalva, Ranking Member
Committee on Natural Resources

The Honorable Nita M. Lowey, Ranking Member
Committee on Appropriations

Responding to Committee Document Requests

1. In complying with this request, you are required to produce all responsive documents that are in your possession, custody, or control, whether held by you or your past or present agents, employees, and representatives acting on your behalf. You should also produce documents that you have a legal right to obtain, that you have a right to copy or to which you have access, as well as documents that you have placed in the temporary possession, custody, or control of any third party. Requested records, documents, data or information should not be destroyed, modified, removed, transferred or otherwise made inaccessible to the Committee.
2. In the event that any entity, organization or individual denoted in this request has been, or is also known by any other name than that herein denoted, the request shall be read also to include that alternative identification.
3. The Committee's preference is to receive documents in electronic form (i.e., CD, memory stick, or thumb drive) in lieu of paper productions.
4. Documents produced in electronic format should also be organized, identified, and indexed electronically.
5. Electronic document productions should be prepared according to the following standards:
 - (a) The production should consist of single page Tagged Image File ("TIF"), files accompanied by a Concordance-format load file, an Opticon reference file, and a file defining the fields and character lengths of the load file.
 - (b) Document numbers in the load file should match document Bates numbers and TIF file names.
 - (c) If the production is completed through a series of multiple partial productions, field names and file order in all load files should match.
 - (d) All electronic documents produced to the Committee should include the following fields of metadata specific to each document:

BEGDOC, ENDDOC, TEXT, BEGATTACH, ENDATTACH,
PAGECOUNT, CUSTODIAN, RECORDTYPE, DATE, TIME, SENTDATE,
SENTTIME, BEGINDATE, BEGINTIME, ENDDATE, ENDTIME, AUTHOR, FROM,
CC, TO, BCC, SUBJECT, TITLE, FILENAME, FILEEXT, FILESIZE,
DATECREATED, TIMECREATED, DATELASTMOD, TIMELASTMOD,
INTMSGID, INTMSGHEADER, NATIVELINK, INTFILPATH, EXCEPTION,
BEGATTACH.
6. Documents produced to the Committee should include an index describing the contents of the production. To the extent more than one CD, hard drive, memory stick, thumb drive, box or folder is produced, each CD, hard drive, memory stick, thumb drive, box or folder should contain an index describing its contents.

7. Documents produced in response to this request shall be produced together with copies of file labels, dividers or identifying markers with which they were associated when the request was served.
8. When you produce documents, you should identify the paragraph in the Committee's schedule to which the documents respond.
9. It shall not be a basis for refusal to produce documents that any other person or entity also possesses non-identical or identical copies of the same documents.
10. If any of the requested information is only reasonably available in machine-readable form (such as on a computer server, hard drive, or computer backup tape), you should consult with the Committee staff to determine the appropriate format in which to produce the information.
11. If compliance with the request cannot be made in full by the specified return date, compliance shall be made to the extent possible by that date. An explanation of why full compliance is not possible shall be provided along with any partial production.
12. In the event that a document is withheld on the basis of privilege, provide a privilege log containing the following information concerning any such document: (a) the privilege asserted; (b) the type of document; (c) the general subject matter; (d) the date, author and addressee; and (e) the relationship of the author and addressee to each other.
13. If any document responsive to this request was, but no longer is, in your possession, custody, or control, identify the document (stating its date, author, subject and recipients) and explain the circumstances under which the document ceased to be in your possession, custody, or control.
14. If a date or other descriptive detail set forth in this request referring to a document is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the request, you are required to produce all documents which would be responsive as if the date or other descriptive detail were correct.
15. Unless otherwise specified, the time period covered by this request is from January 1, 2009 to the present.
16. This request is continuing in nature and applies to any newly-discovered information. Any record, document, compilation of data or information, not produced because it has not been located or discovered by the return date, shall be produced immediately upon subsequent location or discovery.
17. All documents shall be Bates-stamped sequentially and produced sequentially.
18. Two sets of documents shall be delivered, one set to the Majority Staff and one set to the Minority Staff. When documents are produced to the Committee, production sets shall be delivered to the Majority Staff in Room 2157 of the Rayburn House Office Building and the Minority Staff in Room 2471 of the Rayburn House Office Building.

19. Upon completion of the document production, you should submit a written certification, signed by you or your counsel, stating that: (1) a diligent search has been completed of all documents in your possession, custody, or control which reasonably could contain responsive documents; and (2) all documents located during the search that are responsive have been produced to the Committee.

Definitions

1. The term “document” means any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, inter-office and intra-office communications, electronic mail (e-mail), contracts, cables, notations of any type of conversation, telephone call, meeting or other communication, bulletins, printed matter, computer printouts, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electric records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape or otherwise. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.
2. The term “communication” means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether in a meeting, by telephone, facsimile, email (desktop or mobile device), text message, instant message, MMS or SMS message, regular mail, telexes, releases, or otherwise.
3. The terms “and” and “or” shall be construed broadly and either conjunctively or disjunctively to bring within the scope of this request any information which might otherwise be construed to be outside its scope. The singular includes plural number, and vice versa. The masculine includes the feminine and neuter genders.
4. The terms “person” or “persons” mean natural persons, firms, partnerships, associations, corporations, subsidiaries, divisions, departments, joint ventures, proprietorships, syndicates, or other legal, business or government entities, and all subsidiaries, affiliates, divisions, departments, branches, or other units thereof.

5. The term “identify,” when used in a question about individuals, means to provide the following information: (a) the individual's complete name and title; and (b) the individual's business address and phone number.
6. The term “referring or relating,” with respect to any given subject, means anything that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with or is pertinent to that subject in any manner whatsoever.
7. The term “employee” means agent, borrowed employee, casual employee, consultant, contractor, de facto employee, independent contractor, joint adventurer, loaned employee, part-time employee, permanent employee, provisional employee, subcontractor, or any other type of service provider.