

Expedited Treatment Requested

18-000 32-CFO1

foiapa

From: Benjamin Hulac <bhulac@eenews.net>
Sent: Tuesday, April 17, 2018 7:16 PM
To: foiapa
Subject: Request for records under FOIA



Dear Freedom of Information Act Officer,

I am a reporter and I make this request under the Freedom of Information Act (FOIA). Specifically, I request the following:

1. Copies of all communications between Congressman Lamar Smith (R-Texas) and his staff and officials of the Securities and Exchange Commission from January 1, 2016, until the receipt of this request.

Please look for responsive records regardless of their format, including agenda sheets, appointments, day calendars, itineraries, Google calendars, Outlook calendars, programs and timetables. I am interested in documents of all kinds, including paper, electronic, audio or video files, photos, data, graphs and charts. My request covers all correspondence without limits, including letters, emails, email attachments text messages, faxes, telephone and voice messages, as well as notes, transcripts or minutes any meetings or conversations.

I would prefer to receive documents, records or any filings involved in this request in an electronic format.

I'm filing this FOIA request as a "representative of the news media." I'm a reporter for *Climatewire* -- one of five online publications of *Energy & Environment News*. This designation entitles me waive fees accumulated during the search and review process. If you determine I should be charged during this process, please contact me before the estimated costs exceed \$25.

I'm writing to you as part of my job as a news reporter. This request is not for commercial purpose.

As a member of the news media, I fall into one of the two categories permitted to receive expedited processing. My job is to disseminate information for public benefit. I request expedited status for this request.

The information responsive to this FOIA request may contribute to public understanding of your agency and the government generally. This information is not in the public domain but once your department response to this request, it may be printed online, at www.eenews.net, which has more than 40,000 unique readers daily. The information from this FOIA may help establish one or more stories.

FOIA requires you to redact and release all segregated parts if part of a record is exempt from disclosure. Please detail the deleted material, if material is removed from my request, and specify the statute used to justify this removal.

If my request is denied in whole or in part, please specify the exemption(s) claimed for each passage or whole document denied. Please give the number of pages in each document, the total number of pages pertaining to this request and the dates of the documents withheld. Such statements may be helpful when deciding whether to appeal the response to my FOIA.

I look forward to hearing from your office within 20 days of this message, as FOIA requires.

Thank you for your effort,
Ben

Benjamin J. Hulac
E&E News Business Reporter
bhulac@eenews.net
202-737-3541 (office)
[REDACTED] (cell)
[@benhulac](#)

E&E NEWS
122 C Street NW 7th Floor Washington, DC 20001
www.eenews.net | [@EENewsUpdates](#)
Energywire, Climatewire, Greenwire, E&E Daily



UNITED STATES
SECURITIES AND EXCHANGE COMMISSION
STATION PLACE
100 F STREET, NE
WASHINGTON, DC 20549-2465

Office of FOIA Services

July 20, 2018

Mr. Benjamin J. Hulac
E&E News
122 C Street NW, Floor 7
Washington, DC 20001

Re: Freedom of Information Act (FOIA), 5 U.S.C. § 552
Request No. 18-00032-CFOI

Dear Mr. Hulac:

This letter responds to your request, dated April 17, 2018 and received in this office on April 18, 2018, for copies of all communications between Congressman Lamar Smith (R-Texas) and his staff and officials of the Securities and Exchange Commission since January 1, 2016. By letter dated April 23, 2018, we addressed your request for expedited processing and for a fee waiver.

By email dated April 20, 2018, you amended your request to only want records of communications between Congressman Smith and his staff and the SEC Chairman and Commissioners, rather than the entire SEC staff. Moreover, because you could not provide email addresses or names of Congressman Smith's staff, our response is limited to non-email correspondence.

The search for responsive records has resulted in the retrieval of the enclosed 17 pages which are released in their entirety.

If you have any questions, please contact Warren Jackson of my staff at jacksonw@sec.gov or (202) 551-8312. You may also contact me at foiapa@sec.gov or (202) 551-7900 as a FOIA Public Liaison or contact the Office of Government Information Services (OGIS) for dispute resolution services. OGIS can be reached at 1-877-684-6448 or Archives.gov or via e-mail at ogis@nara.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeffery Ovall".

Jeffery Ovall
FOIA Branch Chief

Enclosure

Congress of the United States
Washington, DC 20515

October 14, 2016

The Honorable Mary Jo White
Chair
U.S. Securities and Exchange Commission
100 F Street, NE
Washington, DC 20549

Dear Chair White:

We write to express our serious concern regarding what appears to be a troubling gap in the National Market System Plan to implement a Consolidated Audit Trail (“CAT” or “Plan”) related to the protection of personally identifiable information (“PII”) for millions of brokerage customers.

Specifically, it appears that the Plan does not require SEC staff to abide by the same security protocols for handling PII that other users of CAT data are required to follow. According to the CAT website, roughly 3,000 individuals – including SEC staff – will have access to CAT data. Such a large number of individuals with access to PII heightens the possibility of a security breach, and amplifies the need for the SEC to follow adequate policies and procedures when handling such information.

The Plan requires that CAT participants “establish, maintain, and enforce written policies and procedures reasonably designed to ensure the confidentiality of the CAT Data...”^[1] We see no reason why the SEC should not have to follow the same requirements, and believe that absent an amendment to the plan, the PII of millions of individuals would become vulnerable to a cyberattack.

In the past eight months alone, we have learned that computer systems at the Federal Deposit Insurance Corporation, Internal Revenue Service, and The Federal Reserve have all been compromised. These events follow other high profile security breaches at federal agencies, including a breach at the Office of Personnel Management in 2015 that compromised the sensitive information of over 21 million individuals. Clearly, federal agencies are targets of cyberattacks and must do everything within their power to safeguard any information that they collect. The SEC is no exception.

Moreover, an April 28, 2016 GAO report identified several weaknesses related to the SEC’s cybersecurity protocols that the SEC has yet to address.^[2] GAO points out that ineffective protection of data can result in the unauthorized disclosure of information, and notes that these vulnerabilities exist partly because the SEC has not consistently protected access to its systems, and has not yet completed implementation of an SEC-wide data security program as required by law.

^[1] <https://www.gpo.gov/fdsys/pkg/FR-2016-05-17/pdf/2016-10461.pdf> at 30733

^[2] <http://gao.gov/assets/680/676876.pdf>

Given the critical importance of the issue and the need to protect the PII of millions of Americans, we urge the SEC to adopt the same security safeguards required of CAT participants under the Plan.

Sincerely,



Scott Garrett
Member of Congress



Barry Loudermilk
Member of Congress



French Hill
Member of Congress



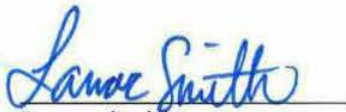
Lynn Westmoreland
Member of Congress



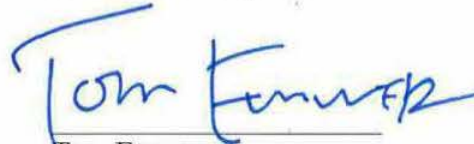
Randy Hultgren
Member of Congress



Jody Hice
Member of Congress



Lamar Smith
Member of Congress



Tom Emmer
Member of Congress



Bill Huizenga
Member of Congress



Sean Duffy
Member of Congress



Robert Pittenger
Member of Congress



Robert Hurt
Member of Congress



Ann Wagner
Member of Congress

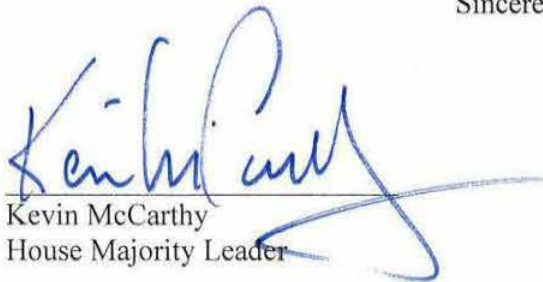
Congress of the United States
Washington, DC 20515

November 15, 2016

Dear Secretaries, Administrators, Directors and Commissioners:

Earlier this year, President Obama's Chief of Staff stated that the Administration will "do audacious executive action throughout the course of the rest of the year."¹ As you are aware, such action often involves the exercise of substantial policymaking discretion and could have far-reaching impacts on the American people and economy. Considering these potential consequences, we write to caution you against finalizing pending rules or regulations in the Administration's last days. By refraining from acting with undue haste, you will ensure that agency staff may fully assess the costs and benefits of rules, making it less likely that unintended consequences will harm consumers and businesses.² Moreover, such forbearance is necessary to afford the recently elected Administration and Congress the opportunity to review and give direction concerning pending rulemakings.³ Should you ignore this counsel, please be aware that we will work with our colleagues to ensure that Congress scrutinizes your actions – and, if appropriate, overturns them – pursuant to the Congressional Review Act.⁴

Sincerely,



Kevin McCarthy
House Majority Leader



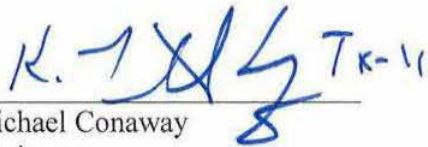
Jeb Hensarling
Chairman
House Committee on Financial Services

¹ David Cook, *White House chief of staff promises 'audacious executive action'*, CHRISTIAN SCIENCE MONITOR (Jan. 13, 2016), http://www.csmonitor.com/USA/Politics/monitor_breakfast/2016/0113/White-House-chief-of-staff-promises-audacious-executive-action (emphasis added).

² Other aspects of the rulemaking process are diminished when administrations issue "midnight" rules, lowering the quality of the final product. The Office of Information and Regulatory Affairs (OIRA) has limited opportunity to review "midnight" rules, "and neither agency nor OIRA personnel have sufficiently strong incentives or latitude to conduct searching analyses of whether the rules should or should not be issued or modified." H. COMM. ON THE JUDICIARY, MIDNIGHT RULES RELIEF ACT OF 2016, H. Rep. No. 114-782, pt. 1, at 2 (2016).

³ On January 20, 2009, President Obama's Chief of Staff requested that the heads of executive departments and agencies refrain from finalizing new rules, writing that "[i]t is important that [the President's] appointees and designees have the opportunity to review and approve any new or pending regulations." We respectfully submit that the sentiment animating President Obama's guidance is as applicable today as it was almost eight years ago, and that democratic accountability requires that all agencies – even so-called independent agencies – temporarily refrain from finalizing rules.

⁴ 5 U.S.C. §§ 601 *et seq.*



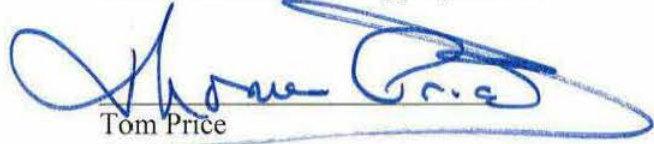
Michael Conaway
Chairman
House Committee on Agriculture



Hal Rogers
Chairman
House Committee on Appropriations



Mac Thornberry
Chairman
House Committee on Armed Services




Tom Price
Chairman
House Committee on the Budget



John Kline
Chairman
House Committee on Education and
the Workforce



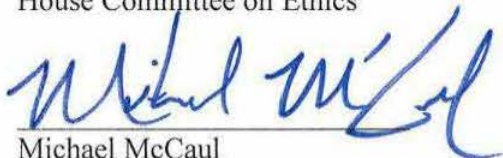
Fred Upton
Chairman
House Committee on Energy and Commerce



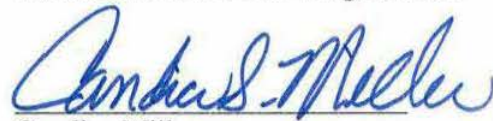
Charlie Dent
Chairman
House Committee on Ethics



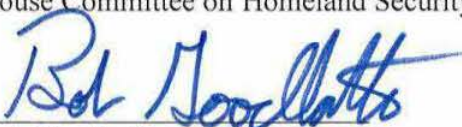
Ed Royce
Chairman
House Committee on Foreign Affairs



Michael McCaul
Chairman
House Committee on Homeland Security



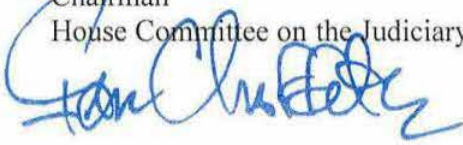
Candice Miller
Chairman
House Committee on House Administration



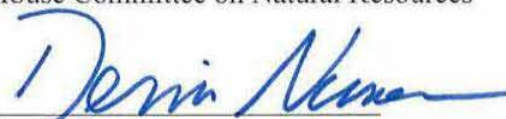
Bob Goodlatte
Chairman
House Committee on the Judiciary



Rob Bishop
Chairman
House Committee on Natural Resources



Jason Chaffetz
Chairman
House Committee on Oversight and
Government Reform



Devin Nunes
Chairman
House Permanent
Select Committee on Intelligence



Pete Sessions
Chairman
House Committee on Rules



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Lamar Smith
Chairman
House Committee on Science,
Space and Technology



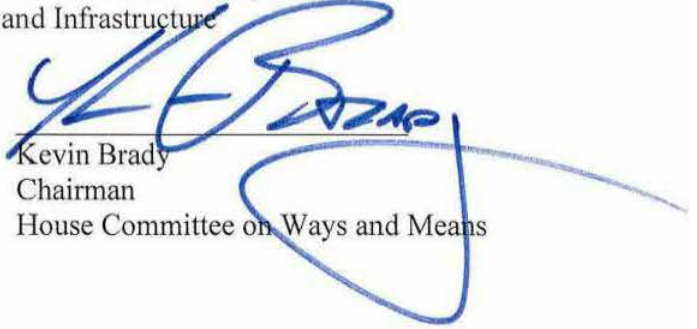
Steve Chabot
Chairman
House Committee on Small Business



Bill Shuster
Chairman
Committee on Transportation
and Infrastructure



Jeff Miller
Chairman
House Committee on Veterans' Affairs



Kevin Brady
Chairman
House Committee on Ways and Means

CC: All Federal Executive and Independent Agencies



UNITED STATES
SECURITIES AND EXCHANGE COMMISSION
WASHINGTON, D.C. 20549

THE CHAIR

December 20, 2016

The Honorable Lamar Smith
U.S. House of Representatives
2409 Rayburn House Office Building
Washington, DC 20515

Dear Representative Smith:

Thank you for your letter regarding the Consolidated Audit Trail (CAT) and the need to protect personally identifiable information in the CAT database. You expressed concern that the CAT National Market System Plan does not subject the Commission and its staff to the same security protocols as other users of CAT data. As you know, on November 15, 2016, the Commission issued an order approving the CAT NMS Plan.¹

I can assure you that the Commission takes very seriously concerns about protecting CAT data. The Commission is not subject to the specific provisions in the CAT NMS Plan for reasons outlined in the approval order, but will be subject to very robust safeguards in its use of CAT. The approval order discusses the current requirements applicable to the Commission and its employees regarding the security and confidentiality of information. Notwithstanding the current, robust framework, the approval order also addresses additional steps that will be taken in light of the scope and nature of CAT data. In particular, the approval order provides (footnotes omitted):

The Commission and its personnel are subject to a number of existing federal and Commission rules and policies regarding the security and confidentiality of information that they encounter in the course of their employment. These rules and policies apply with equal force to data that Commission personnel can access in the CAT. For example, existing laws and regulations prohibit Commission personnel from disclosing non-public information without authorization. CAT Data available to Commission personnel will contain non-public information. Thus, Commission personnel who disclose or otherwise misuse this data would potentially be subject to criminal penalties (including fines and imprisonment), as well as disciplinary action (including termination of employment), civil injunction, and censure by professional associations (for attorneys and accountants). The Commission believes that the protections described above provide as strong a deterrent against the possible misuse of CAT Data by Commission personnel as would the submission of the "Safeguard of Information Affidavit" required by Section 6.5(f)(i)(B) [of the CAT NMS Plan].

¹ See Order Approving the National Market System Plan Governing the Consolidated Audit Trail, 81 Fed. Reg. 84696 (Nov. 23, 2016), Exchange Act Release No. 79318 (Nov. 15, 2016), <https://www.sec.gov/rules/sro/nms/2016/34-79318.pdf>.

In addition, the Commission already has robust information security policies and procedures developed in accordance with federal directives and NIST standards that prohibit the unauthorized disclosure and inappropriate use of confidential data. Moreover, the Commission will review and update, as necessary, its existing confidentiality and data use policies and procedures to account for access to the CAT, and, like the Participants, will periodically review the effectiveness of these policies and procedures and take prompt action to remedy deficiencies in such policies and procedures. Like other information security controls over information resources that support federal operations and assets, the Commission's policies and procedures applicable to CAT must comply with the Federal Information Security Modernization Act of 2014 and the NIST standards required thereunder, and will be subject to audits by the SEC Office of Inspector General and the GAO.

Notwithstanding the existence of these protections, in light of the scope and nature of CAT Data, the Commission recognizes the need to ensure that it has in place a comprehensive framework for CAT data security. Accordingly, a cross-divisional steering committee of senior Commission Staff is being formed to design policies and procedures regarding Commission and Commission Staff access to, use of, and protection of CAT Data. The policies and procedures will consider, but not be limited to, access controls, appropriate background checks, usage and data protection, as well as incident response. In developing these policies and procedures, the steering committee will, of necessity, take into account how the data collection and other systems are developed in connection with the creation of the CAT. The Commission will ensure that its policies and procedures impose protections upon itself and its personnel that are comparable to those required under the provisions in the Plan from which the Commission and its personnel are excluded.

I hope that this information is helpful to you regarding the Commission's commitment to protecting the CAT data, including personally identifiable information, of the investing public. If you have any additional questions or comments, please do not hesitate to contact me at (202) 551-2100, or have a member of your staff contact Keith Cassidy, Director of the Office of Legislative and Intergovernmental Affairs, at (202) 551-2010.

Sincerely,

A handwritten signature in blue ink that reads "Mary Jo White". The signature is stylized and cursive.

Mary Jo White
Chair



UNITED STATES
SECURITIES AND EXCHANGE COMMISSION
WASHINGTON, D.C. 20549

OFFICE OF
LEGISLATIVE AND
INTERGOVERNMENTAL
AFFAIRS

November 30, 2016

The Honorable Lamar Smith
Chairman
Committee on Science, Space, and Technology
U.S. House of Representatives
2321 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Smith:

This letter further responds to your September 29, 2016 letter to Chair White inquiring about media reports asserting that the Commission is conducting an investigation of Exxon Mobil Corporation. As stated in Chair White's October 13, 2016 response, Commission investigations are conducted on a confidential basis and the Commission generally does not comment on or acknowledge the existence of an investigation unless and until charges are filed. Such disclosures could impact the availability of evidence, the privacy of witnesses, and the reputations of parties who may not be charged, as well as undermine the independence and integrity of the Commission's investigative processes. We, however, want to be as responsive as we can be to the Committee's request.

As you know, in this particular case, Exxon Mobil, in statements to the media, has publicly stated that the Commission is conducting an investigation into Exxon Mobil's accounting and disclosure practices, including Exxon Mobil's valuation and disclosure of its hydrocarbon assets.¹ As the Commission has not brought any public action relating to Exxon Mobil, it would not be appropriate to disclose any specific actions that may have been taken by Commission staff during the course of the investigation.

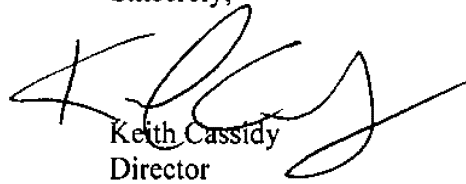
¹ See Bradley Olson and Aruna Viswanatha, *SEC Probes Exxon Over Accounting for Climate Change*, WALL ST. J., (Sept. 20, 2016), available at <http://www.wsj.com/articles/sec-investigating-exxon-on-valuation-of-assets-accounting-practices-1474393593> (accessed Oct. 27, 2016) ("The SEC is the appropriate entity to examine issues related to impairment, reserves and other communications important to investors," said Exxon spokesman Alan Jeffers. "We are fully complying with the SEC request for information and are confident our financial reporting meets all legal and accounting requirements."); Clifford Krauss, *S.E.C. Is Latest to Look Into Exxon Mobil's Workings*, N.Y. TIMES, (Sept. 20, 2016), available at <http://www.nytimes.com/2016/09/21/business/energy-environment/exxon-climate-change.html> (accessed October 27, 2016) ("We are fully complying with the S.E.C. request for information and are confident our financial reporting meets all legal and accounting requirements," said Alan T. Jeffers, an Exxon Mobil spokesman.").

The Honorable Lamar Smith

Page 2

Please do not hesitate to contact me at (202) 551-2010 or have your staff contact Ty Cottrill at (202) 551-7929 if you have any questions or comments.

Sincerely,

A handwritten signature in black ink, appearing to read 'K Cassidy', with a long horizontal flourish extending to the right.

Keith Cassidy
Director

cc: The Honorable Eddie Bernice Johnson, Ranking Member, Committee on Science, Space, and Technology



THE CHAIR

UNITED STATES
SECURITIES AND EXCHANGE COMMISSION
WASHINGTON, D.C. 20549

October 13, 2016

The Honorable Lamar Smith
Chairman
Committee on Science, Space, and Technology
U.S. House of Representatives
2321 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Smith:

Thank you for your September 29, 2016 letter regarding media reports of a purported investigation of Exxon Mobil Corporation.

While I am aware of the press accounts referenced in your letter, the Securities and Exchange Commission conducts investigations on a confidential basis. We do so in order to protect the integrity of our investigations, safeguard the privacy of witnesses, and avoid damaging the reputations of parties who may not be charged. For these reasons, the Commission generally does not acknowledge the existence or non-existence of an investigation unless and until charges are filed. Accordingly, I cannot comment specifically on the matter raised in your letter.

Please do not hesitate to contact me at (202) 551-2100, or have a member of your staff contact Keith Cassidy, Director of the Office of Legislative and Intergovernmental Affairs, at (202) 551-2010, for further assistance.

Sincerely,

A handwritten signature in blue ink that reads "Mary Jo White".

Mary Jo White
Chair

cc: The Honorable Eddie Bernice Johnson, Ranking Member, Committee on Science, Space, and Technology

Congress of the United States

House of Representatives

COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY

2321 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6301

(202) 225-6371
www.science.house.gov

September 29, 2016

The Honorable Mary Jo White
Chair
U.S. Securities and Exchange Commission
100 F Street, NE
Washington, DC 20549

Dear Chair White:

The House Committee on Science, Space, and Technology (the Committee) is troubled by the Security and Exchange Commission's (SEC) recently announced investigation of Exxon Mobil Corporation (Exxon). It appears from press accounts that the SEC's investigative actions, which date back to at least August of this year, are couched in concerns related to the science of climate change.¹ More disturbingly, media coverage has directly linked the Commission's "far-reaching" inquiry to New York Attorney General (AG) Eric Schneiderman's ongoing investigation into Exxon under state securities fraud law.² The Committee is currently investigating the New York AG's Exxon probe in order to assess the adverse effects his investigation might pose to the scientific research and development (R&D) enterprise.³ Although the Committee is not interested in the merits of the New York AG's nearly year-long

¹ See, e.g., Clifford Krauss, *SEC Is Latest to Look Into Exxon Mobil's Workings*, N.Y. TIMES (Sept. 20, 2016), available at http://www.nytimes.com/2016/09/21/business/energy-environment/exxon-climate-change.html?_r=0; Matt Robinson & Joe Carroll, *Exxon's Accounting Said to Prompt SEC Review After Crude Slump*, BLOOMBERG MKTS., <http://www.bloomberg.com/news/articles/2016-09-20/exxon-s-accounting-said-to-prompt-sec-review-after-oil-slump> (Sept. 20, 2016).

² Bradley Olson & Aruna Viswanatha, *SEC Probes Exxon Over Accounting for Climate Change*, WALL ST. J. <http://www.wsj.com/articles/sec-investigating-exxon-on-valuing-of-assets-accounting-practices-1474393593> (last accessed Sept. 20, 2016) ("The SEC made a far-reaching request in August that mirrors many of the areas Mr. Schneiderman is known to be investigating. The agency asked Exxon to produce information about its analysis of climate data and research, how it values assets and how a more serious global response to climate change would impact its business, according to a person familiar with the matter.").

³ See letter from Hon. Lamar Smith to Eric Schneiderman (Aug. 23, 2016); letter from Hon. Lamar Smith to Eric Schneiderman (July 6, 2016); letter from Hon. Lamar Smith to Eric Schneiderman (June 17, 2016); letter from Hon. Lamar Smith to Eric Schneiderman (May 18, 2016).

The Honorable Mary Jo White
 September 29, 2016
 Page 2

probe, the AG's efforts, characterized variously as a "witch hunt" and "fool's errand,"⁴ an "abuse of powers,"⁵ "pathetic,"⁶ a "schtick,"⁷ and an "uphill battle,"⁸ have failed to uncover any indicia of wrongdoing by Exxon. This raises questions as to why the SEC would assume the mantle of the New York AG's fruitless investigation.⁹

The Committee's jurisdiction over energy and environmental research¹⁰ includes an obligation to ensure that such research advances the American scientific enterprise to the fullest extent possible, free from threat of intimidation or prosecution. The Committee is concerned that the SEC, by wielding its enforcement authority against companies like Exxon for its collection of and reliance on what is perhaps in the SEC's view inadequate climate data used to value its assets, advances a prescriptive climate change orthodoxy that may chill further climate change research throughout the public and private scientific R&D sector. Specifically, the Committee is concerned that an investigation into whether Exxon failed to comply with climate change-related disclosure regulations for its oil reserves and other assets may be a disincentive to conducting scientific research that underlies and informs those asset valuations. Additionally, to the extent that the SEC initiated its investigation based on information received from the New York AG, the SEC's probe may also serve to illustrate the very effects on free scientific inquiry that the Committee is currently investigating. Accordingly, the Committee requests information about the purpose, scope, and origin of the SEC's investigation into Exxon.

To aid the Committee in better understanding the purpose, scope, and origin of the SEC's investigation, please provide the following for the time period January 1, 2015 to present:

1. All documents and communications between or among officers or employees at the SEC referring or relating to the SEC's decision to investigate Exxon regarding any of its climate change-related financial disclosures.
2. All documents and communications between SEC officers or employees and any officer or employee of the Department of Justice or the White House, including but not limited

⁴ C. Boyden Gray, "Green 20" AGs: What Is It REALLY About?, FED. SOC'Y (May 13, 2016), <http://www.fed-soc.org/blog/detail/green-20-ags-what-is-it-really-about>.

⁵ Merritt B. Fox, *Exxon Mobil Is Being Investigated, But Here's the Real Problem*, NAT'L L. J. (Aug. 15, 2016), <http://www.nationallawjournal.com/id=1202765027711/Exxon-Mobil-is-Being-Investigated-But-Heres-the-Real-Problem> (last accessed Sept. 27, 2016).

⁶ Editorial Bd., *Eric Schneiderman's Pathetic New Pretext for Probing Exxon*, NY Post (Aug. 21, 2016), <http://nypost.com/2016/08/21/eric-schneidermans-pathetic-new-pretext-for-probing-exxon/> (last accessed Sept. 27, 2016).

⁷ *Squawk Box* (CNBC broadcast Aug. 31, 2016), available at <http://video.cnbc.com/gallery/?video=3000547352> (interview of Holman W. Jenkins, Jr.).

⁸ *SEC Probes Exxon's Climate, Reserves Accounting: Report*, REUTERS (Sept. 20, 2016), <http://finance.yahoo.com/news/sec-investigating-exxon-over-accounting-173805395.html> (last accessed Sept. 27, 2016).

⁹ See Holman W. Jenkins, Jr., *How the Exxon Case Unraveled*, WALL ST. J. (Aug. 20, 2016), available at <http://www.wsj.com/articles/how-the-exxon-case-unraveled-1472598472> (last accessed Sept. 28, 2016).

¹⁰ House of Representatives Rule X (114th Cong.).

The Honorable Mary Jo White
September 29, 2016
Page 3

to the Executive Office of the President, referring or relating to a potential investigation of Exxon.

3. All documents and communications between SEC officers or employees and the Office of the Attorney General of New York or the Office of the Attorney General of Massachusetts referring or relating to a potential investigation of Exxon.
4. All documents and communications between SEC officers or employees and any officer or employee of the Climate Accountability Institute, the Union of Concerned Scientists, Greenpeace, 350.org, the Rockefeller Brothers Fund, the Rockefeller Family Fund, the Global Warming Legal Action Project, the Pawa Law Group, or the Climate Reality Project, referring or relating a potential investigation of Exxon.

Please provide documents responsive to this request on or before close of business on October 13, 2016. Instructions for responding to the Committee are enclosed. If you have any questions about this request, please contact Committee staff at 202-225-6371. Thank you for your attention to this matter.

Sincerely,



Rep. Lamar Smith
Chairman
Committee on Science, Space,
and Technology

cc: Rep. Eddie Bernice Johnson, Ranking Minority Member, Committee on Science, Space, and Technology

Responding to Committee Document Requests

1. In complying with this request, you are required to produce all responsive documents, in unredacted form, 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"), or PDF files.
 - (b) Document numbers in the load file should match document Bates numbers and TIF or PDF 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.
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. In complying with this request, be apprised that the U.S. House of Representatives and the Committee on Science, Space, and Technology do not recognize: any of the purported non-disclosure privileges associated with the common law including, but not limited to, the deliberative process privilege, the attorney-client privilege, and attorney work product protections; any purported privileges or protections from disclosure under the Freedom of Information Act; or any purported contractual privileges, such as non-disclosure agreements.
14. 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.
15. 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.
16. Unless otherwise specified, the time period covered by this request is from January 1, 2015 to the present.
17. 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.
18. All documents shall be Bates-stamped sequentially and produced sequentially.
19. 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 2321 of the Rayburn House Office Building and the Minority Staff in Room 324 of the Ford House Office Building.
20. 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.

Schedule 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.