

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5051
MINORITY (202) 225-5074
<https://oversight.house.gov>

September 16, 2021

Mr. Mike Sommers
President
American Petroleum Institute
200 Massachusetts Avenue, N.W., Suite 1100
Washington, D.C. 20001

Dear Mr. Sommers:

We are writing to request information and documents regarding the reported role of the American Petroleum Institute (API) in a long-running, industry-wide campaign to spread disinformation about the role of fossil fuels in causing global warming, and to request your appearance at a Committee hearing on Thursday, October 28, 2021. We are deeply concerned that the fossil fuel industry has reaped massive profits for decades while contributing to climate change that is devastating American communities, costing taxpayers billions of dollars, and ravaging the natural world. We are also concerned that to protect those profits, the industry has reportedly led a coordinated effort to spread disinformation to mislead the public and prevent crucial action to address climate change.

Just four fossil fuel companies—BP, Shell, Chevron, and ExxonMobil—reported nearly \$2 trillion in profits between 1990 and 2019.¹ During this same period, the global climate crisis became increasingly dire, and its deadly impact on Americans increased. The world experienced 19 of the warmest years on record between 2000 and 2020.² In each of the last six years, the United States has faced more than ten weather and climate disasters—including storms, wildfires, and heat waves—costing over \$1 billion each. There were 22 reported billion-dollar climate disasters across the country in 2020.³

Public reporting indicates that API, its members, and allies in the fossil fuel industry have worked to prevent serious action on global warming by generating doubt about the documented dangers of fossil fuels and misrepresenting the scale of your efforts to develop alternative energy

¹ *Revealed: Big Oil's Profits Since 1990 Total Nearly \$2tn*, The Guardian (Feb. 12, 2020) (online at www.theguardian.com/business/2020/feb/12/revealed-big-oil-profits-since-1990-total-nearly-2tn-bp-shell-chevron-exxon).

² National Aeronautics and Space Administration, *Global Temperature* (online at <https://climate.nasa.gov/vital-signs/global-temperature/>) (accessed on July 20, 2021).

³ National Oceanic and Atmospheric Administration, *Billion-Dollar Weather and Climate Disasters: Overview* (online at www.ncdc.noaa.gov/billions/) (accessed on July 23, 2021).

technologies—some of the same tactics the tobacco industry used to resist regulation while selling products that kill hundreds of thousands of Americans.⁴

Fossil Fuel Industry Spread Disinformation About Climate Science for Decades

Fossil fuel companies have been aware of the science of climate change for decades. In 1977, an ExxonMobil scientist warned the company's management about the connection between fossil fuel emissions and the "general scientific agreement that the most likely manner in which mankind is influencing the global climate is through carbon dioxide release from the burning of fossil fuels."⁵ From 1979 to 1983, API and its oil company members, including the companies that are now operating as or owned by ExxonMobil, Shell, and Chevron, participated in a task force that shared climate science research and discussed possible ways to reduce emissions.⁶

In 1988, Dr. James Hansen, then the director of the National Aeronautics and Space Administration's Institute for Space Studies, testified before Congress that "it was 99 percent certain that the warming trend was not a natural variation but was caused by a buildup of carbon dioxide and other artificial gases in the atmosphere" and that the global warming effect was already "starting to cause changes in climate and weather." Dr. Hansen emphasized, "It is time to stop waffling so much and say that the evidence is pretty strong that the greenhouse effect is here."⁷

In response to these developments, fossil fuel industry actors reportedly sought to counteract prevailing scientific knowledge. A 1998 memorandum developed with input from representatives of Chevron, ExxonMobil, API, and other industry-funded front groups detailed plans for a coordinated disinformation campaign targeting the media, the public, and policymakers. In discussing actions around climate policy, the memorandum declared, "victory

⁴ *Big Oil Is the New Big Tobacco. Congress Must Use Its Power to Investigate*, The Guardian (Jan. 20, 2020) (online at www.theguardian.com/commentisfree/2020/jan/20/big-oil-congress-climate-change); *Doubt over Climate Science Is a Product With an Industry Behind It*, The Guardian (Mar. 5, 2015) (online at www.theguardian.com/environment/planet-oz/2015/mar/05/doubt-over-climate-science-is-a-product-with-an-industry-behind-it); Union of Concerned Scientists, *The Climate Deception Dossiers: Internal Fossil Fuel Industry Memos Reveal Decades of Corporate Disinformation* (July 2015) (online at www.ucsusa.org/sites/default/files/attach/2015/07/The-Climate-Deception-Dossiers.pdf).

⁵ *Exxon's Own Research Confirmed Fossil Fuels' Role in Global Warming Decades Ago*, Inside Climate News (Sept. 16, 2015) (online at <https://insideclimatenews.org/news/16092015/exxons-own-research-confirmed-fossil-fuels-role-in-global-warming/>).

⁶ *Exxon's Oil Industry Peers Knew About Climate Dangers in the 1970s, Too*, Inside Climate News (Dec. 22, 2015) (online at <https://insideclimatenews.org/news/22122015/exxon-mobil-oil-industry-peers-knew-about-climate-change-dangers-1970s-american-petroleum-institute-api-shell-chevron-texaco/>).

⁷ *Global Warming Has Begun, Expert Tells Senate*, New York Times (June 24, 1988) (online at www.nytimes.com/1988/06/24/us/global-warming-has-begun-expert-tells-senate.html).

will be achieved when average citizens ‘understand’ (recognize) uncertainties in climate science” and when “recognition of uncertainties becomes part of the ‘conventional wisdom.’”⁸

Reports indicate that fossil fuel companies continued their climate “counter movement” by contributing millions of dollars to academic and policy groups to influence third-party promotion of climate misinformation.⁹ Throughout the 1990s, ExxonMobil, Chevron, BP, and Shell all joined API and the U.S. Chamber of Commerce in one such trade group, the Global Climate Coalition (GCC), which lobbied the U.S. government in an effort to derail international action to reduce carbon pollution emissions. The successful campaign led to the United States’ leaving the Kyoto climate agreement in 2001. Documents prepared for then-Under Secretary of State Paula Dobriansky’s 2001 meeting with the GCC stated, “POTUS rejected Kyoto, in part, based on input from you.”¹⁰

One study found that between 2003 and 2010, 91 think tanks and advocacy organizations that downplayed global warming were heavily funded by Exxon, Koch Industries, DonorsTrust, and other industry groups.¹¹ These organizations held out the appearance of neutrality, while reportedly working to “identify, recruit, and train” scientists to publish research aligned with industry, lobbying public officials to oppose efforts to address climate change, and harassing scientists.¹² They pressed journalists to give media coverage to industry-backed researchers, giving the misleading appearance of a division of opinion among climate scientists.¹³ API has also been known to use “AstroTurf” campaigns, designed to give the appearance of public opposition to climate action. In 2009, as Congress considered major climate legislation, API’s then-President and Chief Executive Officer, Jack Gerard, asked major oil companies to send

⁸ American Petroleum Institute et al., *Global Climate Science Communications Plan 1998* (Dec. 2015) (online at <https://insideclimatenews.org/wp-content/uploads/2015/12/Global-Climate-Science-Communications-Plan-1998.pdf>). When questioned by the *New York Times*, “[i]ndustry representatives confirmed that the documents were authentic.” *Industrial Group Plans to Battle Climate Treaty*, *New York Times* (Apr. 26, 1998) (online at www.nytimes.com/1998/04/26/us/industrial-group-plans-to-battle-climate-treaty.html).

⁹ *How the Oil Industry Made Us Doubt Climate Change*, BBC News (Sept. 20, 2020) (online at www.bbc.com/news/stories-53640382).

¹⁰ *Some Like It Hot*, Mother Jones (May/June 2005) (online at www.motherjones.com/environment/2005/05/some-it-hot/); *Revealed: How Oil Giant Influenced Bush*, *Guardian* (June 8, 2005) (online at www.theguardian.com/news/2005/jun/08/usnews.climatechange).

¹¹ Robert J. Brulle, *Institutionalizing Delay: Foundation Funding and the Creation of U.S. Climate Change Counter-Movement Organizations*, *Climatic Change* (Feb. 2014) (online at www.researchgate.net/publication/263114280_Institutionalizing_Delay_Foundation_Funding_and_the_Creation_of_US_Climate_Change_Counter-Movement_Organizations).

¹² Union of Concerned Scientists, *The Climate Deception Dossiers: Internal Fossil Fuel Industry Memos Reveal Decades of Corporate Disinformation* (June 29, 2015) (online at www.ucsusa.org/sites/default/files/attach/2015/07/The-Climate-Deception-Dossiers.pdf).

¹³ Naomi Oreskes and Erik Conway, *Merchants of Doubt: How a Handful of Scientists Obscured the Truth on Issues from Tobacco Smoke to Climate Change* (2011); Jane Mayer, *Dark Money: The Hidden History of the Billionaires Behind the Rise of the Radical Right* (2017).

their employees to public “Energy Citizen” rallies, mostly organized by API lobbyists, aimed at influencing Senators in 21 states.¹⁴

Fossil fuel industry actors reportedly paid over \$1.2 million to Dr. Willie Soon, an aerospace engineer with no climate science training. According to media reports, Dr. Soon described his climate-science-denying papers and testimony before Congress as “deliverables” to his corporate donors.¹⁵ Fossil fuel interests amplified his studies in media stories, publications, and talking points.¹⁶

Fossil fuel companies also publicly spread doubt themselves. For example, then-Chief Executive Officer of Exxon Corporation, Lee Raymond, said in 1997, “Currently, the scientific evidence is inconclusive as to whether human activities are having a significant effect on the global climate.”¹⁷

The Disinformation Campaign Continues Today

We are concerned that these strategies of obfuscation and distraction continue today. Reporting indicates that, facing weak market performance and investor pressure, some large fossil fuel companies have taken public stances in support of action on global warming while continuing efforts in private to block meaningful solutions and legislation.¹⁸ ExxonMobil and Chevron publicly supported the Paris Agreement,¹⁹ and BP and Shell have made “net-zero”

¹⁴ Jack Gerard, *the Force Majeure behind Big Oil*, Washington Post (Apr. 7, 2012) (online at www.washingtonpost.com/business/economy/jack-gerard-the-force-majeure-behind-big-oil/2012/04/06/gIQA1hjC0S_story.html); *Majority of ‘Energy Citizens’ rallies organized by oil-industry lobbyists*, Grist (Aug 22, 2019) (online at <https://grist.org/article/2009-08-21-energy-citizens-rallies-organized-by-industry-lobbyists/>).

¹⁵ *Deeper Ties to Corporate Cash for Doubtful Climate Researcher*, New York Times (Feb. 21, 2015) (online at www.nytimes.com/2015/02/22/us/ties-to-corporate-cash-for-climate-change-researcher-Wei-Hock-Soon.html).

¹⁶ *How Big Oil Lost Control of Its Misinformation Machine*, Inside Climate News (Dec. 22, 2017) (online at <https://insideclimatenews.org/news/22122017/big-oil-heartland-climate-science-misinformation-campaign-koch-api-trump-infographic/>); *Researcher Helps Sow Climate-Change Doubt: Industry-Funded Cambridge Astrophysicist Adds to Partisan Divide*, Boston Globe (Nov. 5, 2013) (online at <https://bostonglobe.com/news/nation/2013/11/05/harvard-smithsonian-global-warming-skeptic-helps-feed-strategy-doubt-gridlock-congress/uHssYO1anoWSiLw0v1YcUJ/story.html>); Union of Concerned Scientists, *Smoke, Mirrors & Hot Air: How ExxonMobil Uses Big Tobacco’s Tactics to Manufacture Uncertainty on Climate Science* (Jan. 2007) (online at www.ucsusa.org/sites/default/files/2019-09/exxon_report.pdf).

¹⁷ *Exxon Sowed Doubt About Climate Science for Decades by Stressing Uncertainty*, Inside Climate News (Oct. 22, 2015) (online at <https://insideclimatenews.org/news/22102015/Exxon-Sowed-Doubt-about-Climate-Science-for-Decades-by-Stressing-Uncertainty>).

¹⁸ *Revealed: ExxonMobil’s Lobbying War on Climate Change Legislation*, Channel 4 News (June 30, 2021) (online at www.channel4.com/news/revealed-exxonmobils-lobbying-war-on-climate-change-legislation).

¹⁹ Chevron, *Chevron Supports Well-Designed Climate Policy* (online at www.chevron.com/sustainability/environment/climate-policy) (accessed on Aug. 19, 2021); Energy Factor by ExxonMobil, *Reaffirming Our Commitment to the Paris Agreement* (Jan. 20, 2021) (online at <https://energyfactor.exxonmobil.com/insights/partners/commitment-paris-agreement/>).

pledges for their direct emissions.²⁰ At the same time, fossil fuel companies continue to invest overwhelmingly in fossil fuel extraction and to support efforts to extend the life of their investments in fossil fuel, all while lobbying against reforms that would curb global warming.²¹ In 2018, the fossil fuel industry supported efforts to roll back vehicle emission standards enacted by the Obama Administration.²² More recently, the industry has challenged the transition toward electric vehicles by opposing the installation of vehicle charging stations.²³ API has stated publicly that it supports “the broad goal of reducing emissions and addressing climate change,” and the “ambition” of the Paris Agreement. However, in practice, it has strongly opposed restrictions on oil and gas production and defended retaining tax credits for drilling costs, including in front of this Committee earlier in 2021.²⁴

Between 2015 and 2018, the five largest publicly traded oil and gas companies reportedly spent \$1 billion to promote climate disinformation through “branding and lobbying.”²⁵ According to court filings by advocacy organizations, Chevron paid for advertising that celebrates the company’s investments in renewable energy but spent only 0.2% of its annual

²⁰ *Shell Sets Emission Ambition of Net Zero by 2050, with Customer Help*, Reuters (Apr. 16, 2020) (online at www.reuters.com/article/us-shell-emissions/shell-sets-emission-ambition-of-net-zero-by-2050-with-customer-help-idUSKCN21Y0MW); *BP’s New CEO Pledges Net Zero Emissions By 2050*, CNN (Feb. 12, 2020) (online at www.cnn.com/2020/02/12/business/bp-net-zero/index.html).

²¹ *How the Oil Industry Has Spent Billions to Control the Climate Change Conversation*, The Guardian (Jan. 8, 2020) (online at www.theguardian.com/business/2020/jan/08/oil-companies-climate-crisis-pr-spending); *How a Powerful US Lobby Group Helps Big Oil to Block Climate Action*, The Guardian (July 19, 2021) (online at www.theguardian.com/environment/2021/jul/19/big-oil-climate-crisis-lobby-group-api).

²² *The Oil Industry’s Covert Campaign to Rewrite American Car Emissions Rules*, New York Times (Dec. 13, 2018) (online at www.nytimes.com/2018/12/13/climate/cape-emissions-rollback-oil-industry.html); *Trump Finalizes Rollback of Obama-era Vehicle Fuel Efficiency Standards*, Reuters (Mar. 31, 2020) (online at www.reuters.com/article/us-usa-autos-emissions/trump-finalizes-rollback-of-obama-era-vehicle-fuel-efficiency-standards-idUSKBN21I25S).

²³ *The Oil Industry vs. the Electric Car*, Politico (Sep. 16, 2019) (online at www.politico.com/story/2019/09/16/oil-industry-electric-car-1729429?utm_source=Sailthru&utm_medium=email&utm_campaign=Issue:%202019-09-16%20Utility%20Dive%20Newsletter%20%5Bissue:23009%5D&utm_term=Utility%20Dive).

²⁴ *Oil and Gas Groups See ‘Some Common Ground’ in Biden Energy Plan*, New York Times (July 28, 2020) (online at www.nytimes.com/2020/07/28/business/energy-environment/joe-biden-oil-gas-energy.html); *Big Oil Lobby Showing Subtle Shifts on Climate Change*, Axios (Dec. 11, 2019) (online at www.axios.com/big-oil-lobby-shifts-climate-change-8cc97db8-a51d-4d33-a719-07c82c3ccdbc.html); *Trump Pushes New Environmental Rollbacks on Way Out the Door*, Associated Press (Nov. 19, 2020) (online at <https://apnews.com/article/joe-biden-donald-trump-public-health-climate-birds-a947e76f1023b739121692096322da24>); *U.S. Oil Industry Group Pledges to Fight Possible Biden Fracking Limits*, Reuters (Nov. 23, 2020) (online at www.reuters.com/article/us-api-energy-fracking/u-s-oil-industry-group-pledges-to-fight-possible-biden-fracking-limits-idUSKBN2832UO); Committee on Oversight and Reform, Subcommittee on Environment, *Hearing on The Role of Fossil Fuel Subsidies in Preventing Action on the Climate Crisis* (Apr. 22, 2021) (online at <https://docs.house.gov/Committee/Calendar/ByEvent.aspx?EventID=112485>).

²⁵ InfluenceMap, *Big Oil’s Real Agenda on Climate Change* (Mar. 2019) (online at <https://influencemap.org/report/How-Big-Oil-Continues-to-Oppose-the-Paris-Agreement-38212275958aa21196dae3b76220bdc>).

capital expenditure budget on lower-carbon energy resources.²⁶ ExxonMobil has publicized its investments in algae biodiesel research, even though most scientists agree that algae biodiesel is not likely commercially viable.²⁷ In the meantime, Exxon has proceeded with investments in oil and gas.²⁸ As a representative of fossil fuel industry interests, API reportedly spent \$663 million on public relations and advertising between 2008 and 2017.²⁹ In the first weeks of the Biden Administration, API ran Twitter advertisements opposing restrictions on fossil fuel leasing on federal lands.³⁰

Fossil fuel companies increasingly outsource lobbying to trade groups, obscuring their own roles in disinformation efforts. Recently, an ExxonMobil lobbyist was caught on video discussing the tactics employed by ExxonMobil to obstruct climate change legislation, including using API and other industry groups as the “whipping boy” to advocate for policy positions that ExxonMobil did not want to be associated with publicly. During the interview, the lobbyist said, “Did we aggressively fight against some of the science? Yes.” He added, “Did we join some of these shadow groups to work against some of the early efforts? Yes, that’s true.”³¹ He also detailed ExxonMobil’s lobbying efforts to include natural gas as a clean energy source in the event that Congress adopts a Clean Energy Standard, despite clear scientific evidence that natural gas is a major driver of climate change.³² API has led opposition to major climate legislation, which includes a clean energy standard, being considered by Congress.³³

²⁶ *Fossil Fuel Firms Face New Challenge over “Greenwashing” Ads*, Reuters (June 22, 2021) (online at www.reuters.com/article/us-usa-fossilfuel-climate-change-adverti/fossil-fuel-firms-face-new-challenge-over-greenwashing-ads-idUSKCN2DZ00B).

²⁷ *Exxon's Climate Fix is Algae. Experts Say it Won't Work*, E&E News (Nov. 2, 2020) (online at <https://subscriber.politicopro.com/article/eenews/1063717527>).

²⁸ *U.S. and European Oil Giants Go Different Ways on Climate Change*, New York Times (Sept. 21, 2020) (online at www.nytimes.com/2020/09/21/business/energy-environment/oil-climate-change-us-europe.html).

²⁹ *Big Business Spent \$1.4 Billion on Advertising Over the Last Decade*, Huffington Post (Mar. 14, 2019) (online at www.huffpost.com/entry/industry-trade-groups-public-relations-spending_n_5c89aa69e4b0fbd76620a0a3).

³⁰ *Twitter's Big Oil Ad Loophole*, Heated (Feb. 2, 2021) (online at <https://heated.world/p/twitters-big-oil-ad-loophole>).

³¹ *Revealed: ExxonMobil's Lobbying War on Climate Change Legislation*, Channel 4 News (June 30, 2021) (online at www.channel4.com/news/revealed-exxonmobils-lobbying-war-on-climate-change-legislation).

³² *ExxonMobil Lobbyist Reveals Company's Involvement with “Forever Chemicals”*, Channel 4 News (July 1, 2021) (online at www.channel4.com/news/exxonmobil-lobbyist-reveals-companys-involvement-with-forever-chemicals); *Explainer: Cleaner but Not Clean—Why Scientists Say Natural Gas Won't Avert Climate Disaster*, Reuters (Aug. 18, 2020) (online at www.reuters.com/article/us-usa-gas-climatebox-explainer/explainer-cleaner-but-not-clean-why-scientists-say-natural-gas-wont-avert-climate-disaster-idUSKCN25E1DR).

³³ *Wanted: White House Seeks CEO Support for Climate Plan*, E&E News (Sept. 3, 2021) (online at www.eenews.net/articles/help-wanted-white-house-seeks-ceo-support-for-climate-plan/); American Petroleum Institute, *API Methane Fee Opposition Letter* (Sept. 7, 2021) (online at www.api.org/-/media/Files/News/2021/09/API-Methane-Fee-Opposition-Letter.pdf).

Requests for Information

As worsening natural disasters linked to global warming devastate communities in the United States and globally, one of Congress's top legislative priorities is combating the increasingly urgent crisis of a changing climate. To do this, Congress must address pollution caused by the fossil fuel industry and curb troubling business practices that lead to disinformation on these issues. In March 2021, the White House proposed an investment of close to \$2 trillion this decade through President Biden's American Jobs Plan, with more than half of the investments potentially used to address the climate crisis.³⁴ Congress is contemplating wide-ranging climate-change legislation in connection with the President's plan and beyond it.

To inform these efforts, our Committee is investigating the role of the fossil fuel industry and related entities in the unfolding crisis. In particular, we are seeking to understand API's role in contributing to climate change, and API's role in supporting disinformation or misleading the public to prevent action to address this global crisis.

In order to assist the Committee with this investigation, please produce the following documents and information by September 30, 2021. Unless otherwise specified, the applicable time period covered by these requests is from November 30, 2015, to the present.

1. All documents and communications sent, received, or created by key API leaders and executives, including the chief executive officer, members of the board, and the senior executives in charge of federal governmental affairs, U.S. public affairs, marketing and advertising, and public relations, relating to the following topics:
 - a. climate science, climate policy, or climate change;
 - b. clean energy;
 - c. the role of API, oil and gas companies, or the fossil fuel industry in causing, mitigating, or responding to climate change;
 - d. marketing, advertising, social media, or lobbying activities tending to influence public opinion on the issues described in Request 1(a)–(c), including communications with public relations firms or social media companies; and

³⁴ The White House, *Fact Sheet: The American Jobs Plan* (May 4, 2021) (online at www.whitehouse.gov/briefing-room/statements-releases/2021/03/31/fact-sheet-the-american-jobs-plan/); Center for Strategic and International Studies, *The American Jobs Plan Gets Serious About Infrastructure and Climate Change* (Apr. 2, 2021) (online at www.csis.org/analysis/american-jobs-plan-gets-serious-about-infrastructure-and-climate-change).

- e. communications with the federal government, including the White House and Congress, relating to any of the issues described in Request 1(a)–(c);
2. Documents sufficient to show the total amount and itemization of any direct or indirect funding provided by API to any employees, contractors, or entities, including funding that is subsequently distributed to other entities, relating to any of the issues described in Request 1(a)–(d), and, for any such funding provided by the company, documents sufficient to show:
 - a. what activity was funded; and
 - b. any results achieved;
3. All internal and external policy memos, data, talking points, communications, leave-behind materials, and other documents that API provided to Members of Congress, their staff members, or executive branch officials related to climate policy and legislation; and
4. Documents relating to API’s plan to reduce greenhouse gas emissions across the fossil fuel industry, including:
 - a. any feasibility, cost, financial, impact, or other analysis of the plan or initiative;
 - b. any documents or communications related to the implementation of the plan or initiative; and
 - c. any documents or communications discussing questions or concerns about the plan or any draft of the plan or initiative, including about its feasibility, cost, financing, or implementation.

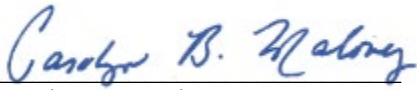
In addition, please confirm by September 23, 2021, that you will appear at the Committee’s hearing on October 28, 2021.

The enclosed Witness Instruction Sheet provides information for witnesses appearing before the Committee. Please note the procedures for submitting written testimony at least two business days prior to the hearing.

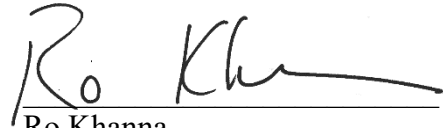
The Committee on Oversight and Reform is the principal oversight committee of the House of Representatives and has broad authority to investigate “any matter” at “any time” under House Rule X. An attachment to this letter provides additional instructions for responding to the Committee’s request. If you have any questions regarding this request, please contact Environment Subcommittee staff at (202) 225-5051.

Mr. Mike Sommers
Page 9

Sincerely,



Carolyn B. Maloney
Carolyn B. Maloney
Chairwoman
Committee on Oversight and Reform



Ro Khanna
Ro Khanna
Chairman
Subcommittee on Environment

Enclosure

cc: The Honorable James Comer, Ranking Member
Committee on Oversight and Reform

The Honorable Ralph Norman, Ranking Member
Subcommittee on Environment

Responding to Oversight Committee Document Requests

1. In complying with this request, 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. Produce all 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.
2. Requested documents, and all documents reasonably related to the requested documents, should not be destroyed, altered, removed, transferred, or otherwise made inaccessible to the Committee.
3. In the event that any entity, organization, or individual denoted in this request is or has been known by any name other than that herein denoted, the request shall be read also to include that alternative identification.
4. The Committee's preference is to receive documents in electronic form (i.e., CD, memory stick, thumb drive, or secure file transfer) in lieu of paper productions.
5. Documents produced in electronic format should be organized, identified, and indexed electronically.
6. 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, and no modifications should be made to the original metadata:

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.

7. 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, zip file, box, or folder is produced, each should contain an index describing its contents.
8. 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.
9. When you produce documents, you should identify the paragraph(s) or request(s) in the Committee's letter to which the documents respond.
10. The fact that any other person or entity also possesses non-identical or identical copies of the same documents shall not be a basis to withhold any information.
11. The pendency of or potential for litigation shall not be a basis to withhold any information.
12. In accordance with 5 U.S.C. § 552(d), the Freedom of Information Act (FOIA) and any statutory exemptions to FOIA shall not be a basis for withholding any information.
13. Pursuant to 5 U.S.C. § 552a(b)(9), the Privacy Act shall not be a basis for withholding information.
14. 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.
15. 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) every privilege asserted; (b) the type of document; (c) the general subject matter; (d) the date, author, addressee, and any other recipient(s); (e) the relationship of the author and addressee to each other; and (f) the basis for the privilege(s) asserted.
16. If any document responsive to this request was, but no longer is, in your possession, custody, or control, identify the document (by date, author, subject, and recipients), and explain the circumstances under which the document ceased to be in your possession, custody, or control.
17. 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, produce all documents that would be responsive as if the date or other descriptive detail were correct.

18. 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.
19. All documents shall be Bates-stamped sequentially and produced sequentially.
20. Two sets of each production 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 2105 of the Rayburn House Office Building.
21. Upon completion of the production, 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 that 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, data, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, communications, electronic mail (email), contracts, cables, notations of any type of conversation, telephone call, meeting or other inter-office or intra-office 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, mail, releases, electronic

message including email (desktop or mobile device), text message, instant message, MMS or SMS message, message application, 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 that might otherwise be construed to be outside its scope. The singular includes plural number, and vice versa. The masculine includes the feminine and neutral genders.
4. The term “including” shall be construed broadly to mean “including, but not limited to.”
5. The term “Company” means the named legal entity as well as any units, firms, partnerships, associations, corporations, limited liability companies, trusts, subsidiaries, affiliates, divisions, departments, branches, joint ventures, proprietorships, syndicates, or other legal, business or government entities over which the named legal entity exercises control or in which the named entity has any ownership whatsoever.
6. The term “identify,” when used in a question about individuals, means to provide the following information: (a) the individual’s complete name and title; (b) the individual’s business or personal address and phone number; and (c) any and all known aliases.
7. The term “related to” or “referring or relating to,” 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.
8. The term “employee” means any past or present agent, borrowed employee, casual employee, consultant, contractor, de facto employee, detailee, fellow, independent contractor, intern, joint adventurer, loaned employee, officer, part-time employee, permanent employee, provisional employee, special government employee, subcontractor, or any other type of service provider.
9. The term “individual” means all natural persons and all persons or entities acting on their behalf.

Committee on Oversight & Reform
Witness Instruction Sheet

1. Witnesses should provide their testimony, biography, and "Truth in Testimony" disclosure and certification form via email to Oversight_Clerks@mail.house.gov no later than 10:00 a.m. two business days prior to the hearing.
2. Witnesses should also provide a short biographical summary and include it with the electronic copy of testimony provided to the Clerk.
3. At the hearing, each witness will be asked to summarize his or her written testimony in five minutes or less in order to maximize the time available for discussion and questions. Written testimony will be entered into the hearing record and may extend to any reasonable length.
4. Written testimony will be made publicly available and will be posted on the Committee's website and the U.S. House of Representatives Document Repository. It is therefore recommended that personally identifiable information, such as addresses and phone numbers, not be included in the biographical information.
5. The Committee does not provide financial reimbursement for witness travel or accommodations. Witnesses with extenuating circumstances, however, may submit a written request for such reimbursements to Robin Butler, Financial Administrator, 2157 Rayburn House Office Building, at least one week prior to the hearing. Reimbursements will not be made without prior approval.
6. Witnesses with disabilities should contact Committee staff to arrange any necessary accommodations.
7. Please note that Committee Rule 16(b) requires counsel representing an individual or entity before the Committee or any of its subcommittees, whether in connection with a request, subpoena, or testimony, promptly submit a notice of appearance to the Committee. If this applies to you, please email the address above to acquire this form.

For inquiries regarding these rules and procedures, please contact the Committee on Oversight and Reform at (202) 225-5051.