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September 20, 2006

Mr. James L. Connaughton
Chairman
Council on Environmental Quality
722 Jackson Place, NW
Washington, DC 20503

Dear Chairman Connaughton:

This letter follows up on our letter of July 20, 2006, and subsequent communications between our staff regarding our request for documents in that letter. As you know, we asked the Council on Environmental Quality to provide the Committee with certain documents that would shed light on interactions between CEQ and other government agencies and outside parties relating to the Administration's position and public communications on climate science and related matters. To date, CEQ has provided us no documents other than documents CEQ had previously publicly released pursuant to Freedom of Information Act requests from environmental groups and other parties.

In a follow-up meeting of our staff on August 17, 2006, CEQ staff expressed reservations about the time and resources that would be required to provide the requested documents. In response, our staff sent you an e-mail on August 29, 2006, that significantly narrowed the scope of the original request and established priorities for document production.

In the August 17, 2006 meeting, CEQ staff emphasized that responding to the original document request would require a large and time-consuming search of e-mail databases and other sources. To accommodate this concern, our staff asked that CEQ first provide to the Committee a copy of the documents that CEQ had already assembled and released under the Freedom of Information Act. After reviewing those documents, staff requested the unredacted version of those documents in an August 28, 2006 e-mail. Complying with this request should have been simple and expeditious since it required no new searches by CEQ.

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In the August 29, 2006 e-mail, we also narrowed our original request to documents involving only seven individuals currently or previously employed by CEQ. CEQ has not provided an organization chart listing all of its staff, past and present, involved with climate change issues, as our staff requested on August 18, and again in the August 28, 2006 e-mail. Nevertheless, our understanding is that there are many additional staff, including the General Counsel, Deputy General Counsel, a former Chief of Staff, congressional liaisons, and likely others, who have handled or currently handle climate change issues but were not included in our narrowed request.

On September 12, 2006, we received a letter from Edward Boling, the Deputy General Counsel for CEQ. In that letter, Mr. Boling objected to providing the unredacted FOIA documents on the grounds that it would require a review of "hundreds of pages" and would involve "deliberative process" materials. In addition, Mr. Boling expressed concern that the central request remained too broad and burdensome. His letter called upon the Committee to "identify any specific Administration position or public communication that provides a basis for the Committee's request," prior to CEQ beginning a document search.

We do not accept Mr. Boling's rationale for the delay in providing the unredacted FOIA documents. Congress does not recognize deliberative process as a basis for withholding information and could not provide effective oversight without access to deliberative materials. For this reason, we insist that you provide two sets of unredacted copies of these documents by October 3, 2006.

Our letter of July 20, 2006 enunciated the basis for the Committee's request and clearly laid out the scope of the request. No further explanation should be necessary for CEQ to conduct a search for these documents. Nevertheless, in an effort to reach an accommodation, we are willing to further narrow the request by dropping our requests for items (4) and (5) in our initial July 20, 2006 letter, which were the two broadest components of that request. Of course, we reserve the right to renew a request for these materials should future developments warrant it.

As revised in the August 29, 2006 e-mail and in this letter, our request is that you provide to the Committee all communications and other documents that (a) were sent to or generated by, reference, or are in the electronic or paper files of any of the following individuals: James L. Connaughton, Phillip Cooney, Bryan Hannegan, Marty Hall, Kenneth L. Peel, Bill Holbrook, or Michele St. Martin; and that (b) relate to:

- (1) Mr. Cooney's activities related to climate change;
- (2) CEQ's review of and suggested edits to materials produced by other federal agencies regarding climate change; or

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- (3) Efforts by CEQ to manage or influence statements made by government scientists or experts to representatives of media regarding climate change.

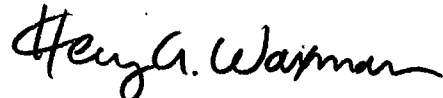
We understand that performing e-mail searches may take some time. As such, please provide two sets of these documents to us on a rolling basis, rather than waiting to provide us with a complete production. Please begin this production by October 9, 2006, with a completion date of October 23, 2006.

Thank you for your assistance in this matter.

Sincerely,



Tom Davis
Chairman



Henry A. Waxman
Ranking Member