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DOCUMENT NO.	FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
001	Draft	[Draft] [1 PAGE RELEASED IN WHOLE ON PRA RE-REVIEW 09/17/2025 JLS] - To: Chairman Lieberman	1	05/2002	
002	Draft	[Draft] [2 PAGES RELEASED IN WHOLE ON PRA RE-REVIEW 09/17/2025 JLS] - To: Chairman Lieberman	2	05/2002	
003	Draft	[Draft] [2 PAGES RELEASED IN WHOLE ON PRA RE-REVIEW 09/17/2025 JLS] - To: Alberto Gonzales - From: Chairman Lieberman	2	05/2002	
004	Outline	[Outline] [2 PAGES RELEASED IN WHOLE ON PRA RE-REVIEW 09/17/2025 JLS]	2	05/14/2002	
005	Form	[Form] [1 PAGE RELEASED IN WHOLE ON PRA RE-REVIEW 09/17/2025 JLS]	1	N.D.	

COLLECTION TITLE:

Counsel's Office, White House

SERIES:

Kavanaugh, Brett - Subject Files

FOLDER TITLE:

Enron - Subpoena [2]

FRC ID:

9805

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

Deed of Gift Restrictions

- A. Closed by Executive Order 13526 governing access to national security information.
- B. Closed by statute or by the agency which originated the document.
- C. Closed in accordance with restrictions contained in donor's deed of gift.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
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- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

Records Not Subject to FOIA

Court Sealed - The document is withheld under a court seal and is not subject to the Freedom of Information Act.

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006	Outline	[Procedures] [3 PAGES RELEASED IN WHOLE ON PRA RE-REVIEW 09/17/2025 JLS]	3	06/2002	
007	Report	Instructions [5 PAGES RELEASED IN WHOLE ON PRA RE-REVIEW _____]	5	05/23/2002	

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SUPERSEDED

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002	Draft	[Draft] - To: Chairman Lieberman	2	05/2002	P5;
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004	Outline	[Outline]	2	05/14/2002	P5;
005	Form	[Form]	1	N.D.	P5;
006	Outline	[Procedures]	3	06/2002	P5;
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RICHARD A. HERTLING, MINORITY STAFF DIRECTOR

United States Senate

COMMITTEE ON
GOVERNMENTAL AFFAIRS

WASHINGTON, DC 20510-6250

FAX TRANSMITTAL

Phone: (202) 224-4751

Fax (202) 224-9603

TO: Brad BerensonFR: Richard Hertling

Date: _____ Time: _____

Number of pages to follow: _____

Message: OPIC and Ex-lm letters. Sorry, Bill forgot to
fax them to you. Note no press release was put out when
we sent these, so their existence is not generally known.

JOSEPH I. LIEBERMAN, CONNECTICUT, CHAIRMAN

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RICHARD A. HEITLING, MINORITY STAFF DIRECTOR

United States Senate

COMMITTEE ON
GOVERNMENTAL AFFAIRS

WASHINGTON, DC 20510-6250

April 19, 2002

The Honorable Peter S. Watson
President and Chief Executive Officer
Overseas Private Investment Corp.
1100 New York Avenue, NW
Washington, DC 20527

Dear Mr. Watson:

The collapse of Enron Corporation has served as a wake-up call for the nation's employees, investors, and its governmental leadership. When Enron filed for bankruptcy in December 2001, it marked the largest corporate failure in United States history. It is not merely the magnitude of the collapse that makes Enron's failure a matter of significant public concern. Rather, what is particularly troubling is the extent to which Enron's unraveling appeared to catch the regulatory and financial communities unaware.

The rapid collapse of what was once ranked as the nation's seventh largest company demands public scrutiny. Given Enron's size, its bankruptcy financially imperils thousands of employees, as well as a far broader universe of shareholders and taxpayers. Just as importantly, it threatens to undermine public confidence in the market system, which depends on investors buying and selling equities and debt based on honest reporting and fair appraisals of a company's financial condition.

Pursuant to its jurisdiction to investigate the efficiency and economy of operations of all branches of the government (S. Res. 54, 107th Congress), the Senate Committee on Governmental Affairs is seeking answers to a number of questions generated by the collapse of Enron. The Committee is trying to find out whether the various federal agencies charged with overseeing or regulating part of Enron's business could have done something to detect or prevent the problems that led to the company's downfall and the losses of thousands of jobs and billions of investors' and employees' dollars. To that end, the Committee has solicited relevant information from a number of federal agencies. In addition, the Committee is interested in learning whether agencies that provided or guaranteed loans or provided insurance to Enron exercised an appropriate level of oversight in making such resources available to Enron.

With regard to the Overseas Private Investment Corporation ("OPIC"), the Committee seeks the information outlined below. Please interpret the term "OPIC" to include any officer, member of the board of directors, or employee of OPIC. Please interpret the term "Enron" to include Enron Corp., Enron Capital Trust I, and Enron Capital Trust II; their officers, directors,

employees, and representatives, including anyone purporting to act on their behalf; and each of their affiliates, subsidiaries, partnerships, special purpose entities, joint ventures, trusts or any other entity in which Enron Corp., Enron Capital Trust I, or Enron Capital Trust II is or was a shareholder, partner, investor, trustee, or member. In addition, please interpret the term "communications" to mean all communications, whether written, oral, electronic, in-person, or by any other means. Finally, when identifying individuals in response to these questions, please give their full name, title, and the company, agency, or OPIC division for which they work(ed).

- 1) Please identify all transactions in which OPIC loaned funds or guaranteed a loan to Enron since January 1, 1992. For each such loan or loan guarantee, please list:
 - a) the date Enron applied to OPIC for the loan or loan guarantee;
 - b) a description of the project for which Enron sought the loan or loan guarantee;
 - c) the date OPIC approved the loan or loan guarantee;
 - d) the date OPIC disbursed the loan or loan guarantee;
 - e) whether OPIC waived any conditions precedent of the loan or loan guarantee approval prior to disbursement;
 - f) whether OPIC agreed to any changes in the loan or loan guarantee subsequent to its approval;
 - g) the amount of the loan or loan guarantee;
 - h) the amount remaining to be repaid;
 - i) the entity to which the loan was made;
 - j) the security provided or whether the loans were unsecured;
 - k) any missed or late payments.
- 2) For each loan or loan guarantee listed in response to Question 1, please list and briefly describe any documents, materials, or other information that Enron submitted as part of or subsequent to each separate loan or loan-guarantee application.
- 3) For each loan or loan guarantee listed in response to Question 1, please describe in detail the process by which OPIC reviewed each individual loan or loan-guarantee application and please list any OPIC director, officer or employee who reviewed, evaluated, or considered in any way each such application. In addition, please describe the normal process by which loan applications are reviewed, evaluated and considered by OPIC.
- 4) For each loan or loan guarantee listed in response to Question 1, please list and describe any meeting(s) or communications between OPIC directors, officers, or employees and any other person outside the federal government, in which the loan or loan guarantee was discussed. Include the date of any such meeting(s) or communications, all participants, and the method of communication.
- 5) For each such loan or loan guarantee listed in response to Question 1, please indicate whether any OPIC director(s), officer(s), or employee(s) ever raised any concerns about Enron's financial condition, its accounting procedures, the transparency and viability of

its business model, or future financial viability or whether any other person or entity ever raised such concerns to OPIC. If any such concern was ever raised, please identify the person or entity who raised the concern, the date on which the concern was raised, the person to whom the concern was raised, and describe what action was taken as a result of the concern being raised.

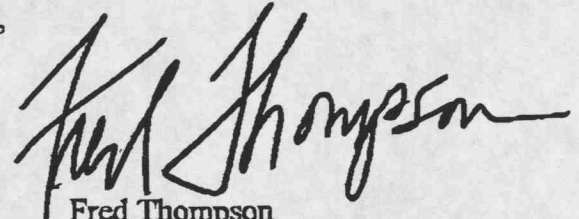
- 6) Please identify all transactions in which Enron applied for a loan or loan guarantee from OPIC since January 1, 1992, which is still pending with OPIC or for which OPIC denied the application. For each such loan or loan guarantee application, please list:
 - a) the date Enron applied to OPIC for the loan or loan guarantee;
 - b) a description of the project for which Enron sought the loan or loan guarantee;
 - c) the amount of the requested loan or loan guarantee;
 - d) the date OPIC turned down or otherwise rejected the loan or loan guarantee;
 - e) the reason OPIC turned down or otherwise rejected the loan or loan guarantee;
 - f) the entity for which the loan was denied or is still pending;
 - g) the current status of any pending application including when a decision is anticipated.
- 7) For each loan or loan guarantee application listed in response to Question 6, please list and briefly describe any documents, materials, or other information that Enron submitted as part of or subsequent to each separate loan or loan-guarantee application.
- 8) For each loan or loan guarantee application listed in response to Question 6, please describe in detail the process by which OPIC reviewed each individual loan or loan-guarantee application and please list any OPIC director, officer, or employee who reviewed, evaluated, or considered in any way each such application.
- 9) For each loan or loan guarantee application listed in response to Question 6, please list and describe any meeting(s) or communications between OPIC directors, officers, or employees and any other person outside the federal government, in which the loan or loan guarantee was discussed. Include the date of any such meeting(s) or communications, all participants, and the method of communication.
- 10) For each such loan or loan guarantee application listed in response to Question 6, please indicate whether any OPIC director(s), officer(s), or employee(s) ever raised any concerns about Enron's financial condition, its accounting procedures, the transparency and viability of its business model, or future financial viability or whether any other person or entity ever raised such concerns to OPIC. If any such concern was ever raised, please identify the person or entity who raised the concern, the date on which the concern was raised, the person to whom the concern was raised, and describe what action was taken as a result of the concern being raised.

- 11) Please identify all transactions in which OPIC insured a project sponsored by Enron since January 1, 1992. For each such insurance policy, please list:
- a) the date Enron applied to OPIC for the insurance;
 - b) the nature of the project for which Enron sought the insurance;
 - c) the nature and type of insurance sought by Enron;
 - d) the date OPIC approved the application;
 - e) the value of the insurance and the amount of OPIC's potential exposure;
 - f) any claim that Enron has made to OPIC under the policy;
 - g) the entity to which the policy was granted;
 - h) the resolution or status on claims Enron has made to OPIC under the policy.
- 12) For each insurance policy listed in response to Question 11, please list and briefly describe any documents, materials, or other information that Enron submitted as part of or subsequent to each separate application for insurance.
- 13) For each insurance policy listed in response to Question 11, please describe in detail the process by which OPIC reviewed the insurance applications and please list any OPIC director, official, or employee who reviewed, evaluated, or considered in any way each such application. In addition, please describe the normal process by which insurance applications are reviewed, evaluated and considered by OPIC.
- 14) For each insurance policy listed in response to Question 11, please list and describe any meeting(s) or communications between OPIC directors, officers, or employees and any other person outside the federal government, in which the loan or loan guarantee was discussed. Include the date of any such meeting(s) or communications, all participants, and the method of communication.
- 15) For each such insurance policy listed in response to Question 11, please indicate whether any OPIC director(s), officer(s), or employee(s) ever raised any concerns about Enron's financial condition, its accounting procedures, the transparency and viability of its business model, or future financial viability or whether any person or entity ever raised such concerns to OPIC. If any such concern was ever raised, please identify the person or entity who raised the concern, the date on which the concern was raised, the person to whom the concern was raised, and describe what action was taken as a result of the concern being raised.
- 16) Please identify all transactions in which Enron applied for insurance from OPIC since January 1, 1992, which is still pending with OPIC or for which OPIC denied the application. For each such insurance application, please list:
- a) the date Enron applied to OPIC for the insurance;

- b) the nature of the project for which Enron sought the insurance;
 - c) the nature and type of insurance sought by Enron;
 - d) the date OPIC denied the application;
 - e) the reason OPIC denied the application;
 - f) the entity for which the application was denied or is still pending
 - g) the current status of any pending application including when a decision is anticipated.
- 17) For each insurance application listed in response to Question 16, please list and briefly describe any documents, materials, or other information that Enron submitted as part of or subsequent to each separate insurance application.
- 18) For each insurance application listed in response to Question 16, please describe in detail the process by which OPIC reviewed each individual insurance application and please list any OPIC official or employee who reviewed, evaluated, or considered in any way each such application.
- 19) For each insurance application listed in response to Question 16, please list and describe any meeting(s) or communications between OPIC directors, officers, or employees and any other person outside the federal government, in which the insurance application was discussed. Include the date of any such meeting(s) or communications, all participants, and the method of communication.
- 20) For each such insurance application listed in response to Question 16, please indicate whether any OPIC director(s), officer(s), or employee(s) ever raised any concerns about Enron's financial condition, its accounting procedures, the transparency and viability of its business model, or future financial viability or whether any other person or entity ever raised such concerns to OPIC. If any such concern was ever raised, please identify the person or entity who raised the concern, the date on which the concern was raised, the person to whom the concern was raised, and describe what action was taken as a result of the concern being raised.
- 21) Please list all communications between OPIC, its directors, officers, and employees, and all other federal agencies or departments and their officers and employees from January 1, 1992 to December 2, 2001 concerning any approved or pending application for financing or insurance or any other transaction specifically referring or relating to Enron. For each such communication, please identify:
- a) who sent the communication;
 - b) who received the communication;
 - c) the date of the communication;
 - d) the subject matter of the communication;
 - e) any action taken in response to or as a result of the communication; and
 - f) for any meetings responsive to this request, the date of the meeting and all those who attended the meeting.

The Committee would appreciate your prompt attention to this request, but in any event requests a response no later than May 3, 2002. Should you believe that your response to this letter will require the disclosure of confidential information, please let us know in advance of this date so that we may determine whether alternate arrangements for response and production are appropriate. Please contact Beth Grossman of Senator Lieberman's staff at (202) 224-2627 and Bill Outhier of Senator Thompson's staff at (202) 224-4751 if you have any questions regarding this request and in response to this request.

Sincerely,

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

Fred Thompson
Ranking Minority Member

Joseph I. Lieberman
Chairman

JOSEPH I. LIEBERMAN, CONNECTICUT, CHAIRMAN

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United States Senate

COMMITTEE ON
 GOVERNMENTAL AFFAIRS

WASHINGTON, DC 20510-6250

April 19, 2002

The Honorable Eduardo Aguirre
 Vice Chairman and First Vice President
 Export-Import Bank of the United States
 811 Vermont Avenue, N.W.
 Washington, D.C. 20571-0002

Dear Mr. Aguirre:

The collapse of Enron Corporation has served as a wake-up call for the nation's employees, investors, and its governmental leadership. When Enron filed for bankruptcy in December 2001, it marked the largest corporate failure in United States history. It is not merely the magnitude of the collapse that makes Enron's failure a matter of significant public concern. Rather, what is particularly troubling is the extent to which Enron's unraveling appeared to catch the regulatory and financial communities unaware.

The rapid collapse of what was once ranked as the nation's seventh largest company demands public scrutiny. Given Enron's size, its bankruptcy financially imperils thousands of employees, as well as a far broader universe of shareholders and taxpayers. Just as importantly, it threatens to undermine public confidence in the market system, which depends on investors buying and selling equities and debt based on honest reporting and fair appraisals of a company's financial condition.

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With regard to the Export-Import Bank ("Ex-Im"), the Committee seeks the information outlined below. Please interpret the term "Ex-Im" to include any officer, member of the board of directors, or employee of Ex-Im. Please interpret the term "Enron" to include Enron Corp., Enron Capital Trust I, and Enron Capital Trust II; their officers, directors, employees, and

representatives, including anyone purporting to act on their behalf; and each of their affiliates, subsidiaries, partnerships, special purpose entities, joint ventures, trusts or any other entity in which Enron Corp., Enron Capital Trust I, or Enron Capital Trust II is or was a direct or indirect shareholder, partner, investor, trustee, or member, or has or had any other type of ownership interest. In addition, please interpret the term "communications" to mean all communications, whether written, oral, electronic, in-person, or by any other means. Finally, when identifying individuals in response to these questions, please give their full name, title, and the company, agency, or Ex-Im division for which they work(ed).

- 1) Please identify all transactions in which Ex-Im loaned funds or guaranteed a loan to Enron since January 1, 1992. For each such loan or loan guarantee, please list:
 - a) the date Enron applied to Ex-Im for the loan or loan guarantee;
 - b) a description of the project for which Enron sought the loan or loan guarantee;
 - c) the date Ex-Im approved the loan or loan guarantee;
 - d) the date Ex-Im disbursed the loan or loan guarantee;
 - e) whether Ex-Im waived any conditions precedent of the loan or loan guarantee approval prior to disbursement;
 - f) whether Ex-Im agreed to any changes in the loan or loan guarantee subsequent to its approval;
 - g) the amount of the loan or loan guarantee;
 - h) the amount remaining to be repaid;
 - i) the entity to which the loan was made;
 - j) the security provided or whether the loans were unsecured;
 - k) any missed or late payments.
- 2) For each loan or loan guarantee listed in response to Question 1, please list and briefly describe any documents, materials, or other information that Enron submitted as part of or subsequent to each separate loan or loan-guarantee application.
- 3) For each loan or loan guarantee listed in response to Question 1, please describe in detail the process by which Ex-Im reviewed each individual loan or loan-guarantee application and please list any Ex-Im director, officer or employee who reviewed, evaluated, or considered in any way each such application. In addition, please describe the normal process by which loan applications are reviewed, evaluated and considered by Ex-Im.
- 4) For each loan or loan guarantee listed in response to Question 1, please list and describe any meeting(s) or communications between Ex-Im directors, officers, or employees and any other person outside the federal government, in which the loan or loan guarantee was discussed. Include the date of any such meeting(s) or communications, all participants, and the method of communication.
- 5) For each such loan or loan guarantee listed in response to Question 1, please indicate whether any Ex-Im director(s), officer(s), or employee(s) ever raised any concerns about

Enron's financial condition, its accounting procedures, the transparency and viability of its business model, or future financial viability or whether any other person or entity ever raised such concerns to Ex-Im. If any such concern was ever raised, please identify the person or entity who raised the concern, the date on which the concern was raised, the person to whom the concern was raised, and describe what action was taken as a result of the concern being raised.

- 6) Please identify all transactions in which Enron applied for a loan or loan guarantee from Ex-Im since January 1, 1992, which is still pending with Ex-Im or for which Ex-Im denied the application. For each such loan or loan guarantee application, please list:
 - a) the date Enron applied to Ex-Im for the loan or loan guarantee;
 - b) a description of the project for which Enron sought the loan or loan guarantee;
 - c) the amount of the requested loan or loan guarantee;
 - d) the date Ex-Im turned down or otherwise rejected the loan or loan guarantee;
 - e) the reason Ex-Im turned down or otherwise rejected the loan or loan guarantee;
 - f) the entity for which the loan was denied or is still pending;
 - g) the current status of any pending application including when a decision is anticipated.
- 7) For each loan or loan guarantee application listed in response to Question 6, please list and briefly describe any documents, materials, or other information that Enron submitted as part of or subsequent to each separate loan or loan-guarantee application.
- 8) For each loan or loan guarantee application listed in response to Question 6, please describe in detail the process by which Ex-Im reviewed each individual loan or loan-guarantee application and please list any Ex-Im director, officer, or employee who reviewed, evaluated, or considered in any way each such application.
- 9) For each loan or loan guarantee application listed in response to Question 6, please list and describe any meeting(s) or communications between Ex-Im directors, officers, or employees and any other person outside the federal government, in which the loan or loan guarantee was discussed. Include the date of any such meeting(s) or communications, all participants, and the method of communication.
- 10) For each such loan or loan guarantee application listed in response to Question 6, please indicate whether any Ex-Im director(s), officer(s), or employee(s) ever raised any concerns about Enron's financial condition, its accounting procedures, the transparency and viability of its business model, or future financial viability or whether any other person or entity ever raised such concerns to Ex-Im. If any such concern was ever raised, please identify the person or entity who raised the concern, the date on which the concern was raised, the person to whom the concern was raised, and describe what action was

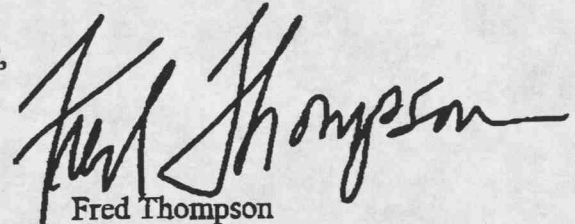
taken as a result of the concern being raised.

- 11) Please identify all transactions in which Ex-Im insured a project sponsored by Enron since January 1, 1992. For each such insurance policy, please list:
 - a) the date Enron applied to Ex-Im for the insurance;
 - b) the nature of the project for which Enron sought the insurance;
 - c) the nature and type of insurance sought by Enron;
 - d) the date Ex-Im approved the application;
 - e) the value of the insurance and the amount of Ex-Im's potential exposure;
 - f) any claim that Enron has made to Ex-Im under the policy;
 - g) the entity to which the policy was granted;
 - h) the resolution or status on claims Enron has made to Ex-Im under the policy.
- 12) For each insurance policy listed in response to Question 11, please list and briefly describe any documents, materials, or other information that Enron submitted as part of or subsequent to each separate application for insurance.
- 13) For each insurance policy listed in response to Question 11, please describe in detail the process by which Ex-Im reviewed the insurance applications and please list any Ex-Im director, official, or employee who reviewed, evaluated, or considered in any way each such application. In addition, please describe the normal process by which insurance applications are reviewed, evaluated and considered by Ex-Im.
- 14) For each insurance policy listed in response to Question 11, please list and describe any meeting(s) or communications between Ex-Im directors, officers, or employees and any other person outside the federal government, in which the loan or loan guarantee was discussed. Include the date of any such meeting(s) or communications, all participants, and the method of communication.
- 15) For each such insurance policy listed in response to Question 11, please indicate whether any Ex-Im director(s), officer(s), or employee(s) ever raised any concerns about Enron's financial condition, its accounting procedures, the transparency and viability of its business model, or future financial viability or whether any person or entity ever raised such concerns to Ex-Im. If any such concern was ever raised, please identify the person or entity who raised the concern, the date on which the concern was raised, the person to whom the concern was raised, and describe what action was taken as a result of the concern being raised.
- 16) Please identify all transactions in which Enron applied for insurance from Ex-Im since January 1, 1992, which is still pending with Ex-Im or for which Ex-Im denied the application. For each such insurance application, please list:

- a) the date Enron applied to Ex-Im for the insurance;
 - b) the nature of the project for which Enron sought the insurance;
 - c) the nature and type of insurance sought by Enron;
 - d) the date Ex-Im denied the application;
 - e) the reason Ex-Im denied the application;
 - f) the entity for which the application was denied or is still pending;
 - g) the current status of any pending application including when a decision is anticipated.
- 17) For each insurance application listed in response to Question 16, please list and briefly describe any documents, materials, or other information that Enron submitted as part of or subsequent to each separate insurance application.
- 18) For each insurance application listed in response to Question 16, please describe in detail the process by which Ex-Im reviewed each individual insurance application and please list any Ex-Im official or employee who reviewed, evaluated, or considered in any way each such application.
- 19) For each insurance application listed in response to Question 16, please list and describe any meeting(s) or communications between Ex-Im directors, officers, or employees and any other person outside the federal government, in which the insurance application was discussed. Include the date of any such meeting(s) or communications, all participants, and the method of communication.
- 20) For each such insurance application listed in response to Question 16, please indicate whether any Ex-Im director(s), officer(s), or employee(s) ever raised any concerns about Enron's financial condition, its accounting procedures, the transparency and viability of its business model, or future financial viability or whether any other person or entity ever raised such concerns to Ex-Im. If any such concern was ever raised, please identify the person or entity who raised the concern, the date on which the concern was raised, the person to whom the concern was raised, and describe what action was taken as a result of the concern being raised.
- 21) Please list all communications between Ex-Im, its directors, officers, and employees, and all other federal agencies or departments and their officers and employees from January 1, 1992 to December 2, 2001 concerning any approved or pending application for financing or insurance or any other transaction specifically referring or relating to Enron. For each such communication, please identify:
- a) who sent the communication;
 - b) who received the communication;
 - c) the date of the communication;
 - d) the subject matter of the communication;
 - e) any action taken in response to or as a result of the communication; and
 - f) for any meetings responsive to this request, the date of the meeting and all those whose attended the meeting.

The Committee would appreciate your prompt attention to this request, but in any event requests a response no later than May 3, 2002. Should you believe that your response to this letter will require the disclosure of confidential information, please let us know in advance of this date so that we may determine whether alternate arrangements for response and production are appropriate. Please contact Beth Grossman of Senator Lieberman's staff at (202) 224-2627 and Bill Outhier of Senator Thompson's staff at (202) 224-4751 if you have any questions regarding this request and in response to this request.

Sincerely,

A handwritten signature in dark ink, appearing to read "Fred Thompson", with a stylized, cursive script.

Fred Thompson
Ranking Minority Member

Joseph I. Lieberman
Chairman

JOSEPH I. LIEBERMAN, CONNECTICUT, CHAIRMAN

CARL LEVIN, MICHIGAN
 DANIEL K. AKAKA, HAWAII
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 THAD COCHRAN, MISSISSIPPI
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JOYCE A. RECHTSCHAFEN, STAFF DIRECTOR AND COUNSEL
 HANNAH S. SISTAR, MINORITY STAFF DIRECTOR AND COUNSEL

United States Senate

COMMITTEE ON
 GOVERNMENTAL AFFAIRS

WASHINGTON, DC 20510-6250

April 22, 2002

The Honorable Peter S. Watson
 President and Chief Executive Officer
 Overseas Private Investment Corporation
 1100 New York Avenue, NW
 Washington, DC 20527

Dear Mr. Watson:

By letter dated April 19, 2002, the Senate Governmental Affairs Committee requested certain information from the Overseas Private Investment Corporation (OPIC). The information was sought as part of the Committee's ongoing investigation into the collapse of Enron Corporation and the actions of various federal agencies that were charged with overseeing or regulating part of Enron's business or that provided loans, insurance or other financial assistance to Enron. Pursuant to its jurisdiction to investigate the efficiency and economy of operations of all branches of the government (S. Res. 54, 107th Congress), the Committee now seeks the additional information set forth below.

Please interpret the term "OPIC" to include any officer, member of the board of directors, or employee of OPIC, and please interpret the term "Executive Office of the President" to include the Executive Office of the President and all of its units and all of their officials, employees and representatives, including the President and Vice President of the United States. Please interpret the term "Enron" to include Enron Corp., Enron Capital Trust I, and Enron Capital Trust II; their officers, directors, employees, and representatives, including anyone purporting to act on their behalf; and each of their affiliates, subsidiaries, partnerships, special purpose entities, joint ventures, trusts or any other entity in which Enron Corp., Enron Capital Trust I, or Enron Capital Trust II is or was a shareholder, partner, investor, trustee, or member. In addition, please interpret the term "communications" to mean all communications, whether written, oral, electronic, in-person, or by any other means. Finally, when identifying individuals in response to these questions, please give their full name, title, and the company, agency, or OPIC division for which they work(ed).

Please list all communications between OPIC and other federal departments or agencies or the Executive Office of the President from January 1, 1992 to December 2, 2001 referring or relating to Enron. For each such communication, please identify:

The Honorable Peter S. Watson
Page 2

- a) who sent the communication
- b) who received the communication
- c) the date of the communication
- d) the subject matter of the communication
- e) any action taken in response to the communication
- f) for any meetings responsive to this request, the date of the meeting and all those who attended the meeting.

You need not include communications previously listed in your response to paragraph 21 of the Committee's letter of April 19, 2002.

The Committee would appreciate your prompt attention to this request, but in any event seeks a response no later than May 6, 2002. Should you believe that your response to this letter will require the disclosure of confidential information, please let us know in advance of this date so that we may determine whether alternate arrangements for production are appropriate. Please contact Beth Grossman of my staff at (202) 224-2627 in response to this request.

Sincerely,



Joseph I. Lieberman
Chairman

JOSEPH I. LIEBERMAN, CONNECTICUT, CHAIRMAN

CARL LEVIN, MICHIGAN
 DANIEL K. AKAKA, HAWAII
 RICHARD J. DURBIN, ILLINOIS
 ROBERT G. TORRICELLI, NEW JERSEY
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 JIM BUNNING, KENTUCKY

JOYCE A. RECHTSCHAFFEN, STAFF DIRECTOR AND COUNSEL
 HANNAH S. SISTARE, MINORITY STAFF DIRECTOR AND COUNSEL

United States Senate

COMMITTEE ON
 GOVERNMENTAL AFFAIRS

WASHINGTON, DC 20510-6250

April 22, 2002

The Honorable Eduardo Aguirre
 Vice Chairman and First Vice President
 Export-Import Bank of the United States
 811 Vermont Avenue, N.W.
 Washington, D.C. 20571-0002

Dear Mr. Aguirre:

By letter dated April 19, 2002, the Senate Governmental Affairs Committee requested certain information from the Export-Import Bank (Ex-Im). The information was sought as part of the Committee's ongoing investigation into the collapse of Enron Corporation and the actions of various federal agencies that were charged with overseeing or regulating part of Enron's business or that provided loans, insurance or other financial assistance to Enron. Pursuant to its jurisdiction to investigate the efficiency and economy of operations of all branches of the government (S. Res. 54, 107th Congress), the Committee now seeks the additional information set forth below.

Please interpret the term "Ex-Im" to include any officer, member of the board of directors, or employee of Ex-Im, and please interpret the term "Executive Office of the President" to include the Executive Office of the President and all of its units and all of their officials, employees and representatives, including the President and Vice President of the United States. Please interpret the term "Enron" to include Enron Corp., Enron Capital Trust I, and Enron Capital Trust II; their officers, directors, employees, and representatives, including anyone purporting to act on their behalf; and each of their affiliates, subsidiaries, partnerships, special purpose entities, joint ventures, trusts or any other entity in which Enron Corp., Enron Capital Trust I, or Enron Capital Trust II is or was a shareholder, partner, investor, trustee, or member. In addition, please interpret the term "communications" to mean all communications, whether written, oral, electronic, in-person, or by any other means. Finally, when identifying individuals in response to these questions, please give their full name, title, and the company, agency, or Ex-Im division for which they work(ed).

Please list all communications between Ex-Im and other federal departments or agencies or the Executive Office of the President from January 1, 1992 to December 2, 2001 referring or relating to Enron. For each such communication, please identify:

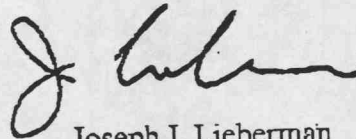
The Honorable Eduardo Aguirre
Page 2

- a) who sent the communication
- b) who received the communication
- c) the date of the communication
- d) the subject matter of the communication
- e) any action taken in response to the communication
- f) for any meetings responsive to this request, the date of the meeting and all those who attended the meeting.

You need not include communications previously listed in your response to paragraph 21 of the Committee's letter of April 19, 2002.

The Committee would appreciate your prompt attention to this request, but in any event seeks a response no later than May 6, 2002. Should you believe that your response to this letter will require the disclosure of confidential information, please let us know in advance of this date so that we may determine whether alternate arrangements for production are appropriate. Please contact Beth Grossman of my staff at (202) 224-2627 in response to this request.

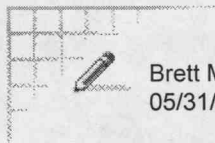
Sincerely,



Joseph I. Lieberman
Chairman

Brett

Document Originally
Attached to
Following Page



Brett M. Kavanaugh
05/31/2002 06:32:07 PM

Record Type: Record

To: See the distribution list at the bottom of this message
cc: H. Christopher Bartolomucci/WHO/EOP@EOP, Bradford A. Berenson/WHO/EOP@EOP
Subject: DRAFT letter

Chris, Brad, and I have reviewed. An issue near the end to discuss.



lieberman letter 5 31 02 #2.do

DRAFT
5/31
5:45 P.M.

May __, 2002

Dear Chairman Lieberman:

As you know, I have indicated to you repeatedly since we first talked that the White House will cooperate with the Committee's investigation. To that end, we have devoted significant time and resources to gathering information for the Committee and, as a matter of comity, have already transmitted significant relevant information to the Committee. Our extensive inquiries still continue to disclose no instance in which Enron approached any person in the Executive Office of the President or the Office of the Vice President seeking help in connection with Enron's financial difficulties prior to bankruptcy. In addition, the communications we have identified thus far reflect only appropriate and responsible actions by government officials. And you also stated at the May 22 hearing that you are "making no accusation about the conduct of anyone in the White House."

While we believed your decision to issue a subpoena for documents to be both premature and unwarranted, we have nonetheless taken substantial additional steps to gather documents that are responsive. Over the past week, EOP and OVP employees have spent significant time searching for, gathering, and copying additional records. And members of my staff have devoted substantial time to reviewing records for responsiveness and other issues.

As we informed your staff on several occasions in the past two days, we fully intend to begin producing documents on Monday, June 3, consistent with the return date you had specified. We must ensure, however, that the Committee, consistent with its past bipartisan practices, will employ appropriate procedures to protect the security and confidentiality of EOP

and OVP documents. We therefore informed Committee staff ~~earlier this week~~ that we expect the Committee to employ the same document protocols that the Committee (then chaired by Senator Thompson) had employed in 1997 with respect to White House documents received from President Clinton's Administration. I have attached a copy of these protocols for your convenience.

Today, however, Committee staff informed us that you would not agree to abide by the Committee's own procedures, procedures that were applied to President Clinton in 1997. Rather, we understand that you seek, among other changes, the freedom to publicly release documents whenever you alone see fit to do so, notwithstanding that the 1997 protocols required the concurrence of the Chairman *and* Ranking Member, after advance ~~notice to~~ the Counsel to the President, before such public release could occur. We also understand that you are objecting to the concept of secure rooms for storage of EOP and OVP documents despite the fact that the Committee used such procedures in its 1997 investigation. What is more, we also understand that you wish to allow a large number of Committee *and* non-Committee staff to have access to the documents, notwithstanding that the 1997 protocols established that only a limited number of designated Committee staff could have access to documents.

We respectfully do not understand ~~your~~ ^{the Committee} staff's refusal to accept the sensible procedures that the Committee under Senator Thompson employed in 1997. We wish to produce documents to the Committee with a minimum of redaction in order to both meet the Committee's exceptionally short return date and to facilitate the Committee's review. Doing so will, however, oblige us to furnish to the Committee documents that contain, among other things, dozens of Social Security numbers and birthdates, the e-mail addresses of high government officials, conference call dial-in numbers on the White House exchange, and extensive communications within the executive branch that are not suitable for public disclosure. Absent the protections agreed to during the Clinton Administration to protect White House records, production of such material would present serious risks of invasion of privacy, identity theft, and impairment of the effective functioning of the executive branch of government.

Accordingly, I respectfully urge to ^{se} reconsider your willingness to employ the ~~existing~~ procedures. If the Committee agrees to the ~~existing~~ procedures, I feel confident that we will be in a position to make initial production by the Monday return date. Until we resolve this matter, and consistent with instruction 8 of the subpoena instructions, however, we cannot produce any documents to the Committee for the reasons stated above. Let me assure you, however, that we have gathered responsive documents and that we otherwise intend to begin producing documents to the Committee. And until this matter is resolved, we therefore have no objection to allowing Committee staff to review documents in the Eisenhower Executive Office Building. ^{in principle}

^{consistent w/ the procedures}
As should be apparent by now, we have extraordinary steps to cooperate with the Committee. We ask that the Committee grant us the simple courtesy of agreeing to handle the documents with the same measures of security and confidentiality that the Committee under Senator Thompson afforded to President Clinton. Please do not hesitate to contact me with any questions.

used in previous investigations for purposes of security and confidentiality

Sincerely,

Alberto R. Gonzales
Counsel to the President

The Honorable Joseph I. Lieberman
United States Senate
Washington, DC 20510

cc: The Honorable Fred Thompson

Message Sent To:

Alberto R. Gonzales/WHO/EOP@EOP
Elizabeth N. Camp/WHO/EOP@EOP
Timothy E. Flanigan/WHO/EOP@EOP
Claire E. Buchan/WHO/EOP@EOP
Ziad S. Ojakli/WHO/EOP@EOP
David S. Addington/OVP/EOP@EOP

We respectfully do not understand your staff's refusal to accept employ the sensible procedures that the Committee under Senator Thompson employed in 1997. We wish to produce documents to the Committee with a minimum of redaction in order to both meet the Committee's exceptionally short return date and to facilitate the Committee's review. Doing so will, however, oblige us to furnish to the Committee documents that contain, among other things, dozens of Social Security numbers and birthdates, the e-mail addresses of high government officials, conference call dial-in numbers on the White House exchange, and extensive communications within the executive branch that are not suitable for public disclosure. Absent the protections agreed to during the Clinton Administration to protect White House records, production of such material would present serious risks of invasion of privacy, identity theft, and impairment of the effective functioning of the executive branch of government.

~~Until we resolve this matter, and consistent with instruction 8 of the subpoena instructions, we cannot and will not produce any documents to the Committee for the reasons stated above. Let me assure you, however, that we have gathered responsive documents and that we otherwise intended to begin producing documents to the Committee. And until this matter is resolved, we therefore have no objection to allowing Committee staff to review documents in the Eisenhower Executive Office Building. [BB: I would save this for Monday's letter if we fail to get a resolution – why telegraph now what tactic we'll use then?]~~

Accordingly, I respectfully urge to reconsider your willingness to employ the existing procedures. If the Committee agrees to the existing procedures, I feel confident that we will be in a position to make initial production by the Monday return date. If, however, we have not received the Committee's agreement to these procedures by 10:00 a.m. on Monday, we will have to reassess our position. Please be assured that it is not our desire or intention to hinder the Committee's examination of these records; on the contrary, it is precisely because of our desire to facilitate that examination that we have requested the Committee's agreement to the established procedures.

As should be apparent by now, we have extraordinary steps to cooperate with the Committee. We ask that the Committee grant us the simple courtesy of agreeing to handle the documents with the same measures of security and confidentiality that the Committee under Senator Thompson afforded to President Clinton. Please do not hesitate to contact me with any questions.

Sincerely,

Alberto R. Gonzales
Counsel to the President

The Honorable Joseph I. Lieberman
United States Senate
Washington, DC 20510

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We respectfully do not understand your staff's refusal to accept the sensible procedures that the Committee under Senator Thompson employed in 1997. We wish to produce documents to the Committee with a minimum of redaction in order to both meet the Committee's exceptionally short return date and to facilitate the Committee's review. Doing so will, however, oblige us to furnish to the Committee documents that contain, among other things, dozens of Social Security numbers and birthdates, the e-mail addresses of high government officials, conference call dial-in numbers on the White House exchange, and extensive communications within the executive branch that are not suitable for public disclosure. Absent the protections agreed to during the Clinton Administration to protect White House records, production of such material would present serious risks of invasion of privacy, identity theft, and impairment of the effective functioning of the executive branch of government.

Accordingly, I respectfully urge ^{you} to reconsider your ^{own} willingness to employ the existing procedures. If the Committee agrees to the existing procedures, I feel confident that we will be in a position to make initial production by the Monday return date. Until we resolve this matter, and consistent with instruction 8 of the subpoena instructions, however, we cannot produce any documents to the Committee for the reasons stated above. Let me assure you, however, that we have gathered responsive documents and that we otherwise intend to begin producing documents to the Committee. And until this matter is resolved, we therefore have no objection to allowing Committee staff to review documents in the Eisenhower Executive Office Building ^{consistent} ^{with the} ^{procedures.}

As should be apparent by now, we have ^{taken} extraordinary steps to cooperate with the Committee. We ask that the Committee grant us the simple courtesy of agreeing to handle the documents with the same measures of security and confidentiality that the Committee under Senator Thompson afforded to President Clinton. Please do not hesitate to contact me with any questions.

*continuing
to work over*

Sincerely,

Alberto R. Gonzales
Counsel to the President

The Honorable Joseph I. Lieberman
United States Senate
Washington, DC 20510

cc: The Honorable Fred Thompson

DRAFT
5/31
5:45 P.M.

May __, 2002

Dear Chairman Lieberman:

As you know, I have indicated to you repeatedly since we first talked that the White House will cooperate with the Committee's investigation. To that end, we have devoted significant time and resources to gathering information for the Committee and, as a matter of comity, have already transmitted significant relevant information to the Committee. Our extensive inquiries still continue to disclose no instance in which Enron approached any person in the Executive Office of the President or the Office of the Vice President seeking help in connection with Enron's financial difficulties prior to bankruptcy. In addition, the communications we have identified thus far reflect only appropriate and responsible actions by government officials. And you also stated at the May 22 hearing that you are "making no accusation about the conduct of anyone in the White House."

While we believed your decision to issue a subpoena for documents to be both premature and unwarranted, we have nonetheless taken substantial additional steps to gather documents that are responsive. Over the past week, EOP and OVP employees have spent significant time searching for, gathering, and copying additional records. And members of my staff have devoted substantial time to reviewing records for responsiveness and other issues.

As we informed your staff on several occasions in the past two days, we fully intend to begin producing documents on Monday, June 3, consistent with the return date you had specified. We must ensure, however, that the Committee, consistent with its past bipartisan practices, will employ appropriate procedures to protect the security and confidentiality of EOP and OVP documents. We therefore informed Committee staff earlier this week that we expect the Committee to employ the same document protocols that the Committee (then chaired by Senator Thompson) had employed in 1997 with respect to White House documents received from President Clinton's Administration. I have attached a copy of these protocols for your convenience.

Today, however, Committee staff informed us that you would not agree to abide by the Committee's own procedures, procedures that were applied to President Clinton in 1997. Rather, we understand that you seek, among other changes, the freedom to publicly release documents whenever you alone see fit to do so, notwithstanding that the 1997 protocols required the concurrence of the Chairman *and* Ranking Member, after advance notice to the Counsel to the President, before such public release could occur. We also understand that you are objecting to the concept of secure rooms for storage of EOP and OVP documents despite the fact that the Committee used such procedures in its 1997 investigation. What is more, we also understand that you wish to allow a large number of Committee *and* non-Committee staff to have access to

DRAFT
5/31
5:45 P.M.

May __, 2002

Dear Chairman Lieberman:

I have indicated to you repeatedly since we first talked that the White House will cooperate with the Committee's investigation. To that end, we have devoted significant time and resources to gathering information of use to the Committee and, as a matter of comity, have already transmitted significant relevant information to the Committee. Our extensive inquiries still continue to disclose no instance in which Enron approached any person in the Executive Office of the President or the Office of the Vice President seeking help in connection with Enron's financial difficulties prior to bankruptcy. In addition, the communications we have identified thus far reflect only appropriate and responsible actions by government officials.

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Today, however, Committee staff informed us that you would not agree to abide by the 1997 Committee procedures that the Committee under Senator Thompson afforded to President Clinton. Rather, we understand that you seek, among other changes, the freedom to publicly release documents whenever you alone believe it would be warranted, notwithstanding that the 1997 protocols required the concurrence of the Chairman *and* Ranking Member, after advance notice to the Counsel to the President, before such public release could occur. We also understand that you are objecting to the concept of secure rooms for storage of EOP and OVP documents despite the fact that the Committee used such procedures in its 1997 investigation. We also understand that you wish to allow a large number of Committee *and* non-Committee staff to have access to the documents, notwithstanding that the 1997 protocols established that only a limited number of designated Committee staff could have access to documents.

cc: The Honorable Fred Thompson

DRAFT
5/31
5:45 P.M.

May __, 2002

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the documents, notwithstanding that the 1997 protocols established that only a limited number of designated Committee staff could have access to documents.

We respectfully do not understand your staff's refusal to accept the sensible procedures that the Committee under Senator Thompson employed in 1997. We wish to produce documents to the Committee with a minimum of redaction in order to both meet the Committee's exceptionally short return date and to facilitate the Committee's review. Doing so will, however, oblige us to furnish to the Committee documents that contain, among other things, dozens of Social Security numbers and birthdates, the e-mail addresses of high government officials, conference call dial-in numbers on the White House exchange, and extensive communications within the executive branch that are not suitable for public disclosure. Absent the protections agreed to during the Clinton Administration to protect White House records, production of such material would present serious risks of invasion of privacy, identity theft, and impairment of the effective functioning of the executive branch of government.

Accordingly, I respectfully urge to reconsider your willingness to employ the existing procedures. If the Committee agrees to the existing procedures, I feel confident that we will be in a position to make initial production by the Monday return date. Until we resolve this matter, and consistent with instruction 8 of the subpoena instructions, however, we cannot produce any documents to the Committee for the reasons stated above. Let me assure you, however, that we have gathered responsive documents and that we otherwise intend to begin producing documents to the Committee. And until this matter is resolved, we therefore have no objection to allowing Committee staff to review documents in the Eisenhower Executive Office Building.

As should be apparent by now, we have extraordinary steps to cooperate with the Committee. We ask that the Committee grant us the simple courtesy of agreeing to handle the documents with the same measures of security and confidentiality that the Committee under Senator Thompson afforded to President Clinton. Please do not hesitate to contact me with any questions.

Sincerely,

Alberto R. Gonzales
Counsel to the President

The Honorable Joseph I. Lieberman
United States Senate
Washington, DC 20510

cc: The Honorable Fred Thompson

OFFICE OF THE VICE PRESIDENT
Washington, D.C. 20501

FACSIMILE TRANSMISSION

TO: Ms. Elizabeth N. Camp
Executive Assistant to the Counsel to the President
Fax 202-456-6279

FROM: David S. Addington
Counsel to the Vice President
Tel. (202) 456-9089; Fax (202) 456-6429

DATE: May 28, 2002

PAGES: 10 pages (including this page)

NOTE:

Lib:

Please furnish copies to Messrs. Gonzales, Flanigan, Bartolomucci, Berenson, and
Kavanaugh, for internal use only.



OFFICE OF THE VICE PRESIDENT
WASHINGTON
May 28, 2002

MEMORANDUM FOR: Employees of the Vice President and OVP Assignees and Detailees

FROM:  David S. Addington, Counsel to the Vice President

SUBJECT: Collection of Documents in Response to Subpoena Relating to Enron

Please read this entire memorandum carefully. It deals with legal obligations that apply to you. The Senate Governmental Affairs Committee has issued the attached subpoena (No. 000033) seeking certain materials relating to the Enron Corporation. The Office of the Vice President (OVP) is cooperating with the Committee and will respond fully to the subpoena in accordance with the law. The purpose of this memorandum is to obtain your assistance in ensuring that OVP so responds.

Please read the subpoena carefully and then carry out the instructions in this memorandum. Your compliance with this memorandum is mandatory. You must complete the following steps by the close of business on Friday, May 31, 2002:

1. Search for all documents you possess or control that are responsive to the subpoena. Note the broad definition of the term "document" on page 3 of the subpoena. In addition to searching your paper or other files (including calendars, telephone call sheets, and notes), remember to search for "Enron," names of Enron personnel with or about whom you have communicated (if any), and any other search terms that you think appropriate based on your experience, in (a) your computer hard drive (click sequentially on Start-Find-Files-Advanced to search) and (b) your Lotus Notes e-mails, for both "Inbox" and "Sent" categories (use the "Search" function on the "Search Bar" found under the "View" column in Lotus Notes to search). Your search for documents must be reasonable, diligent and conducted in good faith. Retrieve all documents that are responsive to the subpoena and photocopy them. You will have met your obligations if you retrieve, photocopy, and produce to me, as provided in Step 2, copies of all documents that relate to, refer to, or incorporate:

(a) Communications between Enron and any employee of the Executive Office of the President (EOP) or OVP that occurred between January 1, 1992 and December 2, 2001, inclusive. (Note: "Enron" means anyone you knew was working for, or communicating on behalf of, Enron Corporation or one of its businesses.)

(b) Communications about Enron that were between (i) an EOP or OVP employee and (ii) any employee of an Executive Branch department or agency occurring between January 1, 1992 and December 2, 2001, inclusive. (Note: The EOP and the OVP are not departments or agencies.)

2. Complete the attached certification. If you have found photocopies of responsive documents pursuant to Step 1 above, attach the photocopies to the certification, place it in a sealed container (envelope or box(es)) labeled "For Counsel," and have the envelope or box handcarried to me (David S. Addington, Counsel to the Vice President, Room 268, Eisenhower Executive Office Building, telephone 202-456-9089 or via Signal Switchboard). If I am not in the office, you may leave the sealed container with the operations staff in Room 269.

Please call me or stop by my office if you have any questions. Thank you for your cooperation.

CERTIFICATION BY EMPLOYEE, ASSIGNEE OR DETAILEE

(in response to Senate Governmental Affairs Committee Subpoena (No. 000033) of May 22, 2002)

(Check one item as appropriate, sign, and date,
and submit to Counsel to the Vice President by May 31, 2002)

_____ I certify that I performed a reasonable, diligent, and good faith search of all the documents in my possession for documents responsive to the Senate Governmental Affairs Committee subpoena dated May 22, 2002 and have produced photocopies of all such responsive documents to the Counsel to the Vice President by attaching them to this certification.

_____ I certify that I performed a reasonable, diligent, and good faith search of all the documents in my possession or control for documents responsive to the Senate Governmental Affairs Committee subpoena dated May 22, 2002 and found no such documents.

_____ I certify that I have no documents in my possession or control. [Note to Certifier: This is a rare situation; most personnel possess or control at least some documents.]

Signature of Employee, Assignee or Detailee
Making Certification Above

Date

Printed Name: _____

Telephone No.: _____

UNITED STATES OF AMERICA

Congress of the United States

SUBPOENA

000033

To Custodian of Executive Records
Office of the Vice President
Washington, DC 20500

Greetings:

Pursuant to lawful authority, YOU ARE HEREBY COMMANDED to appear before the COMMITTEE ON GOVERNMENTAL AFFAIRS of the Senate of the United States, on June 5, 2002, at 10 o'clock a.m., at its Committee Room, 342 Dirksen Senate Office Building, Washington, D.C. 20510, then and there to testify what you may know relative to the subject matters under consideration by the Committee, and to produce the materials described in the attachment hereto.

A personal appearance will be unnecessary if the materials described in Attachment A are delivered, subject to the accompanying instructions, to the Committee by 12:00 noon on June 3, 2002.

Hereof fail not, as you will answer your default under the pains and penalties in such cases made and provided.

To any Committee staff member or U.S. Marshal to serve and return.

Service accepted
in official capacity
(executive) only.

David S. Huntington
Counsel to the Vice President
May 22, 2002, 11:55 am (ET)

Given under my hand, by authority vested
in me by the Committee, on this 22 day of
May, 2002.

Chairman, Senate Committee on Governmental Affairs

INSTRUCTIONS

- (1) The documents requested include all those that are in the custody, control or possession of the EOP, or within the right of custody, control or possession of the EOP, its officers, agents, employees, or representatives.
- (2) Unless otherwise indicated, the documents requested are those dated, prepared or received during the period January 1, 1992 to December 2, 2001 or that refer to, relate to or incorporate communications that took place during that time period.
- (3) You are under a continuing obligation to promptly provide additional documents responsive to this subpoena.
- (4) Each document produced shall be produced in a form that renders the document susceptible of copying, shall include all attachments and shall not be redacted.
- (5) Documents produced in response to this subpoena shall be produced together with copies of file labels, dividers or identifying markers with which they were associated when this subpoena was served or shall otherwise be identified and dated.
- (6) 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 document.
- (7) If any of the subpoenaed information is available in machine-readable form, state the form in which it is available and provide sufficient detail to allow the information to be copied to a readable format. If the information requested is stored in a computer, indicate whether you have an existing program that will print the records in a readable form.
- (8) If the subpoena cannot be complied with in full, it shall be complied with to the extent possible, with an explanation of why full compliance is not possible.
- (9) In the event that a document is withheld on the basis of privilege, provide with the responses to this subpoena the following information concerning any such document: (a) the date of the document, its author, his or her occupation, title and employer, all recipients, the occupation, title and employer of each recipient, (b) the subject matter of the document, (c) the privilege claimed and a brief explanation of the basis of the claim of privilege, (d) the type of document, and (e) the relationship of the author and recipient(s) to each other.
- (10) If any document responsive to this subpoena 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 by which it ceased to be in your possession, custody, or control.
- (11) If a date set forth in this subpoena referring to a communication, meeting or other event is inaccurate, but the actual date is known to you or is otherwise apparent from the context of the request, you should produce all documents which would be responsive as if the date were

correct.

- (12) For each document produced, please indicate the paragraph and, where applicable, subparagraph of Attachment A to which it is responsive.

DEFINITIONS

- (1) "Enron" means Enron Corp., Enron Capital Trust I, Enron Capital Trust II, and each of their affiliates, subsidiaries, partnerships, special purpose entities, joint ventures, trusts or any other entity in which Enron Corp., Enron Capital Trust I, or Enron Capital Trust II is or was a shareholder, partner, investor, trustee, or member. The term "Enron" includes, with respect to each entity described in the previous sentence, the entity's officers, directors, employees, and representatives, including any person or entity purporting to act on their behalf or known to you to be acting on their behalf.
- (2) "Executive Office of the President" or "EOP" means the Executive Office of the President and all of its units including, but not limited to, the Office of Administration, the White House Office, the Office of the Vice President, the Office of Science and Technology Policy, the Office of Management and Budget, the Office of the Chief of Staff, the United States Trade Representative, the Office of Management and Administration, the Office of White House Counsel, the Office of Communications, the Office of Cabinet Affairs, the Office of the Staff Secretary, the Office of Speechwriting, the Office of Public Liaison, the Office of Correspondence, the Office of the Deputy Chief of Staff for Policy and Political Affairs, the Office of Information Programs, the Office of the Deputy Chief of Staff for White House Operations, the Domestic Policy Council, the Office of Federal Procurement Policy, the Office of Intergovernmental Affairs, the Office of Legislative Affairs, the Office of Media Affairs, the National Economic Council, the Office of Policy Development, the Office of Political Affairs, the Office of Strategic Initiatives, the White House Military Office, the Office of Presidential Personnel, the Office of the Press Secretary, the Office of Scheduling, the Office of Advance, the Council of Economic Advisors, the Council on Environmental Quality, the Executive Residence, the President's Foreign Intelligence Advisory Board, the National Security Council, the Office of Homeland Security, the Office of National Drug Control Policy, the Office of Faith-Based and Community Initiatives and the Office of Policy Development. The terms "Executive Office of the President" and "EOP" include, with respect to each entity described in the previous sentence, the entity's officials, employees and representatives and any person detailed to work for the entity. The terms also include the President and Vice President of the United States.
- (3) "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; studies; reviews; analyses; presentations; working papers; records; notes; letters; notices; confirmations; telegrams; faxes, telexes, receipts; appraisals; interoffice and intraoffice communications; electronic mail (e-mail); computer or other

electronic files; contracts; cables; notations or logs of any type of conversation, telephone call, meeting or other communication; bulletins; printed matter; computer printouts; teletype; invoices; transcripts; audio and video recordings; diaries; appointment books; returns; summaries; minutes; bills; accounts; estimates; projections; comparisons; messages; or correspondence. 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.

- (4) "Communication" means any contact or attempted contact or any disclosure of information, regardless of the means utilized, whether oral, electronic, by document or otherwise, and whether face-to-face, in meeting, by telephone, mail, telex, facsimile, computer, discussions, releases, delivery, or otherwise.
- (5) The terms "and" and "or" shall be construed broadly and either conjunctively or disjunctively to bring within the scope of this subpoena any information which might otherwise be construed to be outside its scope. The term "any" includes the term "all" and vice versa, and both terms shall be construed broadly to bring within the scope of this subpoena any information which might otherwise be construed to be outside its scope. The singular includes the plural number and vice versa.

Office of the Vice President
Washington, DC 20500
Attention: Custodian of Executive Records

ATTACHMENT A

- (1) All documents relating to, referring to or incorporating communications between the EOP and Enron, including any documents produced as a result of the use of the White House Worker and Visitors Entry System or similar procedures, if such documents also meet the following specification:

They refer or relate in any manner to the following agencies, laws or policies administered or enforced by the following agencies, regulations or programs implemented by the following agencies, or officials, employees or representatives of the following agencies, including the appointment or selection of such officials, employees or representatives:

- (a) U.S. Securities and Exchange Commission
- (b) U.S. Commodity Futures Trading Commission
- (c) U.S. Federal Energy Regulatory Commission
- (d) U.S. Department of Labor, insofar as the communication also relates to the regulation and oversight of qualified savings plans covered by ERISA or to deferred compensation plans or other retirement, savings, or benefit plans, programs or funds
- (e) the U.S. Department of Commerce
- (f) the U.S. Department of Energy
- (g) the Overseas Private Investment Corporation
- (h) the Export-Import Bank of the United States.

- (2) All documents relating to, referring to or incorporating communications between the EOP and any official, employee or representative of any federal department or agency that refer or relate to Enron, including any documents produced as a result of the use of the White House Worker and Visitors Entry System or similar procedures, if such documents also meet the following specification:

They refer or relate in any manner to the following agencies, laws or policies administered or enforced by the following agencies, regulations or programs implemented by the following agencies, or officials, employees or representatives of the following agencies, including the appointment or selection of such officials, employees or representatives:

- (a) U.S. Securities and Exchange Commission
- (b) U.S. Commodity Futures Trading Commission
- (c) U.S. Federal Energy Regulatory Commission
- (d) U.S. Department of Labor, insofar as the communication also relates to the regulation and oversight of qualified savings plans covered by ERISA or to deferred

compensation plans or other retirement, savings, or benefit plans, programs or funds

- (e) U.S. Department of Commerce
- (f) U.S. Department of Energy
- (g) Overseas Private Investment Corporation
- (h) Export-Import Bank of the United States.

- (3) All documents relating to, referring to or incorporating communications between the EOP or any member of the National Energy Policy Development Group or its staff and Enron if such documents also refer or relate to the development of the May 2001 Report of the National Energy Policy Development Group or to any of the issues discussed therein, regardless of when such communications occurred. Such documents should include any documents produced as a result of the use of the White House Worker and Visitors Entry System or similar procedures.

May, 2002

I made service of the within subpoena by

_____ to the within-named _____

_____ at _____

_____ at _____

o'clock m., on the day of May, 2002

Signed _____

312

I a small quantity of documents relating directly to J. Rindy and others) and requested that they submit Njonaka to review these documents and could be produced voluntarily. We have had no

re concerning witnesses from whom we would be quickly with respect to these witnesses. and We can schedule more than one White House witness availability.

most convenience. Please call me (or I will try

4318

Exhibit
30-6

UNITED STATES SENATE
GOVERNMENTAL AFFAIRS COMMITTEE

SECURITY PROCEDURES AND OTHER PROTOCOLS
APRIL 1, 1997

1. Categories of Documents

- A. Confidential Documents (i.e., all documents produced to the Committee pursuant to document requests or subpoenas that are not otherwise marked as "Highly Confidential" and all deposition transcripts, materials produced by witnesses in connection with their depositions, written summaries of depositions and written summaries of witness interviews conducted or prepared by the Committee's staff).
- B. Highly Confidential Documents (i.e., documents marked as "Highly Confidential" that are produced to the Committee for which a compelling need exists for limited access).

2. Classified Documents

Documents produced to the Committee that are classified will be handled in accordance with existing Senate procedures. The procedures and protocols set forth herein shall also apply to classified documents, unless otherwise inconsistent with the Office of Senate Security procedures for classified materials.

3. Access to Documents

A. Original Production Sets.

The Chief Clerk or her designee, as agreed to by the Chairman and Ranking Member, will maintain the original production sets of all documents produced to the Committee in a secure locked room that will be used only for that purpose and that will be accessible only to the Chief Clerk or her designee.

B. Confidential Documents.

All copies of Confidential Documents will be maintained within specially-designated secure document rooms in the Majority and Minority Committee offices at all times (except for depositions, witness interviews, other investigative purposes in furtherance of the Committee's work, or for review by the members of the Committee). The secure document rooms for Confidential Documents will be subject to the following security protocols:

- i. Only the Majority Committee staff designated by the Chairman and

Minority Committee staff designated by the Ranking Member will have access to the Confidential Documents and only after such staff members have signed confidentiality agreements (as provided for in Paragraph 5). Such staff may copy Confidential Documents, but must maintain those copies within the specially-designated secure document rooms, except as provided for in Paragraph J.B.iii.

- ii. The specially-designated secure document rooms for Confidential Documents may contain computers, printers, and copiers, but will not contain telecopy machines.
- iii. Only the staff designated in Paragraph J.B.i. can transport Confidential Documents to depositions and witness interviews, or to the offices of the members of the Committee for their personal review. After the removal of any such Confidential Documents from the specially-designated document rooms, the documents must be returned promptly to those areas. No copies of the Confidential Documents will be made while they are removed from the specially-designated secure document rooms, and no copies of Confidential Documents will be attached to deposition transcripts.
- iv. Only the staff designated in Paragraph J.B.i. may remove committee staff work product, including computer disks, from the specially-designated secure document rooms. The confidentiality of any such work product must be maintained.

C. Highly Confidential documents.

The Chief Clerk or her designee, as agreed to by the Chairman and the Ranking Member, will initially make only six (6) copy sets of Highly Confidential Documents (or such fewer number as the Majority and Minority may agree upon). Three (3) copy sets will be maintained in a specially-designated secure document room for the Majority staff and three (3) copy sets will be maintained in a specially-designated secure document room for the Minority staff. The secure document rooms for Highly Confidential Documents will be subject to the following security protocols:

- i. During the preliminary phase of the Committee's investigation (i.e., prior to public hearings), the Committee will not permit: (a) any further copying of Highly Confidential Documents without the approval of the Chairman and the Ranking Member; or (b) the removal of Highly Confidential Documents from the specially-designated secure document rooms for Highly Confidential Documents (except for depositions, witness

interviews, other investigative purposes in furtherance of the Committee's work or for review by the members of the Committee).

- ii. Only designated staff will have access to the secure document rooms containing the Highly Confidential Documents and only after such staff members have signed confidentiality agreements (as provided in Paragraph 5). The designated staff will be limited to the Majority and Minority Counsel to the Committee. In addition, the Chairman and Ranking Member, respectively, may each designate not more than five (5) additional persons employed by the Committee to have access to the Highly Confidential Documents. The Chairman and Ranking Member may agree to increase the number of designated persons who may review Highly Confidential Documents during the period prior to public hearings.
- iii. The specially-designated secure document rooms for Highly Confidential Documents may contain computers and printers, but will not contain copiers or telecopy machines.
- iv. Only designated staff can transport Highly Confidential Documents to depositions and witness interviews, or to the offices of the members of the Committee for their personal review. The designated staff will be limited to the Majority and Minority Counsel to the Committee. In addition, the Chairman and Ranking Member, respectively, may each designate not more than five (5) additional persons employed by the Committee to transport Highly Confidential Documents. After the removal of any such Highly Confidential Documents from the specially-designated document rooms, the documents must be returned promptly to those areas. No copies of Highly Confidential Documents will be made while they are removed from the specially-designated secure document rooms, and no copies of Highly Confidential Documents will be attached to deposition transcripts.
- v. The persons designated in Paragraph J.C.ii. may remove committee staff work product, including computer disks, from the specially-designated secure document rooms. The confidentiality of any such work product must be maintained.

4. Classification of Documents

The producing party shall designate documents as Confidential or Highly Confidential. The Chairman and Ranking Member also may designate documents as Highly Confidential.

5. Confidentiality Protocols and Agreements

All documents produced to or made available for review by the Committee or its staff shall be considered to be within the confidential business of the Committee for purposes of Paragraph 5 of rule XXIX of the Standing Rules of the Senate. In addition, any staff member designated under paragraph 1.B.i., 1.C.ii. or 1.C.iv. herein, shall sign a confidentiality agreement, as set forth in the attachment herein, agreeing to the procedures and protocols set forth herein. Any staff member who violates the confidentiality agreement or any other procedures and protocols set forth herein, shall be immediately subject to sanctions, including removal from employment.

6. Documents Withheld by a Producing Party

In the event that the producing party initially withholds documents from production, the producing party shall maintain a Bates stamped copy set of all such documents and promptly notify specially designated Majority and Minority Committee staff (consisting of four individuals designated by the Majority and four individuals designated by the Minority) to discuss and review the documents in an attempt to resolve any questions regarding the production of any such documents. Any notes taken as a result of the discussions and review of the withheld documents shall be limited to the privilege asserted, the type of document, the general subject matter of the document, and the date, author(s) and recipient(s) of the document. Any information obtained by designated Majority and Minority Committee staff as a result of the discussions or review of the documents shall be disclosed only by the Chairman and Ranking Member, acting jointly, provided that the Counsel to the President has consented to the disclosure.

The terms of the preceding paragraph do not apply to documents, or portions of documents, in which the producing party asserts a claim of attorney-client privilege or attorney work product. The producing party shall maintain a Bates stamped copy set of all such documents and promptly arrange to meet with the designated Majority and Minority Committee Staff to describe all such documents and permit such staff to take notes regarding the privilege asserted, the type of document, the general subject matter of the document, and the date, author(s) and recipient(s) of the document. Disclosures of any information obtained by the designated Majority and Minority Committee staff as a result of the producing party's disclosures shall be made only by the Chairman and Ranking Member, acting jointly, provided that the Counsel to the President has consented to the disclosure.

Notwithstanding the above, by their agreement to the procedures set forth in the preceding two paragraphs, the Committee does not acknowledge the existence of, or accept as proper in the circumstances, the producing party's claim of privilege, and reserves the right to seek all available legal remedies to obtain any documents withheld.

7. Capitol Police Security

Capitol Police Officers will be posted at the specially-designated secure document rooms for the documents on a twenty-four (24) hour basis. The Police Officer will control access to the specially-designated secure document rooms containing the documents and will restrict access to those document areas to designated staff. The Police Officer will permit only designated staff to remove documents from the secure document rooms as provided for herein. When a designated staff member removes documents, the staff member will sign a log book maintained by the Police Officer and indicate the time and purpose of the removal of documents, but will not be required to identify the specific documents that are being removed. All staff will be required to permit the Police Officers to search handbags, briefcases, other similar items and file folders taken from the specially-designated secure document rooms.

8. Public Disclosure of Documents

All Confidential and Highly Confidential Documents received by the Committee may be made public only if the documents are pertinent to the Committee's investigation and disclosures, in whole or in part, or by way of summary, are made as part of a Committee hearing or Committee report. Alternatively, disclosure of Confidential and Highly Confidential documents, in whole or in part, or by way of summary, to the public may be made by the Chairman and the Ranking Member, acting jointly, provided that the Counsel to the President is notified in writing twenty-four (24) hours in advance (excluding Saturdays, Sundays, and legal holidays) and Counsel to the President is afforded reasonable opportunity to consult with the Chairman and the Ranking Member prior to any release. No member or staff of the Committee shall otherwise disclose, in whole or in part, or by way of summary, the Confidential and Highly Confidential documents unless authorized by the Chairman and the Ranking Member, acting jointly, and in consultation with the Counsel to the President. If any document produced pursuant to this agreement also is released to the public by a producing party, the terms of this agreement shall not apply to the released document and the released document shall be treated by the Committee as a public document.

9. Procedures During Hearings

After the prefatory phase of the hearings (i.e., until ten (10) days prior to the beginning of public hearings and thereafter so long as the hearings continue), the following procedures will be in effect:

- i. Committee staff work-product can be removed by anyone who has signed the Confidentiality Agreement.
- ii. Committee staff can be provided copies of deposition testimony transcripts

and documents relevant to testimony no earlier than forty-eight (48) hours prior to the scheduled hearing appearance of a witness. The Chairman and Ranking Member may agree to make exceptions to this procedure.

- iii. All documents produced may be copied and transported by designated staff to the hearing room on the days that the Committee holds public hearings.

UNITED STATES SENATE
GOVERNMENTAL AFFAIRS COMMITTEE

CONFIDENTIALITY AGREEMENT

I have read and understand Paragraph J of the Senate Rule XXII and the Security Procedures and Other Protocols of the Senate Governmental Affairs Committee, dated April 1, 1997. I will abide by these confidentiality requirements and other protocols, and maintain the confidentiality of all documents, and information obtained therefrom, of which I become aware, unless I am authorized to disclose such materials pursuant to the Security Procedures and Other Protocols, dated April 1, 1997. I understand that I will be subject to sanctions, including removal from employment, if I disclose confidential information or documents of the Committee without such authorization.

Signature

Name (Printed)

Office or Committee

Social Security Number

Date

Brett

Document Originally
Attached to
Following Page

*** TX REPORT ***

TRANSMISSION OK

TX/RX NO	4696	
CONNECTION TEL		92283792
CONNECTION ID		
ST. TIME	05/30 12:42	
USAGE T	01'42	
PGS. SENT	5	
RESULT	OK	

THE WHITE HOUSE
WASHINGTON
OFFICE OF THE COUNSEL TO THE PRESIDENT
FACSIMILE COVER SHEET

Date 5/30/02 Time _____To: Cindy LessarFax: 228-3792From: Brett Kavanaugh

Phone: (202) 456-7900 Fax: (202) 456-1647

Number of Pages (including cover sheet): 5Message:

THE WHITE HOUSE
WASHINGTON
OFFICE OF THE COUNSEL TO THE PRESIDENT
FACSIMILE COVER SHEET

Date 5/30/02 Time _____

To: Cindy Lessar

Fax: 228-3792

From: Brett Kavanaugh

Phone: (202) 456-7900 Fax: (202) 456-1647

Number of Pages (including cover sheet): 5

Message:

Confidentiality Notice

The document accompanying this telecopy transmission contains confidential information belonging to the sender which is legally privileged. The information is intended only for the use of the individual or entity named above. If you are not the intended recipient, you are hereby notified that any disclosure, copying, or distribution or the taking of any action in reliance on the contents of this telecopied information is strictly prohibited. If you have received this telecopy in error, please immediately notify us by telephone to arrange for return of the original documents to us.

I a small quantity of documents relating directly e, J. Rindy and others) and requested that they emitri Nionakis to review these documents and uld be produced voluntarily. We have had no

ou concerning witnesses from whom we would ve quickly with respect to these witnesses, and We can schedule more than one White House itness availability.

liest convenience. Please call me (or I will try

UNITED STATES SENATE
GOVERNMENTAL AFFAIRS COMMITTEE

SECURITY PROCEDURES AND OTHER PROTOCOLS
APRIL 1, 1997

1. Categories of Documents

- A. Confidential Documents (i.e., all documents produced to the Committee pursuant to document requests or subpoenas that are not otherwise marked as "Highly Confidential" and all deposition transcripts, materials produced by witnesses in connection with their depositions, written summaries of depositions and written summaries of witness interviews conducted or prepared by the Committee's staff).
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The Chief Clerk or her designee, as agreed to by the Chairman and Ranking Member, will maintain the original production sets of all documents produced to the Committee in a secure locked room that will be used only for that purpose and that will be accessible only to the Chief Clerk or her designee.

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- i. Only the Majority Committee staff designated by the Chairman and

Minority Committee staff designated by the Ranking Member will have access to the Confidential Documents and only after such staff members have signed confidentiality agreements (as provided for in Paragraph 5). Such staff may copy Confidential Documents, but must maintain those copies within the specially-designated secure document rooms, except as provided for in Paragraph 3.B.iii.

- ii. The specially-designated secure document rooms for Confidential Documents may contain computers, printers, and copiers, but will not contain telecopy machines.
- iii. Only the staff designated in Paragraph 3.B.i. can transport Confidential Documents to depositions and witness interviews, or to the offices of the members of the Committee for their personal review. After the removal of any such Confidential Documents from the specially-designated document rooms, the documents must be returned promptly to those areas. No copies of the Confidential Documents will be made while they are removed from the specially-designated secure document rooms, and no copies of Confidential Documents will be attached to deposition transcripts.
- iv. Only the staff designated in Paragraph 3.B.i. may remove committee staff work product, including computer disks, from the specially-designated secure document rooms. The confidentiality of any such work product must be maintained.

C. Highly Confidential documents.

The Chief Clerk or her designee, as agreed to by the Chairman and the Ranking Member, will initially make only six (6) copy sets of Highly Confidential Documents (or such fewer number as the Majority and Minority may agree upon). Three (3) copy sets will be maintained in a specially-designated secure document room for the Majority staff and three (3) copy sets will be maintained in a specially-designated secure document room for the Minority staff. The secure document rooms for Highly Confidential Documents will be subject to the following security protocols:

- i. During the preliminary phase of the Committee's investigation (i.e., prior to public hearings), the Committee will not permit: (a) any further copying of Highly Confidential Documents without the approval of the Chairman and the Ranking Member; or (b) the removal of Highly Confidential Documents from the specially-designated secure document rooms for Highly Confidential Documents (except for depositions, witness

interviews, other investigative purposes in furtherance of the Committee's work or for review by the members of the Committee).

- ii. Only designated staff will have access to the secure document rooms containing the Highly Confidential Documents and only after such staff members have signed confidentiality agreements (as provided in Paragraph 5). The designated staff will be limited to the Majority and Minority Counsels to the Committee. In addition, the Chairman and Ranking Member, respectively, may each designate not more than five (5) additional persons employed by the Committee to have access to the Highly Confidential Documents. The Chairman and Ranking Member may agree to increase the number of designated persons who may review Highly Confidential Documents during the period prior to public hearings.
- iii. The specially-designated secure document rooms for Highly Confidential Documents may contain computers and printers, but will not contain copiers or telecopy machines.
- iv. Only designated staff can transport Highly Confidential Documents to depositions and witness interviews, or to the offices of the members of the Committee for their personal review. The designated staff will be limited to the Majority and Minority Counsels to the Committee. In addition, the Chairman and Ranking Member, respectively, may each designate not more than five (5) additional persons employed by the Committee to transport Highly Confidential Documents. After the removal of any such Highly Confidential Documents from the specially-designated document rooms, the documents must be returned promptly to those areas. No copies of Highly Confidential Documents will be made while they are removed from the specially-designated secure document rooms, and no copies of Highly Confidential Documents will be attached to deposition transcripts.
- v. The persons designated in Paragraph 3.C.ii. may remove committee staff work product, including computer disks, from the specially-designated secure document rooms. The confidentiality of any such work product must be maintained.

4. Classification of Documents

The producing party shall designate documents as Confidential or Highly Confidential. The Chairman and Ranking Member also may designate documents as Highly Confidential.

5. Confidentiality Protocols and Agreements

All documents produced to or made available for review by the Committee or its staff shall be considered to be within the confidential business of the Committee for purposes of Paragraph 5 of rule XXIX of the Standing Rules of the Senate. In addition, any staff member designated under paragraph J.B.i., J.C.ii. or J.C.iv. herein, shall sign a confidentiality agreement, as set forth in the attachment hereto, agreeing to the procedures and protocols set forth herein. Any staff member who violates the confidentiality agreement or any other procedures and protocols set forth herein, shall be immediately subject to sanctions, including removal from employment.

6. Documents Withheld by a Producing Party

In the event that the producing party initially withholds documents from production, the producing party shall maintain a Bates stamped copy set of all such documents and promptly notify specially designated Majority and Minority Committee staff (consisting of four individuals designated by the Majority and four individuals designated by the Minority) to discuss and review the documents in an attempt to resolve any questions regarding the production of any such documents. Any notes taken as a result of the discussions and review of the withheld documents shall be limited to the privilege asserted, the type of document, the general subject matter of the document, and the date, author(s) and recipient(s) of the document. Any information obtained by designated Majority and Minority Committee staff as a result of the discussions or review of the documents shall be disclosed only by the Chairman and Ranking Member, acting jointly, provided that the Counsel to the President has consented to the disclosure.

The terms of the preceding paragraph do not apply to documents, or portions of documents, in which the producing party asserts a claim of attorney-client privilege or attorney work product. The producing party shall maintain a Bates stamped copy set of all such documents and promptly arrange to meet with the designated Majority and Minority Committee Staff to describe all such documents and permit such staff to take notes regarding, the privilege asserted, the type of document, the general subject matter of the document, and the date, author(s) and recipient(s) of the document. Disclosures of any information obtained by the designated Majority and Minority Committee staff as a result of the producing party's disclosures shall be made only by the Chairman and Ranking Member, acting jointly, provided that the Counsel to the President has consented to the disclosure.

Notwithstanding the above, by their agreement to the procedures set forth in the preceding two paragraphs, the Committee does not acknowledge the existence of, or accept as proper in the circumstances, the producing party's claim of privilege, and reserves the right to seek all available legal remedies to obtain any documents withheld.

7. Capitol Police Security

Capitol Police Officers will be posted at the specially-designated secure document rooms for the documents on a twenty-four (24) hour basis. The Police Officers will control access to the specially-designated secure document rooms containing the documents and will restrict access to those document areas to designated staff. The Police Officers will permit only designated staff to remove documents from the secure document rooms as provided for herein. When a designated staff member removes documents, the staff member will sign a log book maintained by the Police Officer and indicate the time and purpose of the removal of documents, but will not be required to identify the specific documents that are being removed. All staff will be required to permit the Police Officers to search handbags, briefcases, other similar items and file folders taken from the specially-designated secure document rooms.

8. Public Disclosure of Documents

All Confidential and Highly Confidential Documents received by the Committee may be made public only if the documents are pertinent to the Committee's investigation and disclosures, in whole or in part, or by way of summary, are made as part of a Committee hearing or Committee report. Alternatively, disclosure of Confidential and Highly Confidential documents, in whole or in part, or by way of summary, to the public may be made by the Chairman and the Ranking Member, acting jointly, provided that the Counsel to the President is notified in writing twenty-four (24) hours in advance (excluding Saturdays, Sundays, and legal holidays) and Counsel to the President is afforded reasonable opportunity to consult with the Chairman and the Ranking Member prior to any release. No member or staff of the Committee shall otherwise disclose, in whole or in part, or by way of summary, the Confidential and Highly Confidential documents unless authorized by the Chairman and the Ranking Member, acting jointly, and in consultation with the Counsel to the President. If any document produced pursuant to this agreement also is released to the public by a producing party, the terms of this agreement shall not apply to the released document and the released document shall be treated by the Committee as a public document.

9. Procedures During Hearings

After the prefatory phase of the hearings (i.e., until ten (10) days prior to the beginning of public hearings and thereafter so long as the hearings continue), the following procedures will be in effect:

- i. Committee staff work-product can be removed by anyone who has signed the Confidentiality Agreement.
- ii. Committee staff can be provided copies of deposition testimony transcripts

and documents relevant to testimony no earlier than forty-eight (48) hours prior to the scheduled hearing appearance of a witness. The Chairman and Ranking Member may agree to make exceptions to this procedure.

- iii. All documents produced may be copied and transported by designated staff to the hearing room on the days that the Committee holds public hearings.

UNITED STATES SENATE
GOVERNMENTAL AFFAIRS COMMITTEE

CONFIDENTIALITY AGREEMENT

I have read and understand Paragraph 5 of the Senate Rule XXIX and the Security Procedures and Other Protocols of the Senate Governmental Affairs Committee, dated April 1, 1997. I will abide by those confidentiality requirements and other protocols, and maintain the confidentiality of all documents, and information obtained therefrom, of which I become aware, unless I am authorized to disclose such materials pursuant to the Security Procedures and Other Protocols, dated April 1, 1997. I understand that I will be subject to sanctions, including removal from employment, if I disclose confidential information or documents of the Committee without such authorization.

Signature

Name (Printed)

Office or Committee

Social Security Number

Date

I a small quantity of documents relating directly
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uld be produced voluntarily. We have had no

u concerning witnesses from whom we would
ve quickly with respect to these witnesses, and
We can schedule more than one White House
itness availability.

liest convenience. Please call me (or I will try

UNITED STATES SENATE
GOVERNMENTAL AFFAIRS COMMITTEE

SECURITY PROCEDURES AND OTHER PROTOCOLS

APRIL 1, 1997

1. Categories of Documents

- A. Confidential Documents (i.e., all documents produced to the Committee pursuant to document requests or subpoenas that are not otherwise marked as "Highly Confidential" and all deposition transcripts, materials produced by witnesses in connection with their depositions, written summaries of depositions and written summaries of witness interviews conducted or prepared by the Committee's staff).
- B. Highly Confidential Documents (i.e., documents marked as "Highly Confidential" that are produced to the Committee for which a compelling need exists for limited access).

2. Classified Documents

Documents produced to the Committee that are classified will be handled in accordance with existing Senate procedures. The procedures and protocols set forth herein shall also apply to classified documents, unless otherwise inconsistent with the Office of Senate Security procedures for classified materials.

3. Access to Documents

A. Original Production Sets.

The Chief Clerk or her designee, as agreed to by the Chairman and Ranking Member, will maintain the original production sets of all documents produced to the Committee in a secure locked room that will be used only for that purpose and that will be accessible only to the Chief Clerk or her designee.

B. Confidential Documents.

All copies of Confidential Documents will be maintained within specially-designated secure document rooms in the Majority and Minority Committee offices at all times (except for depositions, witness interviews, other investigative purposes in furtherance of the Committee's work, or for review by the members of the Committee). The secure document rooms for Confidential Documents will be subject to the following security protocols:

- i. Only the Majority Committee staff designated by the Chairman and

Minority Committee staff designated by the Ranking Member will have access to the Confidential Documents and only after such staff members have signed confidentiality agreements (as provided for in Paragraph 5). Such staff may copy Confidential Documents, but must maintain those copies within the specially-designated secure document rooms, except as provided for in Paragraph 3.B.iii.

- ii. The specially-designated secure document rooms for Confidential Documents may contain computers, printers, and copiers, but will not contain telecopy machines.
- iii. Only the staff designated in Paragraph 3.B.i. can transport Confidential Documents to depositions and witness interviews, or to the offices of the members of the Committee for their personal review. After the removal of any such Confidential Documents from the specially-designated document rooms, the documents must be returned promptly to those areas. No copies of the Confidential Documents will be made while they are removed from the specially-designated secure document rooms, and no copies of Confidential Documents will be attached to deposition transcripts.
- iv. Only the staff designated in Paragraph 3.B.i. may remove committee staff work product, including computer disks, from the specially-designated secure document rooms. The confidentiality of any such work product must be maintained.

C. Highly Confidential documents.

The Chief Clerk or her designee, as agreed to by the Chairman and the Ranking Member, will initially make only six (6) copy sets of Highly Confidential Documents (or such fewer number as the Majority and Minority may agree upon). Three (3) copy sets will be maintained in a specially-designated secure document room for the Majority staff and three (3) copy sets will be maintained in a specially-designated secure document room for the Minority staff. The secure document rooms for Highly Confidential Documents will be subject to the following security protocols:

- i. During the preliminary phase of the Committee's investigation (i.e., prior to public hearings), the Committee will not permit: (a) any further copying of Highly Confidential Documents without the approval of the Chairman and the Ranking Member; or (b) the removal of Highly Confidential Documents from the specially-designated secure document rooms for Highly Confidential Documents (except for depositions, witness

interviews, other investigative purposes in furtherance of the Committee's work or for review by the members of the Committee).

- ii. Only designated staff will have access to the secure document rooms containing the Highly Confidential Documents and only after such staff members have signed confidentiality agreements (as provided in Paragraph 5). The designated staff will be limited to the Majority and Minority Counsels to the Committee. In addition, the Chairman and Ranking Member, respectively, may each designate not more than five (5) additional persons employed by the Committee to have access to the Highly Confidential Documents. The Chairman and Ranking Member may agree to increase the number of designated persons who may review Highly Confidential Documents during the period prior to public hearings.
- iii. The specially-designated secure document rooms for Highly Confidential Documents may contain computers and printers, but will not contain copiers or telecopy machines.
- iv. Only designated staff can transport Highly Confidential Documents to depositions and witness interviews, or to the offices of the members of the Committee for their personal review. The designated staff will be limited to the Majority and Minority Counsels to the Committee. In addition, the Chairman and Ranking Member, respectively, may each designate not more than five (5) additional persons employed by the Committee to transport Highly Confidential Documents. After the removal of any such Highly Confidential Documents from the specially-designated document rooms, the documents must be returned promptly to those areas. No copies of Highly Confidential Documents will be made while they are removed from the specially-designated secure document rooms, and no copies of Highly Confidential Documents will be attached to deposition transcripts.
- v. The persons designated in Paragraph 3.C.ii. may remove committee staff work product, including computer disks, from the specially-designated secure document rooms. The confidentiality of any such work product must be maintained.

4. Classification of Documents

The producing party shall designate documents as Confidential or Highly Confidential. The Chairman and Ranking Member also may designate documents as Highly Confidential.

5. Confidentiality Protocols and Agreements

All documents produced to or made available for review by the Committee or its staff shall be considered to be within the confidential business of the Committee for purposes of Paragraph 5 of rule XXIX of the Standing Rules of the Senate. In addition, any staff member designated under paragraph 3.B.i., 3.C.ii. or 3.C.iv. herein, shall sign a confidentiality agreement, as set forth in the attachment hereto, agreeing to the procedures and protocols set forth herein. Any staff member who violates the confidentiality agreement or any other procedures and protocols set forth herein, shall be immediately subject to sanctions, including removal from employment.

6. Documents Withheld by a Producing Party

In the event that the producing party initially withholds documents from production, the producing party shall maintain a bates stamped copy set of all such documents and promptly notify specially designated Majority and Minority Committee staff (consisting of four individuals designated by the Majority and four individuals designated by the Minority) to discuss and review the documents in an attempt to resolve any questions regarding the production of any such documents. Any notes taken as a result of the discussions and review of the withheld documents shall be limited to the privilege asserted, the type of document, the general subject matter of the document, and the date, author(s) and recipient(s) of the document. Any information obtained by designated Majority and Minority Committee staff as a result of the discussions or review of the documents shall be disclosed only by the Chairman and Ranking Member, acting jointly, provided that the Counsel to the President has consented to the disclosure.

The terms of the preceding paragraph do not apply to documents, or portions of documents, in which the producing party asserts a claim of attorney-client privilege or attorney work product. The producing party shall maintain a bates stamped copy set of all such documents and promptly arrange to meet with the designated Majority and Minority Committee Staff to describe all such documents and permit such staff to take notes regarding the privilege asserted, the type of document, the general subject matter of the document, and the date, author(s) and recipient(s) of the document. Disclosures of any information obtained by the designated Majority and Minority Committee staff as a result of the producing party's disclosures shall be made only by the Chairman and Ranking Member, acting jointly, provided that the Counsel to the President has consented to the disclosure.

Notwithstanding the above, by their agreement to the procedures set forth in the preceding two paragraphs, the Committee does not acknowledge the existence of, or accept as proper in the circumstances, the producing party's claim of privilege, and reserves the right to seek all available legal remedies to obtain any documents withheld.

7. Capitol Police Security

Capitol Police Officers will be posted at the specially-designated secure document rooms for the documents on a twenty-four (24) hour basis. The Police Officers will control access to the specially-designated secure document rooms containing the documents and will restrict access to those document areas to designated staff. The Police Officers will permit only designated staff to remove documents from the secure document rooms as provided for herein. When a designated staff member removes documents, the staff member will sign a log book maintained by the Police Officer and indicate the time and purpose of the removal of documents, but will not be required to identify the specific documents that are being removed. All staff will be required to permit the Police Officers to search handbags, briefcases, other similar items and file folders taken from the specially-designated secure document rooms.

8. Public Disclosure of Documents

All Confidential and Highly Confidential Documents received by the Committee may be made public only if the documents are pertinent to the Committee's investigation and disclosures, in whole or in part, or by way of summary, are made as part of a Committee hearing or Committee report. Alternatively, disclosure of Confidential and Highly Confidential documents, in whole or in part, or by way of summary, to the public may be made by the Chairman and the Ranking Member, acting jointly, provided that the Counsel to the President is notified in writing twenty-four (24) hours in advance (excluding Saturdays, Sundays, and legal holidays) and Counsel to the President is afforded reasonable opportunity to consult with the Chairman and the Ranking Member prior to any release. No member or staff of the Committee shall otherwise disclose, in whole or in part, or by way of summary, the Confidential and Highly Confidential documents unless authorized by the Chairman and the Ranking Member, acting jointly, and in consultation with the Counsel to the President. If any document produced pursuant to this agreement also is released to the public by a producing party, the terms of this agreement shall not apply to the released document and the released document shall be treated by the Committee as a public document.

9. Procedures During Hearings

After the prefatory phase of the hearings (i.e., until ten (10) days prior to the beginning of public hearings and thereafter so long as the hearings continue), the following procedures will be in effect:

- i. Committee staff work-product can be removed by anyone who has signed the Confidentiality Agreement.
- ii. Committee staff can be provided copies of deposition testimony transcripts

and documents relevant to testimony no earlier than forty-eight (48) hours prior to the scheduled hearing appearance of a witness. The Chairman and Ranking Member may agree to make exceptions to this procedure.

- iii. All documents produced may be copied and transported by designated staff to the hearing room on the days that the Committee holds public hearings.

UNITED STATES SENATE
GOVERNMENTAL AFFAIRS COMMITTEE

CONFIDENTIALITY AGREEMENT

I have read and understand Paragraph 5 of the Senate Rule XXIX and the Security Procedures and Other Protocols of the Senate Governmental Affairs Committee, dated April 1, 1997. I will abide by those confidentiality requirements and other protocols, and maintain the confidentiality of all documents, and information obtained therefrom, of which I become aware, unless I am authorized to disclose such materials pursuant to the Security Procedures and Other Protocols, dated April 1, 1997. I understand that I will be subject to sanctions, including removal from employment, if I disclose confidential information or documents of the Committee without such authorization.

Signature

Name (Printed)

Office or Committee

Social Security Number

Date

af
Cindy Lessa
228-3792
FAX

Enron Interview Outline
DRAFT: 5/14/02

Cal.
elec.

Preliminaries

Scope of representation/privilege

Disclosure of info to Committee (possibility of later requests for interview)

Name and title(s) during relevant time period

Dates: 1/20/01 through 12/2/01 (possibly transition, too)

Review and explain both questionnaires

Requests for help from Enron

✓ Relating to Enron's financial difficulties

Any other communications with Enron about its financial difficulties

⊙ Communications with Enron

Relating to the 8 listed agencies (SEC, CFTC, FERC, DOE, DOC, DOL, OPIC, Ex-Im)

Relating to appointments

Relating to law, regulation, policy, matter, or issue affecting Enron's business

⊙ [Relating to NEPDG]

Communication with other federal dep'ts or agencies about Enron

With the 8 listed agencies (SEC, CFTC, FERC, DOE, DOC, DOL, OPIC, Ex-Im)

⊙ [With any other federal executive department or agency outside EOP and OVP]

Questions about the communications

Describe generally for each its nature, content, and context

When

With whom

Nature of relationship with the individuals involved

How (telephone, e-mail, meeting)

letters

Who initiated

Reason for the contact

Subjects discussed

Policy

Law

Regulation

Appointments

NEPDG

Requests for help of any kind

Any discussion of Enron accounting or financial difficulties

Perceived importance of issue to Enron

Were you asked to do anything? Did you ask that anything be done?

Follow-up, if any

Communications with others afterward



Follow up communications with Enron

Outcome of issue generally

Context

What else was going on at that time

How typical or atypical was the contact

Other similar contacts with different companies or interest groups

Put this in context of ordinary responsibilities

Was this part of ordinary responsibilities?

PROTOCOL
For Document Production By The Executive Office Of The President And
Office Of The Vice President
In Response To The May 22, 2002 Subpoenas
From The Senate Committee on Governmental Affairs

June 4, 2002

1. DEFINITIONS

- (a) "Document" or "Documents" refers to any and all documents produced by the Executive Office of the President or the Office of the Vice President in response to the subpoenas dated May 22, 2002 from the Senate Committee on Governmental Affairs.
- (b) "Committee" refers to the Senate Committee on Governmental Affairs.
- (c) "Producing Party" refers to the Executive Office of the President or the Office of the Vice President.
- (d) "Investigation" refers to the investigation by the Senate Committee on Governmental Affairs regarding Enron Corp.
- (e) "Designated staff" are staff designated by the Governmental Affairs Committee Chairman or Ranking Member as having access to the Documents. Designated staff may include only Committee staff or staff for Committee Members and will be limited to staff the Chairman or Ranking Member determines are necessary to serve the purposes of the Investigation and staff Committee Members.

2. CLASSIFIED DOCUMENTS

Documents that are classified will be handled in accordance with existing Senate procedures.

3. ACCESS TO DOCUMENTS

- (a) The Committee will maintain the Documents, and all copies thereof, in secure rooms (in which alarms will be installed as quickly as possible) in the Majority and Minority Committee offices at all times (except for depositions, witness interviews, other investigative purposes in furtherance of the Committee's work, or for review by Members). The specially designated secure document rooms will be subject to the following security protocols:
 - (i) Only Members and designated staff will have access to the Documents,

and, with respect to staff, only after such staff have signed the certification pursuant to subsection 3(b) below.

- (ii) The document rooms will be secured immediately and have alarms installed as quickly as possible. Only the Chief Clerk and up to 7 designated Majority staff and 7 designated Minority staff will have keys to the respective rooms.
 - (iii) Designated staff may copy Documents but must maintain those copies within the specially-designated secure rooms, except as provided in subsection 3(a)(v) below, and except that a copy machine that is contiguous to but outside of the specially-designated secure rooms may be used so long as the designated staff making the copies remains with the Documents being copied at all times, and all Documents and copies are returned promptly to the specially-designated document rooms.
 - (iv) The specially-designated secure rooms may contain computers, printers, and copiers, but will not contain fax machines.
 - (v) Only designated staff may transport Documents to depositions and witness interviews, or to the offices of Members for their personal review. When designated staff member removes Documents, the staff member will sign a log book and specify the date and time the Documents are being removed. After the removal of such Documents from the specially-designated document rooms, the Documents must be returned promptly to those areas.
 - (vi) No copies of the Documents will be made while they are removed from the specially-designated secure rooms (except as provided in subsection 3(a)(iii) above), no faxes of the Documents will be sent except as otherwise permitted by this Protocol, and no copies of Documents will be attached to deposition transcripts.
 - (vii) Only designated staff may remove staff work product, including computer disks, from the specially designated secure rooms. The confidentiality of any such work product must be maintained.
- (b) Before being given access to the Documents, designated staff must sign a certification as set forth in the attachment hereto. Any staff member who violates the certification or any other procedures and protocols set forth herein shall be immediately subject to sanctions, including removal from employment. Such certification will be maintained by the Chief Clerk.

4. DOCUMENTS WITHHELD

In the event the Producing Party withholds responsive Documents from production, the

Producing Party shall maintain a bates stamped copy set of all such Documents and shall comply with Instruction number 9 attached to the subpoenas. The Committee maintains that only Documents on which privilege is appropriately asserted may be withheld and does not hereby concede the validity of any such privilege claim.

5. PUBLIC DISCLOSURES OF DOCUMENTS

- (a) Documents received by the Committee will be made public only in the following circumstances:
 - (i) as a part of a Committee hearing;
 - (ii) as a part of a Committee report; or
 - (iii) based on a determination by the Chairman or Ranking Member that disclosure is appropriate to further the purposes of the Investigation, provided that whichever of the Chairman or Ranking Member makes such determination shall, prior to disclosing Documents, give notice of that determination to the other and to the Counsel to the President in writing twenty-four hours in advance (excluding Saturdays, Sundays and legal holidays) and the other and the Counsel to the President is afforded reasonable opportunity to consult with the Chairman or the Ranking Member (whichever has made the determination) prior to any release.
- (b) The Producing Party may identify for the Committee any Document or portion thereof that, in the view of the Producing Party, would inappropriately compromise any individual's personal privacy if released to the public ("personal privacy information"). The Chairman or Ranking Member shall not release any Document containing personal privacy information unless he has evaluated the assertion of personal privacy and either redacted the personal privacy information or provided notice and an opportunity to consult of the type referenced in Subsection 5(a)(iii).
- (c) If any Document produced pursuant to this Protocol is at any time, in whole or in part, released by the Producing Party, or if the Committee obtains the Document through alternative means, the terms of this Protocol shall no longer apply to such Document and such Document may be treated by the Committee as a public document.

6. PROCEDURES DURING HEARINGS

Starting 10 days prior to the beginning of public hearings and thereafter so long as the hearings continue, the following procedures will be in effect:

- a. Committee staff work-product may be removed by anyone who has signed the certification referenced in 3(b) above;

- b. Committee staff and staff for Committee Members may be provided Documents relevant to a hearing no earlier than forty-eight (48) hours prior to the scheduled hearing. The Chairman and Ranking Member may agree to make exceptions to this procedure; and
- c. All Documents may be copied and transported by designated staff to the hearing room on the days that the Committee holds public hearings.

UNITED STATES SENATE
GOVERNMENTAL AFFAIRS COMMITTEE

CERTIFICATION AGREEMENT

I have read and understand the Protocol For Document Production By The Executive Office Of The President And Office Of The Vice President In Response To The May 22, 2002, Subpoenas From The Senate Committee on Governmental Affairs, dated June 4, 2002. I will abide by the terms of the Protocol at all times. I understand that I will be subject to sanctions, including removal from employment, if I make any disclosures of information or documents covered by the Protocol except as authorized in accordance with the Protocol.

Signature

Name (Printed)

Office or Committee

Date

SECURITY PROCEDURES AND OTHER PROTOCOLS
For Document Production by the Executive Office of the President
June __, 2002

1. DEFINITIONS

- (a) "Document" or "Documents" refers to any and all documents produced by the Executive Office of the President to the Senate Committee on Governmental Affairs during the Committee's investigation regarding Enron Corp.
- (b) "Committee" refers to the Senate Committee on Governmental Affairs.
- (c) "Producing Party" refers to the Executive Office of the President.
- (d) "Investigation" refers to the investigation by the Senate Committee on Governmental Affairs regarding Enron Corp.

2. CLASSIFIED DOCUMENTS

Documents produced to the Committee that are classified will be handled in accordance with existing Senate procedures.

3. SECURITY OF AND ACCESS TO DOCUMENTS

All Documents shall be treated as highly confidential. The Committee will maintain the Documents and all copies of Documents in secure and alarmed document rooms in the Majority and Minority Committee Offices at all times except during depositions, witness interviews, or review by the members of the Committee. The specially-designated secure documents rooms shall be subject to the following security protocols:

- a. Only the Majority Committee staff designated by the Chairman and Minority Committee staff designated by the Ranking Member will have access to the specially-designated secure document rooms and to Documents only after such staff members have signed confidentiality agreements (as provided for in Paragraph 4).
- b. The specially-designated secure document rooms for Documents may contain computers and printers, but will not contain copiers or FAX machines.
- c. Only the staff designated in Paragraph 3.a can transport Documents to depositions and witness interviews, or to the offices of the members of the Committee for their personal review. When a designated staff member removes Documents, the staff member will sign a log book and specify the

date and time and Documents that are being removed. After the removal of any such Documents from the specially-designated document rooms, the Documents must be returned promptly to those areas. No copies of the Documents will be made or FAXes of the Documents sent while they are out of the specially-designated secure document rooms, and no copies of Documents will be attached to deposition transcripts.

- d. Only the staff designated in Paragraph 3.a may remove committee staff work product, including computer disks, from the specially-designated secure document rooms. The confidentiality of any such work product must be maintained.

4. CONFIDENTIALITY AGREEMENTS

All documents produced to or made available for review by the Committee or its staff shall be considered to be within the confidential business of the Committee for purposes of Paragraph 5 of rule XXIX of the Standing Rules of the Senate. In addition, any staff member who has access to the Documents shall sign a confidentiality agreement, as set forth in the attachment hereto, agreeing to the procedures and protocols set forth hereto. Any staff member who violates the confidentiality agreement or any other procedures and protocols set forth herein, shall be immediately subject to sanctions, including removal from employment.

5. DOCUMENTS WITHHELD BY A PRODUCING PARTY

In the event that the producing party withholds responsive documents from production, the producing party shall maintain a copy set of all such documents unless other procedures are agreed to with the Committee.

6. PUBLIC DISCLOSURE OF DOCUMENTS

All Documents received by the Committee may be made public only if the Documents are pertinent to the Committee's investigation and disclosures, in whole or to part, or by way of summary, are made as part of a Committee hearing or Committee report. Alternatively, disclosure of Documents, in whole or in part, or by way of summary, to the public may be made by the Chairman and Ranking Member, acting jointly, provided that the Counsel to the President is notified in writing forty-eight (48) hours in advance (excluding Saturdays, Sundays, and legal holidays) and the Counsel to the President is afforded reasonable opportunity to consult with the Chairman and the Ranking Member prior to any release. No member or staff of the Committee shall otherwise disclose, in whole or in part, or by way of summary, the Documents except in accordance with this paragraph 6. If any Document produced pursuant to this agreement also is released to the public by a producing party, the terms of this agreement shall not apply to the released Document and shall be treated by the Committee as a public Document.

7. PROCEDURES DURING HEARINGS

Committee staff can be provided copies of deposition testimony transcripts and documents relevant to testimony no earlier than forty-eight (48) hours prior to the scheduled hearing appearance of a witness. The Chairman and Ranking Member may agree to make exceptions to this procedure. All documents may be copied and transported by designated staff to the hearing room on the days that the Committee holds public hearings.

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4 Jun 2002 12:05:56 -0400 (EDT)

Received: from CONVERSION-DAEMON by EOP.GOV (PMDf V5.2-33 #41062)
id <01KIJ5X6CEDS9H1650@EOP.GOV>; Tue, 04 Jun 2002 12:00:05 -0400 (EDT)

Received: from mhub2.eop.gov ([198.137.241.11])
by EOP.GOV (PMDf V5.2-33 #41062) with ESMTP id <01KIJ5WZMTPM9ETI1V@EOP.GOV>;
Tue, 04 Jun 2002 11:59:41 -0400 (EDT)

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by mhub.eop.gov (PMDf V6.1-1 #41014)
with SMTP id <01KIJ5WKM8O899DNDW@mhub.eop.gov>; Tue,
04 Jun 2002 11:59:21 -0400 (EDT)

Received: by sgeop01.eop.gov (Lotus SMTP MTA v4.6.7 (934.1 12-30-1999))
id 85256BCE.0057D106 ; Tue, 04 Jun 2002 11:59:11 -0400

Date: Tue, 04 Jun 2002 11:59:04 -0400

From: Brett_M._Kavanaugh@who.eop.gov

Subject: Proposed Protocol

To: joyce_rechtschaffen@govt-aff.senate.gov,
laurie_rubenstein@govt-aff.senate.gov, cynthia_lesser@govt-aff.senate.gov

Cc: richard_hertling@govt-aff.senate.gov

Message-id: <85256BCE.0057CFD0.00@sgeop01.eop.gov>

MIME-version: 1.0

Content-type: MULTIPART/MIXED; BOUNDARY="Boundary_(ID_QB2Gm89d8qmOJwBefFT2dw)"

X-Lotus-FromDomain: EOP



- whprotocol6-04-02.mem



- ~ME00003.doc

DRAFT

UNITED STATES SENATE
GOVERNMENTAL AFFAIRS COMMITTEE

CONFIDENTIALITY AGREEMENT

I have read and understand both Paragraph 5 of the Senate Rules XXIX and the Security Procedures and Other Protocols of the Senate Governmental Affairs Committee, dated June __, 2002. I will abide by those confidentiality requirements and other protocols, and maintain the confidentiality of all documents, and information obtained therefrom, of which I become aware, unless I am authorized to disclose such materials pursuant to the Security Procedures and Other Protocols, dated June __, 2002. I understand that I will be subject to sanctions, including removal from employment, if I disclose confidential information or documents of the Committee without such authorization.

Signature

Name (Printed)

Office or Committee

Date

UNITED STATES SENATE
GOVERNMENTAL AFFAIRS COMMITTEE

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Signature

Name (Printed)

Office or Committee

Date

- ① add Counsel
- ② other invest
purposes
- ③ and copies

05/23/02 100 08.14 FAA

UNITED STATES OF AMERICA

Congress of the United States

SUBPOENA

000032

To Custodian of Records
Executive Office of the President
Washington, DC 20500

Greetings:

Pursuant to lawful authority, YOU ARE HEREBY COMMANDED to appear before the COMMITTEE ON GOVERNMENTAL AFFAIRS of the Senate of the United States, on June 5, 2002, at 10 o'clock a.m., at its Committee Room, 342 Dirksen Senate Office Building, Washington, D.C. 20510, then and there to testify what you may know relative to the subject matters under consideration by the Committee, and to produce the materials described in the attachment hereto.

A personal appearance will be unnecessary if the materials described in Attachment A are delivered, subject to the accompanying instructions, to the Committee by 12:00 noon on June 3, 2002.

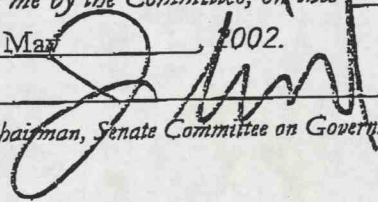
Hereof fail not, as you will answer your default under the pains and penalties in such cases made and provided.

To any Committee staff member or U.S. Marshal to serve
and return.

Acceptance of
Service in
official capacity.
Brett Kavanaugh
Associate Counsel
to the President
May 22, 2002

Given under my hand, by authority vested
in me by the Committee, on this 22^d day of

May, 2002.


Chairman, Senate Committee on Governmental Affairs

where appropriate, do priv log
we intend to do all things
transparent about categories
- priv log
some sense → can't

INSTRUCTIONS

- (1) The documents requested include all those that are in the custody, control or possession of the EOP, or within the right of custody, control or possession of the EOP, its officers, agents, employees, or representatives.
- (2) Unless otherwise indicated, the documents requested are those dated, prepared or received during the period January 1, 1992 to December 2, 2001 or that refer to, relate to or incorporate communications that took place during that time period.
- (3) You are under a continuing obligation to promptly provide additional documents responsive to this subpoena.
- (4) Each document produced shall be produced in a form that renders the document susceptible of copying, shall include all attachments and shall not be redacted.
- (5) Documents produced in response to this subpoena shall be produced together with copies of file labels, dividers or identifying markers with which they were associated when this subpoena was served or shall otherwise be identified and dated.
- (6) 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 document.
- (7) If any of the subpoenaed information is available in machine-readable form, state the form in which it is available and provide sufficient detail to allow the information to be copied to a readable format. If the information requested is stored in a computer, indicate whether you have an existing program that will print the records in a readable form.
- (8) If the subpoena cannot be complied with in full, it shall be complied with to the extent possible, with an explanation of why full compliance is not possible.
- (9) In the event that a document is withheld on the basis of privilege, provide with the responses to this subpoena the following information concerning any such document: (a) the date of the document, its author, his or her occupation, title and employer, all recipients, the occupation, title and employer of each recipient, (b) the subject matter of the document, (c) the privilege claimed and a brief explanation of the basis of the claim of privilege, (d) the type of document, and (e) the relationship of the author and recipient(s) to each other.
- (10) If any document responsive to this subpoena 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 by which it ceased to be in your possession, custody, or control.
- (11) If a date set forth in this subpoena referring to a communication, meeting or other event is inaccurate, but the actual date is known to you or is otherwise apparent from the context of the request, you should produce all documents which would be responsive as if the date were

correct.

- (12) For each document produced, please indicate the paragraph and, where applicable, subparagraph of Attachment A to which it is responsive.

DEFINITIONS

- (1) "Enron" means Enron Corp., Enron Capital Trust I, Enron Capital Trust II, and each of their affiliates, subsidiaries, partnerships, special purpose entities, joint ventures, trusts or any other entity in which Enron Corp., Enron Capital Trust I, or Enron Capital Trust II is or was a shareholder, partner, investor, trustee, or member. The term "Enron" includes, with respect to each entity described in the previous sentence, the entity's officers, directors, employees, and representatives, including any person or entity purporting to act on their behalf or known to you to be acting on their behalf.
- (2) "Executive Office of the President" or "EOP" means the Executive Office of the President and all of its units including, but not limited to, the Office of Administration, the White House Office, the Office of the Vice President, the Office of Science and Technology Policy, the Office of Management and Budget, the Office of the Chief of Staff, the United States Trade Representative, the Office of Management and Administration, the Office of White House Counsel, the Office of Communications, the Office of Cabinet Affairs, the Office of the Staff Secretary, the Office of Speechwriting, the Office of Public Liaison, the Office of Correspondence, the Office of the Deputy Chief of Staff for Policy and Political Affairs, the Office of Information Programs, the Office of the Deputy Chief of Staff for White House Operations, the Domestic Policy Council, the Office of Federal Procurement Policy, the Office of Intergovernmental Affairs, the Office of Legislative Affairs, the Office of Media Affairs, the National Economic Council, the Office of Policy Development, the Office of Political Affairs, the Office of Strategic Initiatives, the White House Military Office, the Office of Presidential Personnel, the Office of the Press Secretary, the Office of Scheduling, the Office of Advance, the Council of Economic Advisors, the Council on Environmental Quality, the Executive Residence, the President's Foreign Intelligence Advisory Board, the National Security Council, the Office of Homeland Security, the Office of National Drug Control Policy, the Office of Faith-Based and Community Initiatives and the Office of Policy Development. The terms "Executive Office of the President" and "EOP" include, with respect to each entity described in the previous sentence, the entity's officials, employees and representatives and any person detailed to work for the entity. The terms also include the President and Vice President of the United States.
- (3) "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; studies; reviews; analyses; presentations; working papers; records; notes; letters; notices; confirmations; telegrams; faxes, telexes, receipts; appraisals; interoffice and intraoffice communications; electronic mail (e-mail); computer or other

electronic files; contracts; cables; notations or logs of any type of conversation, telephone call, meeting or other communication; bulletins; printed matter; computer printouts; teletype; invoices; transcripts; audio and video recordings; diaries; appointment books; returns; summaries; minutes; bills; accounts; estimates; projections; comparisons; messages; or correspondence. 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.

- (4) "Communication" means any contact or attempted contact or any disclosure of information, regardless of the means utilized, whether oral, electronic, by document or otherwise, and whether face-to-face, in meeting, by telephone, mail, telex, facsimile, computer, discussions, releases, delivery, or otherwise.
- (5) The terms "and" and "or" shall be construed broadly and either conjunctively or disjunctively to bring within the scope of this subpoena any information which might otherwise be construed to be outside its scope. The term "any" includes the term "all" and vice versa, and both terms shall be construed broadly to bring within the scope of this subpoena any information which might otherwise be construed to be outside its scope. The singular includes the plural number and vice versa.

Executive Office of the President__
Washington, DC 20500
Attention: Custodian of Records

ATTACHMENT A

- (1) All documents relating to, referring to or incorporating communications between the EOP and Enron, including any documents produced as a result of the use of the White House Worker and Visitors Entry System or similar procedures, if such documents also meet the following specification:

They refer or relate in any manner to the following agencies, laws or policies administered or enforced by the following agencies, regulations or programs implemented by the following agencies, or officials, employees or representatives of the following agencies, including the appointment or selection of such officials, employees or representatives:

- (a) U.S. Securities and Exchange Commission
- (b) U.S. Commodity Futures Trading Commission
- (c) U.S. Federal Energy Regulatory Commission
- (d) U.S. Department of Labor, insofar as the communication also relates to the regulation and oversight of qualified savings plans covered by ERISA or to deferred compensation plans or other retirement, savings, or benefit plans, programs or funds
- (e) the U.S. Department of Commerce
- (f) the U.S. Department of Energy
- (g) the Overseas Private Investment Corporation
- (h) the Export-Import Bank of the United States.

- (2) All documents relating to, referring to or incorporating communications between the EOP and any official, employee or representative of any federal department or agency that refer or relate to Enron, including any documents produced as a result of the use of the White House Worker and Visitors Entry System or similar procedures, if such documents also meet the following specification:

They refer or relate in any manner to the following agencies, laws or policies administered or enforced by the following agencies, regulations or programs implemented by the following agencies, or officials, employees or representatives of the following agencies, including the appointment or selection of such officials, employees or representatives:

- (a) U.S. Securities and Exchange Commission
- (b) U.S. Commodity Futures Trading Commission
- (c) U.S. Federal Energy Regulatory Commission
- (d) U.S. Department of Labor, insofar as the communication also relates to the regulation and oversight of qualified savings plans covered by ERISA or to deferred

- compensation plans or other retirement, savings, or benefit plans, programs or funds
 - (e) U.S. Department of Commerce
 - (f) U.S. Department of Energy
 - (g) Overseas Private Investment Corporation
 - (h) Export-Import Bank of the United States.
- (3) All documents relating to, referring to or incorporating communications between the EOP or any member of the National Energy Policy Development Group or its staff and Enron if such documents also refer or relate to the development of the May 2001 Report of the National Energy Policy Development Group or to any of the issues discussed therein, regardless of when such communications occurred. Such documents should include any documents produced as a result of the use of the White House Worker and Visitors Entry System or similar procedures.

May, 2002

I made service of the within subpoena by

_____ *to the within-named* _____

_____, *at* _____

_____ *at* _____

o'clock _____ *m., on the* _____ *day of* May, 2002

Signed _____