

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.

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

Chairman, Senate Committee on Governmental Affairs

INSTRUCTIONS

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.

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.

You are under a continuing obligation to promptly provide additional documents responsive to this subpoena.

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

“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.

“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 the within subpoena by

_____ *the within-named*

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

Signed _____